



International
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► Conference Committee on the Application of Standards

Record of Proceedings 2025

International Labour Conference
113th Session, Geneva, 2025

Conference Committee on the Application of Standards

▶ Record of Proceedings 2025



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- General Report
- Discussion on the General Survey, on the report of the Joint ILO–UNESCO Committee of Experts and on the situation concerning particular countries
- Presentation, discussion and approval





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► Foreword

The Conference Committee on the Application of Standards, a standing tripartite body of the International Labour Conference and an essential component of the ILO's supervisory system, examines each year the report published by the Committee of Experts on the Application of Conventions and Recommendations. Following the technical and independent scrutiny of government reports carried out by the Committee of Experts, the Conference Committee provides the opportunity for the representatives of governments, employers and workers to examine jointly the manner in which States fulfil their obligations deriving from Conventions and Recommendations. The Officers of the Committee also prepare a list of observations contained in the report of the Committee of Experts on which it would appear desirable to invite governments to provide information to the Conference Committee, which examines over 20 individual cases every year.

The report of the Conference Committee is submitted for discussion by the Conference in plenary and is then published on the website in the *Record of Proceedings*. Since 2007, with a view to improving the visibility of its work and in response to the wishes expressed by ILO constituents, it was decided to produce a separate publication in a more attractive format bringing together the usual three parts of the work of the Conference Committee. This publication is structured in the following way: (i) the General Report of the Conference Committee on the Application of Standards; (ii) the discussion on the General Survey, on the report of the Joint ILO-UNESCO Committee of Experts and on the situation concerning particular countries; and (iii) the report of the Conference Committee on the Application of Standards: Presentation, discussion and approval.



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General Report





► Record of Proceedings

4A

International Labour Conference – 113th Session, Geneva, 2025

Date: 13 June 2025

Part One

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 IV on the agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of **161** members (**145** Government members, **8** Employer members and **8** Worker members). It also included **8** Government deputy members, **74** Employer deputy members and **263** Worker deputy members. In addition, **70** international non-governmental organizations were represented by observers.

2. The Committee elected its Officers as follows:

Chairperson: Mr Belgacem Tabai
Government member, Algeria

Vice-Chairpersons: Mr Kaizer Moyane (Employer member, South Africa) and
Mr Tjalling Postma (Worker member, Netherlands)

Reporter: Mr Marcelo Tapia (Government member, Chile)

3. The Committee held **23** 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 Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), and the Employment Injury Benefits Recommendation, 1964 (No. 121); and (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. Finally, the Committee considered the Report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel (CEART) which was submitted to the 353rd Session of the ILO Governing Body in March 2025 with a request that it be transmitted to the Conference Committee.²

Opening sitting

5. **Chairperson:** It is a great honour and privilege for me and my country, Algeria, to be entrusted with the responsibility of presiding over the work of the Committee on the Application of

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

² [Report of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel, CEACR/15/2024](#).



Standards at this session of the Conference. I look forward to working with each of you in a spirit of constructive dialogue and mutual respect to successfully carry out our work.

6. I would like to congratulate the two Vice-Chairpersons, Mr Kaizer Moyane and Mr Tjalling Postma, as well as the Reporter, Mr Marcelo Tapia, on their election as Officers of the Committee. I look forward to working closely with you in the course of the next two weeks. I count on your experience, cooperation and wise counsel in helping me steer the work of this Committee and in ensuring that we can successfully complete all the tasks on the agenda. I would also like to pay homage to Mr Marc Leemans, Vice-Chairperson at the previous sessions, who is absent this year owing to unforeseen circumstances, and to express our deep gratitude, respect, and support.
7. The Committee has always been the cornerstone of the ILO's regular supervisory system. It is the most significant tripartite framework through which the Organization has strived for the implementation of the rights enshrined in the international labour standards since 1926. The conclusions adopted by this important Committee, based on a technical and impartial examination conducted by the Committee of Experts, are essential tools to assist Member States in fulfilling their obligations relating to these standards.
8. In this context, I would like to recall my country's positive experience with the ILO supervisory bodies. The Algerian Government interacts with these bodies on an ongoing basis by submitting reports on the application of ratified Conventions, which are examined by the Committee of Experts as part of the assessment of conformity of the legislation and national practices with international labour standards. As a positive result of this constructive cooperation, and taking account of the observations of the Committee of Experts, Algeria has undertaken legislative reforms to align its national legislation with these standards, demonstrating its willingness to respect and promote workers' rights, and taking necessary corrective measures to remedy any gaps in the application of the ratified international Conventions.
9. I wish to underscore once again that the report of the Committee of Experts provides a solid basis for our discussions. I would like to take this opportunity to welcome the outgoing Chairperson of the Committee of Experts, Judge Dixon-Caton, who will address the Committee in a few moments. I am also pleased to welcome Judge Alain Lacabarats, who was appointed as Chairperson of the Committee of Experts for the period 2025–27, and who will address our Committee on Tuesday in order to answer the questions raised during the general discussion. Through these meetings, we continue to strengthen ties and dialogue between our two Committees. I also wish to welcome the Chairperson of the Committee on Freedom of Association (CFA), Professor Evance Kalula, who will present us with an update on the work of this key body of the ILO supervisory system.
10. Our Committee will begin its work with the opening remarks of the two Vice-Chairpersons, followed by a statement by the representative of the Secretary-General who will provide the Committee with general information. We will then move on to the discussion on the Committee's working methods and the adoption of document D.1, as well as the adoption of the list of individual cases, with document D.2.
11. Tomorrow morning, our Committee will hold a general discussion focusing on the issues raised in the General Report of the Committee of Experts. After the general discussion, the Committee will be asked to discuss the General Survey of the Committee of Experts entitled "Achieving comprehensive employment injury protection", which examines the application in law and in practice by ILO Member States of the Conventions and Recommendations related to this subject. I strongly encourage you to participate actively in these discussions and I am



convinced that, during the two-week session of the Conference, the Committee will be able to meet the high expectations of the ILO constituents in the spirit of constructive dialogue.

12. I would particularly like to thank the Government representatives who are tasked with coordinating the work of the regional groups in this Committee. Your contribution and your cooperation will be vital to ensure the full participation of all governments. I wish to draw your attention to the fact that, unless indicated otherwise, all statements made by government members on behalf of a regional group or an intergovernmental organization will be recorded as having been delivered on behalf of all government members of the group or organization in question who are ILO members and attending this session of the Conference.
13. **Employer members:** I would like to thank my group for entrusting me once again with the role of Vice-Chairperson of this important Committee. I also wish to extend my sincere appreciation for the collaboration that we, as Employer members, have had with the previous Workers' Vice-Chairperson, Mr Marc Leemans, and we would like to wish him and his family comfort at this difficult time.
14. We are meeting this year in an even more challenging context than in previous years. The geopolitical landscape has become increasingly volatile and the level of uncertainty and unpredictability that the world is facing continues to grow, with profound effects on our work and in international cooperation. Conflicts are exacerbating humanitarian concerns with far-reaching consequences across ILO regions. Numerous conflicts, both active and simmering, exist around the world. It is vital that we remain mindful of this broader context in which our discussions are taking place. A troubling erosion of democratic institutions, civic space, and fundamental freedoms is taking place across all regions. Meanwhile, we are concerned about the growing number of governments undermining social dialogue, the rule of law, and the respect for international commitments, including those relating to fundamental principles and rights at work. The world's growth and prosperity are heavily fuelled by international trade. However, ongoing trade tensions have slowed down growth and can lead to halting job creation.
15. All this naturally has implications for the implementation and supervision of ILO standards. Given the ILO's mission and impact to promote social justice for lasting peace, greater attention must be paid to the reality on the ground. It is obvious today that some Member States are losing faith and confidence in the multilateral system. We need to restore this by ensuring that our work is meaningful and achieves impactful outcomes.
16. Regarding the role of the ILO, the Employer members welcome and encourage its response to this unstable backdrop. However, we insist that its work must be within its core mandate. The ILO's key contribution and comparative advantage lie in its tripartite structure, encouraging dialogue and active participation of Governments and social partners, and its holistic approach, including both normative and non-normative systems and its technical expertise. The ILO is best positioned to deliver concrete, measurable improvements and solutions in the world of work, providing stability and continuity within the global context.
17. This Committee is illustrative of the effective role of the ILO. It has functioned as the cornerstone of the Organization. It is a long-standing Committee that examines individual cases of grave concern in a setting of tripartism and social dialogue. It is important for the ILO to show its relevance, value and credibility in the multilateral system through impactful, effective and practical outcomes and meaningful tripartite discussions. The Employer members believe that the key to this endeavour is the important role of employers' and workers' organizations, as well as Member States, and their value in the tripartite structure.



The tripartite system is crucial in transforming the decisions and conclusions adopted by the Committee into action with long-lasting impact on the ground.

18. The United Nations system is experiencing pressures, including financial pressures, and the ILO is no exception. Dwindling resources directly affect how the ILO should prioritize its initiatives, deliver its services in practice, and measure its impact. The Employer members urge the ILO to prioritize action in areas where this is needed the most and ensure that technical assistance, research and implementation are aligned with Member States' needs and priorities. It is vital to be efficient, effective and resourceful given limited financial resources.
19. In the current context, ILO standards and the supervisory system remain a defining feature of our Organization. The international values and the promotion of decent work that lay at the foundation of the ILO are just as relevant today as they were at the time of its establishment. However, there are important questions that we must address in order to strengthen the application of international labour standards. How can the supervisory system be enhanced in order to become more effective, efficient and responsive to today's challenges? We believe that its current form, while still valid, has potential for further enhancements or improvements by simplifying its complexity, increasing its efficiency and better aligning it with national realities.
20. The Employer members also believe it is essential that we reflect together in a tripartite setting on how to strengthen the effectiveness and credibility of our supervisory system. The streamlining of reporting under article 22 of the ILO Constitution is a welcome and necessary step which may help to improve efficiency and reduce the burden on Member States. However, this also leads to further questions. Will the streamlining of reporting be enough to ensure meaningful impact on the ground? What else can be done to address deeper challenges facing the system? We must continue to explore these questions together openly and constructively.
21. Another area for consideration concerns the pending advisory opinion of the International Court of Justice (ICJ) regarding the right to strike in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Employer members maintain that resolving this matter internally would have provided a more effective and faster solution, and remind the Committee that regardless of the outcome of the ICJ advisory opinion, a proper tripartite discussion on this matter will still be needed at the Conference. Until that takes place, and in line with previous statements, the Employer members will continue to uphold the 2015 agreement according to which conclusions on individual cases concerning Convention No. 87 will not include any matters related to the right to strike.
22. In conclusion, the ILO's unique tripartite framework is a critical asset that must be preserved and utilized to overcome the current challenges. It is vital that we collaborate to reinforce multilateral cooperation and guarantee that our standards continue to be relevant and meaningful for workers, employers and governments.
23. The Employer members are committed to participating in this year's discussions in a constructive spirit with the aim of achieving balanced and impactful outcomes that reinforce the credibility and effectiveness of the ILO standards supervisory system. While there are differences of opinion on substantive issues among ILO members in the Committee, and between the Committee and the Committee of Experts, we trust that these will continue to be expressed in a spirit of mutual respect, understanding and common purpose. We request that the views expressed in the Committee and in the conclusions be fully considered by other ILO supervisory bodies, by the Office in its technical assistance and all other ILO initiatives and discussions in the context of the 2030 Agenda for Sustainable Development, and by the ILO Members. We look forward to two weeks of productive discussions and to the completion of



our Committee's work, the outcomes of which we trust will equip the Member States and constituents with practical guidance and inputs for these challenging and unpredictable times.

24. **Worker members:** Let me begin by thanking my group for entrusting me with the role of spokesperson during this session of the Conference. It is an honour, but it is also a responsibility that I assume with modesty and determination. I would also like to pay enormous tribute to Mr Marc Leemans, who has been the Chairperson of our group and Vice-Chairperson of the Committee for the past few years and who I respect greatly. Marc is unfortunately unable to join us this year and our whole group extends to him our full solidarity.
25. The world is once again entering a period of turbulence and uncertainty – rightly addressed by our Director General in his latest Report as a time of discontent. This Conference begins at a time when the world continues to experience profound changes, facing fundamental questions. These questions are fuelled by the scale of the crises that are affecting populations around the world. The conflict in Gaza is killing, maiming and displacing thousands and thousands of people and creating an unprecedented humanitarian catastrophe in this territory. The war in Ukraine has claimed so many victims and threatens peace in Europe and subsistence around the world. The conflicts in the Democratic Republic of the Congo and Sudan have disastrous consequences for populations far and near. The list goes on, with persisting violence in Myanmar, new armed conflicts popping up between India and Pakistan, and more.
26. From North to South – the Americas, Africa, Europe, Asia and the Middle East – the rise of authoritarian policies are undermining essential pillars of the democratic system on which the protection of workers is based, ignoring long-standing international commitments. Growing anti-union attacks and exclusionary policies are generating a climate of hostility towards organized labour. We stand in solidarity with all workers under attack. We particularly stand with our colleagues in Panama, Argentina and the United States of America. Financing the military economy also threatens the sustainability of social protection, public services and efforts to finance development generally, including through ILO support and technical assistance.
27. The world order and its mechanisms and structures – as we have known them after the first and second world wars – are being questioned. This is particularly the case with multilateralism, which is being seriously challenged. For several years now, we have been hearing that the system is in crisis, that it must transform and evolve. What seemed to be a rather theoretical discussion has taken a very concrete turn in recent months. Our Organization is no exception to these developments. Suddenly, more emphatically than before, existential questions are on the table: What is our Organization for? What are its objectives? How can it achieve them? Are we still relevant?
28. The Worker members have always had a clear direction on this subject. Facing the devastating scourge of war on people and communities, our forebears were clear in their minds that lasting peace can only be achieved through protecting the rights of working people and preserving their freedoms to realize their spiritual and material aspirations in the context of social justice and based on an international rule of law; hence, our unique and interrelated tripartite system and normative mandate.
29. All around us, we see the devastating scourges of war, economic hardship, displacement brought on by climate change and technological advancements, and the anxieties that they have created. The approach of social justice based on international law and social dialogue, no doubt, remains relevant and a condition for achieving global and national peace, harmony and prosperity. This is what our Organization and Committee stand for. At the same time, there is



much that can be done to improve the relevance, synergies and effectiveness of our Organization.

30. The discussions that take place in this Committee and the opportunity for the introspection they afford are one such way to realize this continuous relevance and improvement. The normative mandate of our Organization allows our Committee to complement the other supervisory bodies of the ILO, so as to respond to the needs of all constituents, in a consistent and ongoing manner. We hope that we will continue to discuss how to improve the complementarity and impact of the implementation of standards, instead of trying to control or limit the functioning of other supervisory bodies.
31. We will have the opportunity to discuss individual cases, and it is our duty to adopt the most appropriate conclusions in this regard. Our duty is to keep in mind that, in the end, what we strive to do in this Committee must have a positive impact on the lives of working people. It is not just a theoretical exercise nor is it a formality. Promoting respect for standards is a way of achieving social peace. Without the latter, there can be no development or real prosperity. We look forward to an efficient and productive time over these two weeks.
32. Before I close, I have a response on the point raised by the Employer members regarding the dispute on the right to strike. As we said repeatedly, the matter is pending before the ICJ and there is no point in continuing to raise it. Once the ICJ has rendered its advisory opinion, it will be the responsibility of the Governing Body, which referred the matter to the ICJ, to draw the necessary conclusions and decide on appropriate follow-up action. Since 2015, we – as a Committee – have found ways to function and deliver on our mandate, and we take note of the comments by the Employer members in this regard. The referral of the question on the right to strike by the ILO Governing Body to the ICJ has not and should not change anything in our current functioning.

Work of the Committee

33. 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.³
34. The Committee also adopted, during the course of the opening sitting, the list of individual cases to be discussed (document D.2).⁴
35. 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.
36. The final part of the general discussion focused on the General Survey entitled “Achieving comprehensive employment injury protection”. 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.

³ Work of the Committee on the Application of Standards, International Labour Conference, 113th Session, [CAN/D.1](#) (see Appendix 1).

⁴ International Labour Conference, 113th Session, Committee on the Application of Standards, [CAN/D.2](#).



37. 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.
38. The Committee also considered the CEART Report which was submitted to the 353rd Session of the ILO Governing Body in March 2025 with a request that it be transmitted to the Conference Committee. The record of this discussion is contained in section III of Part Two of this report.
39. The Committee held a special sitting for the purpose of discussing the application of Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) in Belarus as decided at the 111th Session of the International Labour Conference ⁵ 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 IV of Part Two of this report. The conclusions are reflected in section E of Part One of this report.
40. 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 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.
41. 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

42. **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. This brings me to the question of how best to manage our time. To ensure success we must abide by our working schedule and strictly implement the measures contained in document D.1, in particular concerning time management. Let me emphasize certain key points in this respect. First, maximum speaking time will apply during the general discussion, the discussion of the General Survey and the examination of individual cases. I intend to strictly enforce these limits 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

⁵ 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 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.

43. 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.
44. 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.
45. It has been the Committee's practice to accept amendments to the verbatim draft minutes of sittings prior to their adoption by the Committee. I will clearly indicate the time available to delegates to submit amendments to the verbatim draft minutes. 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 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.
46. 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.
47. 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.
48. **Worker members:** Our working methods as a Committee have evolved and we seem to be gradually and progressively improving towards the needed stability, consistency, efficiency and effectiveness to deliver on our mandate. Document D.1 is the result of the informal tripartite consultations that take place each year in advance of the Conference. These consultations are an opportunity for the three groups, with the support of the Office, to agree on working methods for our Committee. Since 2015 at least, and particularly since the COVID-19 crisis, our Committee has shown great adaptability which has enabled it to continue



to carry out its work with great efficiency. In our view, this can be attributed to our mutual investment in realizing the mandate of our Committee, backed by the constructive approach of good faith dialogue that enables us to overcome potentially challenging obstacles. It is therefore important that all members of our respective groups commit themselves to what we have agreed as working methods, so that the Committee can run smoothly and in a timely manner.

49. At the same time, our working methods have in-built flexibilities, especially in relation to time management, and we are convinced that they will enable us to solve any unusual situation in a human way. It is a tradition for our Committee to constantly evaluate its working methods, and we will not fail to do so, always in a constructive spirit and bearing in mind the important mandate of our Committee and its continuous relevance to the Conference. We are confident that together with the Chairperson of our Committee we will conduct our work in this spirit. You can count on our full cooperation.
50. As we adopt the final list of cases, it is always important to recall that the selection of cases is based on the report of the Committee of Experts. We thank the Committee of Experts for its professionalism and independence in carrying out its mandate. We commend its impartiality and respect its autonomy within the supervisory system. Its role enables us to assess the implementation of ratified Conventions by Member States in law and practice and to make recommendations to address any failures, whether by way of capacity inadequacies or deliberate efforts to undermine the protections foreseen in these Conventions.
51. The cases on the final list that will be examined by our Committee are those in which we will have the opportunity to conduct a constructive dialogue with a view to contributing to the resolution of the difficulties arising in this regard. The selection of these cases is the result of a negotiation between the Employer and the Worker spokespersons, guided by the selection criteria that are set out in paragraph 26 of document D.1. It is the substance of a case that should guide us first and foremost in establishing a list of cases. We are not motivated by political or strategic considerations, as this would lead to our Committee losing direction, meaning and focus. We must avoid the risk of causing our Committee to lose sight of its objectives, which are anchored in the ILO Constitution and in the Declaration of Philadelphia, to which all the constituents of the Organization subscribe.
52. As we have said for some time now, being on the list of cases submitted for examination by our Committee is not a punishment. Seeing it this way defeats the whole purpose. We urge you to rather see it as a complement and extension of the guidance you receive from the Committee of Experts, which enables you to better implement the obligations you have voluntarily assumed and positively improve and impact the socio-economic development of your countries by way of good and protective labour laws. Member States work collaboratively with the ILO to realize this positive impact on national development.
53. Additionally, and in the same spirit, it is in line with the unique tripartite character of the ILO that Member States accommodate the airing of concerns from the social partners, especially those who are victims, or whose members are victims, of breaches of international labour Conventions. These victims are most often the workers who have the hope that the ILO will be able to help find solutions to the difficulties they face. The examination of a case by our Committee materializes this hope.
54. To conclude, we would like to highlight that for many workers the current global crisis does not pose economic or social challenges only for them but also for the liberties and hard-won rights protected by the ILO Conventions that have been taken away or are in danger of being taken away. We would like to mention the horrible situation of workers in Haiti in this respect



and the near breakdown of meaningful social dialogue in India. In the same regard, we also must highlight the situation of workers in Madagascar, the Philippines, Turkmenistan, Nigeria, Eswatini and Azerbaijan. Our group expresses full solidarity with all workers who suffer the consequences of non-compliance with international labour Conventions.

55. We also want to thank all the governments who provided additional information following the publication of the preliminary list, and urge you to continue to follow up with the Office to secure all necessary technical assistance to enable you to address implementation gaps.
56. Finally, on behalf of the Worker members, we want to thank Ms Karen Curtis very much for her unrelenting dedication to the functioning and success of this Committee and hope we will have the opportunity to express these thanks to her in person.
57. **Employer members:** I will not repeat what the Worker members have said and with which I agree, especially in respect of our working methods which are a product of continued refinement between our groups and the Office. The Employer members and I personally also commit ourselves to work with you efficiently, Chairperson, in order to maximize the available time.
58. With respect to the list of cases that we have selected, we underscore that it is a product of consensus reached as far as possible between the groups based on the substantive observations of the Committee of Experts. We, like the Worker members, believe that this should be seen as an opportunity to improve on compliance and learn from each other. We believe that this is the purpose of these discussions, where Government members tend to share experiences. We would also like to thank the Government members that have already submitted information, which will help this Committee to further reflect on their national situations and which may be eventually reflected in the conclusions. On that note, we look forward to fruitful engagements with the Government members concerned and among ourselves as colleagues in the room.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁶

59. As the representative of the Secretary-General for your Committee, I have the privilege of leading your Committee's secretariat which provides the necessary assistance to ensure the effective functioning of your Committee. First of all, I would like to add my voice, and that of the entire secretariat, to the messages of solidarity that have been expressed for Mr Marc Leemans and his family.
60. At the outset, I wish to acknowledge the presence of the outgoing Chairperson of the Committee of Experts, Judge Graciela Dixon-Caton, who will address your Committee this morning in order to present the report of the Committee of Experts. I wish to thank her for her significant contribution to the functioning of the Committee of Experts and the constructive dialogue she has maintained with your Committee during her two terms as Chairperson of the Committee of Experts.
61. I also acknowledge the newly elected Chairperson of the Committee of Experts, Judge Alain Lacabarats, who will address your Committee at the end of the general discussion in relation to issues calling for a reply.

⁶ International Labour Conference, 113th Session, Committee on the Application of Standards, [CAN/D.3](#).



62. Finally, I welcome once again this year Professor Evance Kalula, Chairperson of the Committee on Freedom of Association (CFA) who will present the annual report of the CFA to your Committee.
63. It is traditional for me to begin my speech with a reminder of your Committee's constitutional mandate and the rules governing your work, followed by a rapid review of the key developments in the ILO's standard-setting action since your Committee's last session. I shall not depart from this tradition this year.
64. Turning to its constitutional mandate, your Committee is a standing committee of the Conference and has met every time the Conference was in session since its creation in 1926. Your Committee's mandate consists of examining and bringing to the attention of the Plenary of the Conference the measures taken by Members to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution, and to give effect to the provisions of Conventions to which they are parties.
65. This year, your Committee has before it the report produced by the Committee of Experts at its 96th Session (November–December 2024) along with the General Survey of the Committee of Experts entitled "Achieving comprehensive employment injury protection". The General Survey examines the application of four Conventions and two Recommendations in the area of employment injury protection across ratifying and non-ratifying Member States.
66. The Committee also has before it this year the report of the 15th Session of the CEART, which was jointly established by the ILO and UNESCO in 1967 following the adoption of a Recommendation concerning the Status of Teachers (1966). This Joint Committee meets every three years to make recommendations to the Governing Body of the ILO and the Executive Board of UNESCO.
67. In fulfilling its mandate, your Committee works to promote the implementation of international labour standards through social dialogue. Your Committee is the only permanent tripartite supervisory body in the United Nations system that examines the application of international labour standards, giving employers' and workers' organizations the opportunity to make their voices heard alongside governments. On the occasion of its centenary, which will be celebrated at the next session of the Conference in 2026, your Committee will be able to highlight the impact and scope of its work since its creation, proof that the ILO's standard-setting action remains fully relevant, in that it makes it possible not only to protect people's rights, but also to preserve democratic governance in the world of work, notably through social dialogue.
68. Turning to the work of your Committee, all the measures that will allow you to discharge the Committee's constitutional obligations are detailed in document D.1. These reflect the outcome of the informal tripartite consultations on the Committee's working methods which took place for the 19th time in April 2025. Over the years, these informal tripartite consultations have resulted in numerous improvements of your Committee's working methods, described in detail on the Committee's webpage.
69. 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 at today's opening session. This should no doubt facilitate preparations for the examination of the 24 individual cases.
70. As I conclude the first part of my intervention, please note that the Committee's report will be presented for adoption to the Plenary sitting of the Conference on Friday, 13 June.



71. In the second part of my intervention, I wish to provide a brief update on this year's milestones.
72. First, with respect to new ratifications of international labour standards, I am pleased to report that since the Committee's last meeting in June 2024, 44 new ratifications have been registered, confirming the continuing commitment of Member States to a rules-based multilateral system in pursuit of social justice. Of these, a total of 14 ratifications were registered on instruments concerning occupational safety and health, including the two fundamental Conventions, namely the Occupational Safety and Health Convention, 1981 (No. 155), which obtained two new ratifications and has a total of 83; and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which obtained six new ratifications and has a total of 69. The Protocol of 2014 to the Forced Labour Convention, 1930, obtained 1 new ratification, reaching a total of 61 ratifications.
73. On a less positive note, there has been no new ratification, over the past 12 months, of the "first generation" fundamental Conventions in the areas of forced labour, child labour, equality and non-discrimination, and freedom of association and collective bargaining. With just a few ratifications left for attaining this universal level playing field, the ILO is pursuing its efforts in the framework of the follow up to last year's Conference resolution on the third recurrent discussion concerning fundamental principles and rights at work.
74. Let me acknowledge that three out of four governance Conventions received one ratification in the last 12 months: the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Noting that the fourth governance instrument, the Employment Policy Convention, 1964 (No. 122), has not received any new ratification, I would like to highlight its significance for promoting sustainable jobs based on social dialogue, especially in Member States that benefit from ILO development cooperation programmes on employment policies and job creation.
75. You will be pleased to note that gender related instruments obtained a total of 13 ratifications over the past 12 months: 9 for the Violence and Harassment Convention, 2019 (No. 190); 2 for the Workers with Family Responsibilities Convention, 1981 (No. 156); 1 for the Maternity Protection Convention, 2000 (No. 183); and 1 for the Domestic Workers Convention, 2011 (No. 189).
76. The Maritime Labour Convention, 2006, as amended (MLC, 2006), continues to draw interest, with 4 new ratifications in the past 12 months, and has reached a landmark of 110 ratifications. It also continues to be amended to meet the evolving needs of the maritime sector, and the Conference is called upon to approve the amendments adopted by the Special Tripartite Committee established for the MLC at its fifth meeting in April this year.
77. The Social Security (Minimum Standards) Convention, 1952 (No. 102), obtained 2 ratifications and, with a total of 67 ratifications, is steadily advancing towards the goal of 70 ratifications set by the ILO Governing Body in the context of the follow up to the 2021 recurrent discussion.
78. Second, I would like to commemorate the anniversaries of international labour standards reached this year. The Forced Labour Convention, 1930 (No. 29), marks its 95th anniversary. A beacon for the elimination of forced labour across the world, this Convention has set the foundation for Alliance 8.7 on the elimination of child labour, forced labour, modern slavery, and human trafficking. However, the compounding crises of the past few years, have negatively affected progress towards the eradication of forced labour and the elimination of child labour, calling for a renewed commitment to this noble cause.



- 79.** This year also marks the 50th anniversary of the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), while last year was the 75th anniversary of the other instrument in this area, the Migration for Employment Convention (Revised), 1949 (No. 97). In these times of multilayered transformation, the subject of migration calls for special attention. Just a few weeks ago, the Fair Recruitment Initiative marked its 10th anniversary with a global conference and adopted a strategy to accelerate progress and strengthen commitments to make decent work a reality for all migrant workers in all countries, whether source or destination.
- 80.** The Minimum Wage Fixing Convention, 1970 (No. 131), has reached 55 years and 55 ratifications, having been ratified most recently in 2024. The central role of this Convention in addressing the escalating inequalities that challenge sustainable development and social justice in today's world cannot be overstated.
- 81.** Among the instruments commemorated this year, a certain number have been the object of a request for promotion by the Governing Body as a result of the work of the Standards Review Mechanism Tripartite Working Group (SRM TWG). They are:
- the Labour Statistics Convention, 1985 (No. 160), adopted 40 years ago, which retains its full relevance in the context of the increased interest in labour statistics generated by the Sustainable Development Goals (SDGs) and related indicators. It has so far received 53 ratifications, the latest by Pakistan this year;
 - the Chemicals Convention, 1990 (No. 170), adopted 35 years ago, which has received 24 ratifications, most recently in 2023 by Ukraine. It provides an important road map for the realization of a safe and healthy working environment and complements the two fundamental Conventions on occupational safety and health in an area which is central to realizing a safe and healthy working environment;
 - the Safety and Health in Mines Convention, 1995 (No. 176), which was adopted 30 years ago, has received 35 ratifications, most recently by Chile in 2024;
 - the Maternity Protection Convention, 2000 (No. 183), which sets the modern standard in an area related to gender – addressed by the ILO for the first time in 1919. The Convention has reached its 25th anniversary with 44 ratifications, most recently by Suriname in 2024; and
 - the Night Work Convention, 1990 (No. 171), which marks its 35th anniversary with 17 ratifications. It sets contemporary standards in the area of working time, which was the first topic to be addressed by international labour standards and which will be the subject of the next SRM meeting.
- 82.** Last, but not least, is the 65th anniversary of the Radiation Protection Convention, 1960 (No. 115), which today remains the applicable standard for exposure to ionizing radiation in the 50 countries that have ratified it.
- 83.** A third set of highlights concerns the important steps under way in four areas of standards policy aimed at modernizing the ILO's normative activities and promoting a body of standards that is robust, clear and up to date.
- 84.** First of all, the SRM TWG met for the ninth time in September 2024, and reviewed instruments in several areas, namely, fishers, dock work, inland navigation, non-metropolitan territories, hotels and restaurants, older workers, and indigenous and tribal persons. Even though the SRM TWG reached consensual conclusions on all of the topics on its agenda, it had to postpone decisions on the classification of certain instruments and took no decision in relation to the abrogation and withdrawal of certain outdated instruments. The follow up to the SRM is an institutional priority that calls for a redoubling of efforts in order to make sure that the relevant



Governing Body decisions trickle down to the country level where normative records need to be modernized.

85. Secondly, with respect to streamlining reporting under articles 22 and 35 of the ILO Constitution, the Office is actively pursuing consultations with all stakeholders following an initial discussion at the 352nd Session of the Governing Body (October–November 2024). We have developed proposals that are ambitious and that will transform the way in which reports are submitted in what I hope will be a relatively near future. We are in the process of continuing consultations with all the Member States on these new proposals, and I would invite those delegates who are interested in discussing this new initiative with the secretariat during the Conference to get in touch with us. We would be very interested in presenting the initiative to those of you who are not familiar with it, and in gathering your opinions and recommendations so that we can formulate proposals that take full account of the realities in each of your countries. Further proposals on this subject will be presented to the Governing Body for its consideration at its 355th Session (November 2025).
86. Thirdly, continued emphasis is placed on systematically connecting the supervisory body comments to technical assistance in order to ensure that normative guidance gives rise to tangible results at country level. As can be seen on your Committee's web page, the Office is in the process of following up on practically all cases discussed at the Committee's previous session in order to promote the concrete implementation of the conclusions and recommendations adopted by your Committee.
87. Finally, capacity-building continues to be delivered to constituents, in collaboration with the International Training Centre of the ILO in Turin. I am pleased to report that this year, the International Labour Standards Academy was delivered once again to tripartite constituents and legal professionals from all over the world in May 2025, both online and in person.
88. The International Labour Standards Department is pleased and honoured to place once again this year its expertise at the service of your Committee. Ms Karen Curtis, Chief of the Freedom of Association Branch, and Mr Horacio Guido, Chief of the Application of Standards Branch will again accompany me in guiding the secretariat of your Committee this year, along with the two coordinators of the Committee's secretariat, Ms Rosinda Silva and Mr Carlos Magalhaes, whom I would like to thank for their outstanding work.
89. I wish to take this opportunity to make a special note of the fact that this will be the last Conference Committee to be attended by Ms Karen Curtis. With more than 30 sessions of your Committee under her belt, Ms Curtis has been an institutional pillar of the secretariat which supports your Committee's work. A staunch supporter of social dialogue based on freedom of association and collective bargaining, Ms Curtis generously contributed her rich experience and expertise to your Committee and the world of work at large. Well respected and trusted by the social partners, Ms Curtis has delivered on the Organization's core mandate with dedication and unrelenting force. I would like to express our gratitude and appreciation to her at the start of our work.
90. Along with the entire secretariat, I look forward to working with you all, Chairperson, Vice Chairpersons, Reporter, and all the members of the Committee.



Statement by the Chairperson of the Committee of Experts

91. It is a real honour for me to be here again today to share observations on behalf of the members of the Committee of Experts and also to exchange information with you all. It gives me great pleasure to announce that on this occasion I am accompanied by Judge Alain

Lacabarats, who will take up the presidency of the Committee of Experts in 2025. Judge Lacabarats is one of the most experienced members of the Committee of Experts, so at this session of the Conference Committee, he will be a participant with considerable technical skills as well as excellent human qualities.

92. Allow me to turn to the relations between the Committee of Experts and the Conference Committee. The exchange of information is a valuable process that strengthens the ties, complementarity and synergy that are essential to the effective functioning of the regular supervisory system of the application of standards. In the 2024 meeting of the Committee of Experts, as in previous years, we held a special session with the Vice-Chairpersons of your Committee, in which we highlighted the importance of the contributions from the workers' and employers' organizations through the submission of their comments on the application of the Conventions. This enables the Committee of Experts to have a full picture, based on first-hand information, of the prevailing situation in the countries.
93. In 2024, we also held an information meeting with government representatives, which provided a valuable opportunity to explain the working methods of the Committee of Experts and the interaction between the supervisory bodies. It also allowed us to highlight the importance of sending the reports with relevant information by the fixed deadline, so that the Committee of Experts can carry out its work with full knowledge of the situation. It should be emphasized that, in this reporting period, the Committee of Experts received a slightly lower number of reports and, I repeat, their submission beyond the deadline upsets the smooth functioning of the supervisory mechanism. Consequently, the examination of the reports received past the deadline means that the Committee of Experts does not have the necessary updated information to perform an analysis with all the relevant information. I assure you that the Committee of Experts takes fully into account the comments of the tripartite constituents concerning the functioning of various aspects of the supervisory system and, in particular challenges faced by national administrations in preparing the reports and collecting the information requested.
94. I would like to recall the mandate of the Committee of Experts, which undertakes an impartial and technical analysis, cognizant of different national realities and legal systems, of how the Conventions are applied in law and practice by Member States. These documents constitute the basis of your Committee's work, which is the institutional forum for supervision and dialogue between employers and workers who, in turn, play a fundamental role. In this regard, the Committee of Experts reviewed in 2024, in several of its comments, the measures taken by Member States to follow up on the recommendations of the tripartite committees that were established in the framework of the representations submitted under article 24 of the Constitution. Additionally, the Committee of Experts pays serious attention to the legislative aspects referred to it by the CFA. I take this opportunity to recognize Professor Evance Kalula and to commend him on the excellent work carried out by the CFA.
95. Allow me now to turn to the Committee of Experts with an update of the most recent events. Firstly, it is of great importance for the Committee of Experts 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, taking account of their own culture and tradition. Currently the Committee of Experts has two new experts who I wish to welcome: Professor Mohamed Korri Youssoufi, from Morocco, and Professor Jean-Marie Tchakoua, from Cameroon. At the end of our meeting in 2024, however, the Committee of Experts bid farewell to two of its experts: Professor James Brudney from the United States and Professor Elena Machulskaya from the Russian Federation. I wish to express my deepest appreciation to both of them for their work on the Committee of Experts. I also inform you that Judge Ngcobo



requested to be relieved of his functions. As for myself, my mandate on the Committee of Experts came to an end in 2024, and therefore I wish to share with you that it was a real honour and pleasure to have been able to exchange observations and information with you over these years. I also welcome the visits of the Vice-Chairpersons of the Workers' and the Employers' groups to our Committee of Experts, as well as the positive exchanges we had with the governments. I kindly ask the Worker members to pass on our warm regards to Mr Marc Leemans, who could not be with us this time, but with whom we have maintained excellent communication and relations over the years. The departures of Professors Brudney and Machulskaya, Judge Ngcobo and myself, have opened four posts on the Committee of Experts, which we hope will be filled as soon as possible.

96. Turning to the report, 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. 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. Concerned by this global situation, the Committee of Experts held, for the third consecutive year, a thematic exchange with the Chairs of the United Nations Treaty Bodies, established in accordance with the treaties and the special procedures mandate-holders. In this exchange, the aspirations and mandates that the Committee of Experts and these bodies have in common were highlighted, in as much as they are complementary, interrelated and mutually reinforcing. With regard to the Global Coalition for Social Justice, we note that the Office of the High Commissioner for Human Rights joined the Global Coalition as the flagship initiative of a human rights-based economy, with priority thematic areas and actions of realizing labour rights as human rights, ensuring human dignity and satisfying basic needs. The thematic exchanges related to demographic changes and the impact of older workers, the environmental transition and the planetary crisis provoked by climate change, the loss of biodiversity and pollution, and the impact of the digital transition and the importance of the right to social security, among others.
97. I would now like to address an issue that is of particular importance to the Committee of Experts, namely violence in the world of work. The Committee of Experts has noted an increased level of violence in the world of work and has noted with concern allegations of violence, including killings, committed in relation to the application of numerous Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The subject of violence was also examined in light of the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Forced Labour Convention, 1930 (No. 29). The Committee of Experts noted with particular concern that violence has broad implications, particularly for women's rights and participation in the workforce. It trusted that the recent adoption and ratification of the Violence and Harassment Convention, 2019 (No. 190), will ensure focused attention on this matter and urged all Governments to adopt adequate measures to tackle this phenomenon.
98. With regard to our working methods, the Subcommittee on Working Methods has continued to meet during each of the sessions of the Committee of Experts. As in previous years, it has discussed and adopted adjustments to modernize and strengthen our working methods, and also for the incorporation of new technologies. As we know, the Governing Body is examining proposals to increase the flexibility and modernize the reporting process. There is no doubt that Governments are faced with a large volume of work in the preparation of their reports;



and their examination by the Committee of Experts also involves a considerable workload. We hope that the measures that are adopted to make the procedures more flexible and enable the Committee of Experts to continue its analyses and comments will contribute to the improved application of ratified Conventions.

99. The General Survey, which focuses on the objective of “Achieving comprehensive employment injury protection”, consists of an exhaustive examination of various social security Conventions and Recommendations. It is the first General Survey that provides a global vision of social security cash benefits, medical care and vocational rehabilitation services in the event of employment injury. The General Survey offered the Committee of Experts the opportunity to examine developments in this area and to place emphasis on the crucial role of employment injury protection systems in guaranteeing income security and the health and welfare of injured workers and their families. The General Survey emphasizes the fundamental principles of the employment injury protection systems set out in the Conventions and Recommendations examined, such as the compulsory coverage of workers, sound financing, appropriate administration and the provision of a comprehensive range of benefits in the event of employment injury. The General Survey also places emphasis on the urgent need to extend the coverage of social protection in the event of employment injury to all workers, irrespective of their employment situation or occupation. Existing disparities are identified in access to employment injury benefits for certain categories of workers covered by the Conventions, including agricultural workers and foreign workers. The Committee of Experts hopes that its exhaustive analysis of law and practice in relation to the instruments under examination will enable constituents to establish and maintain well-designed and effective employment injury protection systems with a view to promoting decent work and strengthening social protection.
100. In conclusion, I would like to leave you with a message of measured optimism. The world of work is confronted by enormous difficulties, some of them unprecedented. The United Nations system is also facing a period of change and uncertainty. In the past, the tripartite constituents have been able to face up to serious difficulties with courage, innovation and determination. Let us be optimistic in assuming our responsibilities. In this respect, I would like to refer to certain specific opportunities which I consider to be worthy of emphasis. One is the discussions on new standards on the platform economy and protection against biological hazards. I would also like to emphasize the constant increase in the number of ratifications of Conventions and Protocols, and particularly those related to occupational safety and health. It should be recognized that we have a supervisory system that works and is making efforts to modernize its procedures. In the maritime world, for example, the Committee of Experts has welcomed the unprecedented resolution adopted by the United Nations Human Rights Council in July 2024 on promoting and protecting the enjoyment of human rights be seafarers. The Committee of Experts has also welcomed the forthcoming entry into force of the 2022 amendments to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and highlighted the value of the simplified process of amendment contained in the Convention to respond to the changing needs and challenges faced in the maritime sector. The Committee of Experts accordingly reiterated its unerring commitment to continue carrying out its task with the highest sense of responsibility, impartiality and objectivity in fulfilling its mandate, as indicated in paragraph 14 of the General Report. I am certain that, in times of crisis, the Committee of Experts will always be at the side of the constituents to support them in the search for sustainable solutions, and that the independence, objectivity and persistence of its analysis of issues relating to the application of the standards adopted by the Conference and ratified as a sovereign act by Member States, will always be a guarantee in this regard.



- 101.** I conclude by congratulating the International Labour Standards Department, headed by Ms Corinne Vargha, for its exemplary work; the commitment and dedication shown by the staff of this Department is truly commendable. Thank you for this commitment and persistence, thanks to which we are able to produce high quality documents and analysis and carry out our work to the best of our ability.

Statement by the Chairperson of the Committee on Freedom of Association

- 102.** I would like to greet and thank the outgoing Chair of the Committee of Experts, Judge Dixon-Caton, who has been a beacon of inspiration to me ever since I took on my duties. She represents, in my view, the best that can come out of the Global South in terms of serving our international community. I thank you, Honourable Judge, and I hope that this is simply the beginning of active retirement.
- 103.** It is always an honour and privilege for me to come before your esteemed Committee to share the report on the activities of the CFA. The CFA has issued its eighth annual report which covers year 2024. The CFA's annual reports are intended to provide useful information to this Committee and the entire ILO constituents on its work throughout the year and thus assist constituents' understanding of its work and functioning. They contain information supported by visual statistical data, the developments over the years in the use of the special CFA procedures, the progress made, as well as the serious and urgent cases examined.
- 104.** I would like to recall that the role of the CFA is to examine complaints of violations of freedom of association and the right to collective bargaining regardless of ratification of the relevant Conventions. The objective of the CFA complaints procedure, as I keep emphasizing, is not to blame governments but rather to engage in constructive dialogue to propose ways to ensure the respect of freedom of association in law and in practice. I would like to underline that the CFA's conclusions in specific cases are issued following very robust tripartite discussions guided by the shared values and intention to promote universal respect for freedom of association and the right to collective bargaining in law and in practice. In turn, the CFA's recommendations are intended to guide governments and national authorities in their discussions of actions to be taken to follow up on the Committee's recommendations through constructive tripartite dialogue.
- 105.** In 2024, the CFA examined 50 active cases and 16 cases concerning the effect given to its recommendations through its follow-up procedure. Among the 66 cases examined in total in 2024, the CFA has been able to close 23 cases, either because the matters could be effectively handled at national level because the resolution has been achieved by the parties, or because governments have provided information demonstrating the effective follow-up of the Committee's recommendations or, quite simply, because the Committee has found no violation of freedom of association. Follow-up cases may also be closed when no information is provided by either the government or the complainant in a period of 18 months.
- 106.** Freedom of association is a fundamental right which must be assured for both workers' and employers' organizations. Last year, the Committee examined one serious complaint brought by an employers' organization. The allegations received over the year globally covered both the public and private sectors.
- 107.** The annual report outlines, among other information, the types of allegations that come before it most often. Protection against anti-union discrimination, trade unions and employers' organizations rights and civil liberties, collective bargaining and protection against acts of interference, were the topics most frequently examined by the CFA in 2024.



- 108.** While a lot remains to be done, it is my pleasure to inform you that important progress and positive developments have been welcomed by the CFA in various cases during this period. The progress noted has encompassed a variety of measures including, for example, progress reported in the investigations of acts of anti-union violence, including convictions in cases of homicide of members of the trade union movement; legislative amendments to further freedom of association and the right to collective bargaining in the state sector; the registration of trade unions; the reinstatement of workers; the settlement of claims over violation of the collective bargaining labour agreements; the recognition in a court proceeding of workers' right to paid trade union leave; and action taken by competent authorities, including the doubling of the budget allocation to ensure that the fight against anti-union violence constitutes a state priority. I invite you to consult the report which contains tables and graphs on cases of progress by the type of allegations, as well by region.
- 109.** Aware that ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2024, the CFA suggested to governments to avail themselves of such assistance in nine cases with a view to addressing its conclusions and recommendations. Furthermore, with a view to facilitating dialogue with the governments concerned and identifying solutions to issues raised, the Committee may propose on-the-spot missions and governments may invite such missions at various stages of the complaints submitted. The Committee has proposed one such mission during the period covered by the report.
- 110.** The engagement over the years with the CFA's procedures demonstrates that its work is increasingly well known and appreciated as a meaningful voice for identifying shortcomings and finding workable solutions and for promoting social dialogue at national level for the full resolution of disputes. You will recall that just four years ago, the CFA adjusted its methods of procedure to further promote space for crucial national dialogue when the parties agree to avail themselves of that opportunity. In order to ensure complementarity while avoiding duplication, the CFA often transmits the legislative aspects of cases where governments have ratified relevant Conventions to the Committee of Experts. In 2024 – comparable to the numbers covered in the previous years – this practice was used in nine cases. This also ensures pertinent dialogue between the CFA, a complaint-based procedure, on the one hand, and the Committee of Experts, on the other hand. The regular review provided by the Committee of Experts and the Conference Committee provides an important key to ensuring sustainable progress in respect of freedom of association around the globe. I am very proud of the work of the CFA and would like to underline the commitment of all its members to ensuring that its outcomes are constructive and useful to governments and their social partners.
- 111.** I would like to take this opportunity to thank somebody very special, Ms Karen Curtis, the Chief of the Freedom of Association branch, for whom this session of the Conference Committee is the last. I trust that beautiful and joyful days are ahead of her. While today she is engaged with the General Affairs Committee, I would still like to put on record that over the last 20 years, her knowledge, generosity, patience, and diplomatic skills were at the service of the CFA, and I can assure you the CFA needs a lot of diplomatic skills. We are a Committee that discusses things robustly, vigorously, and often very loudly. The Chief of the branch, apart from having the institutional memory, has always been there to guide me as Chair to ensure that the constituents find consensus. I have personally benefited from those exchanges and, of course, from those with the Director of the Standards Department. I am sure I speak on behalf of all CFA members, previous and current, when I say that Ms Curtis is a true champion of freedom of association, the ILO and its supervisory bodies. I know that I, like the ILO, its leadership and



constituents can always count on her friendship, wisdom and advice, even in retirement, and I wish her well.

- 112.** As your Committee begins its work, may I extend my and my colleagues' most sincere wishes for a constructive and fruitful debate that will further bolster the achievement of our common objectives.

Statement by the Worker members

- 113.** We would like to begin by welcoming and extending our most sincere congratulations to Judge Alain Lacabarats who has been appointed as the new Chairperson of the Committee of Experts. We wish him every success in fulfilling this function.
- 114.** We would like to reiterate that the purpose of this exchange is not to expose the differences that one group or the other may have with the Committee of Experts. Rather, it is a question of identifying together the concerns common to both the Committee of Experts and the Conference Committee in order to improve the effectiveness of supervision. We must highlight with some concern the fact that this moment of exchange is often diverted from this objective, and is used as a means of interfering with the working methods of the Committee of Experts. For example, the Committee of Experts is sometimes asked to give details of various aspects of its work. However, when you look at the report of the Committee of Experts and all the passages where it explains its working methods and selection criteria, these requests seem out of place.
- 115.** The Worker members think it is not useful to the supervisory mechanisms to keep coming back to the same polemics. This is the case, for example, with the questions asked about the distinction between observations and direct requests. Despite all the explanations that have been given, this question comes up at every opportunity. Some have argued that resorting to direct requests would prevent a discussion of certain elements by the social partners. However, it can be assumed that not everything is necessarily destined to be the subject of such a discussion. Also, as has already been pointed out, there is nothing to prevent the social partners from including, in their discussions within the Committee, aspects identified in the direct requests. We consider that direct requests are one of the modalities of the dialogue between the Committee of Experts and the governments and, therefore, that they are an important tool in the toolbox of the Committee of Experts. We hope that once and for all, this criticism will be put to rest. More generally, we think that we should draw inspiration from the Committee of Experts, which shows professionalism, restraint and balance.
- 116.** On another note, the Committee of Experts draws our attention to subjects that deserve this attention. This is particularly the case with the situation of seafarers. The ILO has devoted a specific body of standards to them, which does not prevent us from noting that their working conditions are far from being exemplary. Worse, even their lives can be in danger, as illustrated by the sad events that have recently occurred in the Red Sea. The Committee of Experts also warns in its report about the increase in acts of violence in the world of work. Such cases have been noted in various circumstances, such as in the context of the exercise of trade union rights, forced labour or discrimination against women. It seems to us that these subjects reinforce the need to emphasize the quality of the report, rather than make other comments about it.
- 117.** We also note the continued interaction between the Committee of Experts and the United Nations Treaty bodies. Clearly, this relationship must continue to reinforce and complement each body to advance human dignity and labour rights, in line with the Declaration of Philadelphia and the International Bill of Rights.



- 118.** We further take note of the efforts to streamline the article 22 and 23 reports in the context of further modernization of the Committee of Experts' working methods. We will have an opportunity to say more about this in other forums, but for the Worker members, it is clear that any streamlining or modernization must not lead to watering down the quality of reports from governments in relation to the scope of the Conventions. It is also obvious that it should never force social partners to self-censor or water-down their expression, and that a negative impact on the quality of discussions in the Committee should be avoided. We also note the emphasis on the deadline of 1 June for submission of article 22 reports by governments, and request that the governments who need assistance in this regard are duly assisted to deliver on this timeline.
- 119.** Let us end by returning to a point we made yesterday regarding the link between socio-economic development and what we do in our Committee. Without effective follow-up, there are no real gains for workers on the ground. We regret that there are still governments who have failed to follow-up on the conclusions of the Committee. Some may have dealt with these conclusions in an apparently superficial manner. Others may be falling into the category of repeated refusal on the part of a State to comply with its obligations. In urging the governments concerned, we also urge the Office to consistently follow-up and offer technical assistance.
- 120.** The Worker members stand ready to deepen the reflection on how to face these challenges so that the complementary relationship between the Committee of Experts and the Conference Committee can lead to the delivery of decent jobs, human dignity and labour rights, in line with the mandate of the ILO.

Statement by the Employer members

- 121.** We would like to extend, in absentia, our congratulations to the newly appointed members of the Committee of Experts, with whom we will hopefully get a chance to interact in due course.
- 122.** With regard to the general discussion, there are a few points on which the Employer members would like to express their views and consider to be important for the supervisory work.
- 123.** First, with regard to the status of compliance with ratified Conventions. As in recent years, this Committee of Experts report has over 1,100 pages containing 625 observations, and 1,145 direct requests. These figures show that large scale non-compliance exists with ratified Conventions, and the Committee of Experts' views of them. This raises the fundamental question of whether Member States fully assessed their capacity to implement and report on an ILO Convention before ratifying it. In our view, effective implementation requires reliable, rigorous and tripartite pre-ratification assessments to determine what changes in law and in practice would be needed to comply with the Convention, including the Committee of Experts' interpretations and whether they are feasible. It also requires adequate capacity and resources to implement the Convention and well-developed implementation plans agreed with all social partners. The Committee notes that 72 countries require ILO technical assistance to implement instruments they have already ratified. This suggests that many countries' ratifications occur despite insufficient technical capacity for implementation. The Employer members reiterate that ratification should only occur when there is reasonable clarity that proper implementation can be ensured, balancing the needs of all the tripartite constituents. The high number of comments by the Committee of Experts suggest that ratifications often take place prematurely or without adequate pre-ratification assessments. We would like to remind the Committee that ratifying an ILO Convention is not the starting point, nor should it be the end of the journey,



but merely a milestone on a much broader path involving continuous dialogue, national ownership by the government and social partners, and effective implementation.

124. Ratification reflects a country's readiness to align its legal and institutional frameworks with international standards, but ratification alone does not ensure compliance nor meaningful impact. What comes before, through national dialogue, legal assessments and stakeholder consultations, and what comes after through implementation, monitoring and review are equally important. We believe that the application of ratified Conventions could be considerably improved if ratifications were approached more consistently and with strict attention to compliance. This would also, as a consequence, significantly reduce the number of the Committee of Experts' comments, and ease the burden on the supervisory system allowing greater focus on persistent and complex non-compliance cases.
125. A second area on which we would like to express our views is the distinction between direct requests and observations. The Employer members remain unconvinced by the current distinction between direct requests and observations. While we take note of the explanations provided in paragraph 82 of the Report of the Committee of Experts, we continue to question the usefulness and clarity of this distinction in practice. We find it difficult to understand why substantive issues, including those of a technical nature or raised in a first report, are addressed solely through direct requests, which do not appear in the Committee of Experts' report and are, therefore, not subject to discussion in the Conference Committee. This raises legitimate concerns about transparency, consistency and the visibility of compliance challenges.
126. In light of the ongoing efforts to modernize the reporting system, the Employer members suggest discontinuing the use of direct requests altogether. This is despite the contrary view held or expressed by other groups in this Committee. Where clarification or additional information is needed, we would suggest that the Office engage informally with the Governments concerned. Such an approach would streamline processes, clearly distinguish between information-gathering and supervisory review, and enable the Committee of Experts to focus its resources more effectively where they are most needed. We trust that these considerations will be taken into account as part of the evolving discussions on the future of the supervisory system.
127. The third area on which we would like to express a view is the pending International Court of Justice (ICJ) advisory opinion on Convention No. 87. In November 2023, the Governing Body referred the long-standing issue of the right to strike under Convention No. 87 to the ICJ for an advisory opinion. While this matter is still pending, the Employer members would have expected the Committee of Experts to suspend its comments on the right to strike until the ICJ advisory opinion is published, as the Employer members had asked at the special sitting with the Committee of Experts. This would have been appropriate in order to avoid any appearance of interference or any intention to influence the course and outcome of the proceedings by the Committee of Experts. Moreover, based on the 2015 agreement, the right to strike and all related aspects will not be mentioned in the conclusions of Convention No. 87 cases. We look forward to a unified approach, agreed in a tripartite manner, once the ICJ advisory opinion has been issued.
128. The fourth area which we would like to address is the streamlining of article 22 reporting. The Employer members, like the Worker members, support the ongoing efforts to streamline reporting under article 22 of the ILO Constitution. We believe this process has the potential to ease the reporting burden on ratifying States and improve overall efficiency. However, in our view, streamlining reporting can only be effective and efficient if governments have sufficient



capacity for reporting. Therefore, in addition to streamlining reporting as already mentioned, a more committed and deliberate approach to ratification is needed to ensure that ratifying States are both willing and able to comply meaningfully. At the same time, we caution that if the streamlining exercise focuses too narrowly on reporting mechanics, we risk missing a broader opportunity to make the supervisory system truly more effective. Regardless, the Employer members will actively engage and participate in all discussions and decision-making processes related to the reform of the reporting system, ensuring that our views and concerns are fully represented throughout. The Employer members trust that the Committee of Experts will ensure that comments under the future reporting system will be more balanced, proportionate and actionable. Furthermore, the Employer members note that the use of thematic implementation reports should not affect access to the Committee of Experts outside the reporting cycle, as well as the ability of the Conference Committee to select cases for discussion, as constituents need some flexibility in order to submit their comments beyond the reporting cycle.

129. The fifth area is the session with the UN Treaty Body Chairpersons and Special Procedures Mandate Holders. We welcome the ongoing exchanges between the Committee of Experts and the UN Treaty Body Chairpersons and Special Procedures Mandate Holders. Coordination and collaboration across the UN system is, in our view, essential, especially in the current times of uncertainty and where multilateralism is under threat. Exchange and dialogue are crucial to ensure a strong, coherent and certain response. Exchanges covered a wide range of common topics of interest including employment, human rights, demographic changes, environmental transitions, digital transformation, social security, migration, indigenous peoples and persons with disabilities. However, in these interactions, it is essential that the ILO consistently highlights and safeguards its unique tripartite identity which distinguishes it from other institutions in the UN system. The involvement of governments, employers and workers on an equal footing is not just a feature of the ILO but the foundation of its legitimacy, effectiveness and credibility.
130. We welcome the nuanced approach to demographic shifts including all the workers, and support flexible and regionally adapted policies. On environmental transitions, we note a call for the promotion of ratification of occupational safety and health Conventions, recognizing their importance as fundamental Conventions, while underlining that ratification remains a sovereign decision. Regarding digital transitions, we support balanced regulation that offers innovation and decent work conditions while promoting lifelong learning and formalization of informal work. We agree on the importance of sustainable social protection systems and stress the need for financing mechanisms and regulatory models that reflect national capacities. Regarding labour migration, the Employer members note the calls for ratification and reiterate our commitment to fair recruitment and non-discrimination.
131. The sixth area concerns current developments on maritime matters. Employer members are aware of the difficulties seafarers have experienced in recent years. The MLC, 2006, demonstrates how this instrument with tripartite support can evolve effectively through its particular, simplified amendment procedure. However, we must ensure that its dynamic evolution remains coherent with the broader body of ILO standards. We welcome the entry into force of the 2022 amendments on 23 December 2024, and encourage the Office to provide technical assistance to support Member States to ensure their effective implementation. Such support will be important to help ensure the implementation of the MLC, 2006, and that it is fully realized. We also believe that creating synergies with other UN entities, such as the International Maritime Organization, can play a key role in strengthening the ILO's impact on the international stage. When based on the ILO's mandate and tripartite structure and



governance, strategic collaboration can improve coherence across the UN system and increase our collective ability to tackle global issues.

- 132.** The seventh area concerns the current developments on violence in the world of work. Employer members are deeply concerned by the increase of violence in the world of work and highlight that this issue spans all international labour standards instruments, not only the ILO fundamental Conventions. Employer members are also concerned that violence has particular implications for women's rights and participation in the workplace. However, we stress also that all workers are affected and call for a holistic response. This includes not only Convention No. 190, but also broader equality standards such as Convention No. 100 or Convention No. 111. We believe that non-normative actions such as training, technical assistance and advocacy could also help address the root causes of violence.
- 133.** In conclusion, we affirm our commitment to the ILO standards supervisory system and will be supporting improvements to the system in a tripartite manner. It is our strong view that for the ILO standards supervisory system to have a real and lasting impact, it must remain balanced and responsive to the needs of all three constituents. We highlight that without sustainable enterprises, there are no jobs and no decent work. In today's climate of trade tensions and geopolitical uncertainty, it is our belief that the Committee of Experts' comments should give greater focus and attention to an enabling environment for sustainable enterprises. I once again hope to see this interconnectedness reflected in the Committee of Experts' comments.
- 134.** In this spirit, we thank the Committee of Experts for this exchange with the Conference Committee and look forward to continuing our work with them to strengthen the ILO's standards supervisory system.

Statement by Government members

- 135. Government member, Poland, speaking on behalf of the European Union (EU)⁷ and its Member States.** The candidate countries, Albania, Montenegro, North Macedonia, the Republic of Moldova and Ukraine; and the European Free Trade Association (EFTA) countries, Iceland and Norway, members of the European Economic Area (EEA), and Switzerland, aligned themselves with this statement.
- 136.** We welcome the discussions within the 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.
- 137.** We highly appreciate the analysis and expertise of the Committee of Experts demonstrated in its annual report, which provides a solid basis for the work of our Committee and a guidance to all Member States for implementing international labour standards. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. We appreciate the third information session of the Committee of Experts held with governments and look forward to a new meeting in 2025.
- 138.** We regret the decline observed in the rate of submission of reports by Member States and encourage all countries to comply with reporting obligations in order to enable the sound

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.



functioning of the supervisory system. We hope that the ongoing efforts to streamline the reporting system will ease the reporting burden on governments.

- 139.** We are pleased that the Committee of Experts continues to deepen its cooperation with the UN Human Rights Treaty Bodies. This collaboration is crucial to enhance the effective fulfilment of human rights including labour rights. We encourage further exchanges as they provide scope for inspiration, cooperation and synergies, while respecting the autonomous mandates of all bodies. We very much welcome the Office of the High Commissioner for Human Rights joining the Global Coalition for Social Justice. The EU and its Member States have consistently supported the Coalition and its ambition to advance social justice and decent work for all.
- 140.** We note with regret that in the current situation, we are out of track to reach by 2030 the SDGs, and particularly SDG 8 on decent work and economic growth. In this regard, international labour standards provide a solid basis to build social and economic stability, as well as inclusive societies all over the world, in particular in times of multiple crises. We aim at a new impetus of the Second World Social Summit for Social Development to foster social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills. We reaffirm our full support to the tripartite key messages adopted by the Governing Body and to the resolution that we have on the agenda of the Conference for adoption this week.
- 141.** Regarding developments on maritime matters, we appreciate the amendments and resolution agreed upon at the recent Fifth Meeting of the Special Tripartite Committee established for the MLC, 2006. They are important steps in ensuring that the Convention remains a living, relevant instrument.
- 142.** We are very concerned by the findings of the Committee of Experts regarding the increased level of violence in the world of work, particularly faced by women and indigenous peoples and other vulnerable groups.
- 143.** We would like to share some information on the latest legislative and policy action through which we aim to further advance decent work. We are working towards the ratification by all EU Member States of the two new fundamental ILO Conventions on a safe and healthy working environment. Regarding decent work in the platform economy, we look forward to the standard setting discussion on this topic during the Conference while implementing our EU platform work directive. In the context of decent work in supply chains, we are working on the implementation of the EU Corporate Sustainability Due Dilligence Directive (CSDDD) and the European Forced Labour Regulation (EUFLR) that came into force at the end of 2024.
- 144.** We are committed to supporting partner countries with technical assistance projects to enhance the effective application and implementation of labour standards, in particular fundamental ILO Conventions. We promote decent work to the EU's bilateral and regional trade and investment agreements and unilateral preferential trade schemes. We also deeply value the technical assistance provided by the Office, particularly to help countries address the gaps highlighted in the conclusions of the Committee.
- 145.** The EU and its Member States reiterate their 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 the multilateral rules-based order. We are looking forward to a constructive engagement with tripartite constituents during the debate in this Committee.



Reply of the Chairperson of the Committee of Experts

- 146.** I would like to thank the Committee for the opportunity to have this discussion. It serves to strengthen the interaction and ties between our two committees, which share the same mandate, the same commitment and the same determination to promote the observance and full application of international labour standards throughout the world. As this is the first occasion for me to take part in the work of your Committee, I wish to say what a privilege and honour it is to attend your discussions, and to be able to witness tripartism in action within this pre-eminent forum for social dialogue.
- 147.** First and foremost, I would like to thank you for your contributions and constructive remarks regarding the work of the Committee of Experts. The answers to some of the questions raised can be found in the general part of the Committee of Experts' report which you are discussing this year. As the Chairperson of the Committee of Experts, I will be sure to convey all the points you have raised to the other members. You may rest assured that we will examine these points thoroughly at our next session, including within the Subcommittee on Working Methods, in order to maintain the constructive dialogue between our two committees.
- 148.** I would nevertheless like to mention that both of our committees place great value on our exchanges and our complementarity, and on the cooperation which the Committee of Experts continues to maintain with United Nations bodies. I would also like to highlight a few points that have been mentioned:
- The importance of standards and the supervisory system within the Organization, particularly in the light of a difficult and challenging geopolitical environment: Please be assured that the Committee of Experts is fully conscious of the high expectations invested in it. The Committee of Experts remains vigilant and firmly committed to ensuring that, while acting with independence, impartiality and rigour, its collective expertise gives rise to comments likely to produce tangible effects in the countries concerned and to uphold the rights enshrined in international labour standards.
 - Working methods: As you are aware, the Committee of Experts regularly discusses ways of improving its working methods and has frequently demonstrated a pragmatic and dynamic approach to this subject, resulting in stronger supervision. I listened carefully to the information shared regarding the proposed streamlining of the reporting system. Like the social partners, we trust that the changes introduced will facilitate the work of the constituents and enable them to engage all the more in dialogue with the Committee of Experts. Clearly, our shared objective is to ensure that our two supervisory bodies are able to discharge their duties under the best possible conditions, and to have up-to-date, high-quality information provided by the tripartite constituents. The Committee of Experts has repeatedly emphasized the importance of communicating such information so that it can be sure to remain as close as possible to the situation on the ground in each country.
 - Discussion of the General Survey: I welcome the fact that many speakers have expressed their views on this subject, which is so important for the world of work and remains highly topical. By providing an overview of law and practice in various countries, the General Survey helps to promote discussion among all stakeholders.
- 149.** I would also like to come back to a number of points which have been made. I note, in particular, the views expressed by many speakers concerning the important role of the right to a safe and healthy working environment and the need to reinforce the prevention of occupational accidents and diseases. Indeed, as indicated by the General Survey, the implementation of occupational safety and health measures contributes to the financial



viability of compensation schemes for occupational accidents and diseases. Furthermore, the General Survey describes various schemes providing protection against occupational accidents and diseases in their respective national contexts. I would like to emphasize the fact that although the ILO Conventions and Recommendations under consideration allow a diversity of schemes, the minimum requirements and parameters established by these instruments must always be respected. I would like to echo the observations of numerous constituents regarding the gaps that exist in coverage and the need to extend protection to all workers. The need for gender mainstreaming in employment injury protection, especially in occupations predominantly exercised by women, has received particular attention in the drafting of the General Survey. I also observe that the importance of protecting workers against psychological risks and mental disorders, and of strengthening measures against violence and harassment in the workplace, has also been underlined. Lastly, I would like to recall that the General Survey is primarily based on the reports presented by governments and on the observations received from workers' and employers' organizations and it reflects the positions adopted in this context. The relevant role of the social partners and the importance of promoting social dialogue are key elements for ensuring progress in protection against occupational accidents and diseases.

Reply of the representative of the Secretary-General

- 150.** As representative of the Secretary-General, I have been following very closely and attentively your discussion of the General Report of the Committee of Experts. I wish to pick up only on two issues that were addressed which will also echo, in a way, the responses delivered by the Chair of the Committee of Experts. The first item concerns the proposal to streamline reporting, which many of you commented upon, and the second concerns the question of ILO technical assistance, to which many of you also referred in your interventions.
- 151.** I welcome the wide support for and interest in the proposals currently being developed to streamline reporting and I wish to reiterate my enthusiastic call to all the delegates attending the Conference to reach out to the secretariat should you wish to engage in more in-depth discussions. For instance, in a meeting with one delegation, we had a very useful discussion about the specificity of the reporting modalities that countries need to respect, and all these interactions help us fine-tune our proposals moving forward. One of my takeaways is that we should stop calling these proposals "streamlining" or "rationalizing" reporting, because this is leading to some misunderstanding that we are aiming to work on or improve just the reporting mechanics, while the proposals go far beyond just fixing or fine-tuning the mechanics of Member States' regular reporting obligations.
- 152.** There should be no doubt in anyone's mind regarding the ultimate objective pursued by the proposals. What is referred to as the "future of reporting" actually concerns a further strengthening of the impact of the regular supervisory bodies. The modalities for reporting and increasing the impact of the regular supervisory bodies call for several things, starting with facilitating the engagement of Member States by enabling timely submissions of quality reports, responding to the comments made by the Committee of Experts and to the Conference Committee's conclusions, should there be any. This presupposes that governments follow-up on the Committee of Experts' comments, as well as the conclusions of the Conference Committee when a specific country case is discussed.
- 153.** In addition, further strengthening the impact of the regular supervisory bodies also calls for making much better use of the information contained in the regular reports to enable what some have referred to as "peer learning" from the many examples of compliant implementation of ratified instruments. We are currently exploring how to render that



information publicly available in a user-friendly format to enable such peer learning, as well as to give more visibility to what is working. For the moment, it is the problems that are visible while the information on compliant practices is not easily found. This needs to be addressed.

154. In addition, strengthening the impact of regular supervision calls for making ILO technical assistance available when requested. Quite a number of speakers referred to this in their statements, highlighting its usefulness, quality and timeliness. I would like to assure all delegates that the Office provides technical assistance at all stages. It does so prior to ratification, through a gap analysis supporting the assessment of national laws and practice with the Convention that is being considered for ratification. We have received and responded to many requests for gap analyses in recent years, particularly as concerns the two fundamental Conventions on occupational safety and health, but also on the recently adopted Convention No. 190.
155. Furthermore, we also provide technical assistance post ratification in many ways, including “on the job training” to build reporting capacity. We have the International Labour Standards Academy in Turin, which we conduct every year, and also 13 labour standards specialists posted across the regions, who can come to your country and engage in technical meetings and discussions with your colleagues in charge of reporting.
156. Of equal importance, we also provide technical assistance to support the implementation of the Conventions themselves. This is a cross-office endeavour. For instance, you have just discussed the General Survey on employment injury as part of social security. When countries request support for the implementation of the social security Conventions, we also call upon the expertise available within the social protection department of the Office. This is therefore a joint venture across several policy departments in the Office in support of the implementation of Conventions.
157. We prioritize technical assistance requests regarding the follow-up on the comments of the Committee of Experts, but also on the conclusions of the Conference Committee. I want to reassure you I have heard the call for more systematic follow-up on the part of the Office, and this is certainly something we will be reinforcing.
158. Lastly, all the comments you have made in respect of these two areas - the future of reporting, its importance, its interest and its opportunities, as well as the need for ILO technical assistance – will inform the discussion we are currently starting around the review launched by the ILO Director-General regarding how we can prioritize our services to better serve the constituents in the most efficient and least costly manner. This is also a discussion being had in the context of a budget that will not enable us to develop new areas of work but rather calls on us to refocus on priority core areas. All the comments you have made in respect of the importance of technical assistance of the Office and of the ILO normative mandate will helpfully inform these discussions.



Concluding remarks on the general discussion

159. **Employer members:** We would like to thank the Committee of Experts for its thorough assessment of compliance by Member States with their obligations under ratified international standards, which gives our Conference Committee a basis to assess levels of compliance and determine what, if any, interventions are necessary to make improvements. We would also like to thank Judges Dixon-Caton and Lacabarats, the outgoing and incoming Chairpersons of the Committee of Experts respectively, for their presence and participation in our discussion of the general report.

160. We have made suggestions during the discussion which we believe can serve to improve the integrity of the overall ILO supervisory system. This is especially relevant at a time when the multilateral system is facing several headwinds, including financial ones.
161. We are pleased that the constructive dialogue between our Committee and the Committee of Experts will continue under the leadership of Judge Alain Lacabarats. We believe that our two Committees, working together, can explore ways to improve the reporting process to achieve efficiency and effectiveness, and ultimately improved compliance with international labour standards. We are also encouraged by the Office's echoing of the importance of improving reporting, with the objective of easing the burden on Member States and, ultimately, improving the implementation of international labour standards. In this regard, we would invite Member States to avail themselves of any technical assistance that the Office may offer. As Employer members, we remain available, and we commit ourselves to working with the Committee of Experts and the Office in this process.
162. **Worker members:** Let me start by thanking my Employer colleague, and also the European Union, for their interventions on the general report. I also want to give a special thanks to the Chair of the Committee of Experts for his replies and ideas. For a number of the comments, our views are known, but we need to come back to a couple of the interventions as we conclude.
163. The promotion of the ratification of ILO Conventions, their ratification, as well as their implementation in law and practice, is at the core of the normative mandate of the ILO. It is also at the heart of the uniqueness of the ILO as a tripartite organization, where workers, usually the subject of protection by way of rights, and employers and governments, motivated by the need to realize social and economic development through decent jobs, work together to achieve this normative mandate. The setting, promotion, ratification and supervision of international labour standards is therefore of fundamental importance to the ILO and, with specific reference to supervision and follow-up, puts our Committee and the Committee of Experts at the centre of this normative mandate.
164. We could expect that governments take proactive steps in consultation with their social partners to make every effort to ratify ILO Conventions, especially the most modern Conventions, to always seek ILO technical assistance before and after ratification, and to rely on their international cooperation with other members of the ILO to build best practices and mutual support and assistance in implementing the ratified Conventions. We must emphasize that, for many, ratification is an important step in the quest for socio-economic development. We must also emphasize the need for effective follow-up to our conclusions and the comments of the Committee of Experts in support of this quest.
165. On the right to strike, we addressed it yesterday and therefore will rely on that intervention. We expect that we continue to work together on the basis of how we have functioned since 2015.
166. On the streamlining of reporting, we certainly must continue to seek ways to effectively deliver on our mandate, and we welcome the continuing dialogue in the Governing Body and with the Office. We urge governments and the Office to ensure that, in respect of the article 22 reports, the 1 June deadline does not negatively affect submissions by social partners. We also urge the ILO to continue to assume its role as an institutional leader in the international human and labour rights community and continue, in a complementary and collaborative manner, to deliver effective labour rights protections.



C. Reports requested under article 19 of the Constitution

General Survey: Achieving comprehensive employment injury protection

- 167.** The Committee dedicated a sitting to the discussion of the General Survey carried out by the Committee of Experts concerning the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), and the Employment Injury Benefits Recommendation, 1964 (No. 121). The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks on the General Survey

- 168.** 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.
- 169. Employer members:** As Employer members, we have taken note of the Outcome of the General Survey. We appreciated the examination by the Committee of Experts of the six instruments on occupational safety and health (OSH). We have made our observations concerning the areas where we think more focus might have been needed, especially in respect of what we see as joint responsibilities to ensure that there is fairness in the application of these standards in the workplace, a general promotion of OSH standards, and compensation for injuries. Therefore, we are in a position to recommend the Outcome of this report as part of this Committee's full report.
- 170. Worker members:** The Worker members welcome the adoption of the conclusions on this year's General Survey on employment injury protection. As stated in the conclusions, comprehensive and effective employment injury protection systems are vital to achieving decent work, strengthening social protection and promoting occupational safety and health. They are, therefore, essential in advancing the Sustainable Development Goals. This General Survey marks the first time that ILO instruments on employment injury protection have been examined together. The Survey provided a thorough analysis of the current state of law and practice regarding employment injury protection worldwide. In itself, the General Survey serves as a useful tool for ILO constituents.
- 171.** The conclusions we adopt today provide a clear path on which both the Workers' and Employers' groups are ready to move forward in a spirit of consensus. These conclusions also outline the actions and resources that our two groups would like the ILO to mobilize to address the critical issue of employment injury protection.
- 172.** The follow-up to the discussion of the General Survey does not end with the closure of this session of the Committee. It extends far beyond so that the conclusions adopted can be used for a range of initiatives by both the ILO and its Member States. The Worker members hope that the conclusions adopted by our Committee will be placed front and centre in related discussions, both within the ILO and at the national level. Our conclusions also set out our expectations for Member States.
- 173.** ILO constituents have already recognized a safe and healthy working environment as a fundamental principle and right at work. It is now time to turn that commitment into concrete action and strengthen protection against employment injuries. We call on all Member States to intensify their efforts to improve the protection of workers, including by extending the



coverage of protection schemes, ensuring access to medical care and benefits to injured workers and their families, and removing any excessive qualifying conditions. For those Member States that have not yet done so, our conclusions strongly encourage them to consider ratifying the Conventions.

- 174.** We call on the ILO to continue to provide guidance to Member States and social partners and to promote the ratification of all relevant Conventions with the aim to achieving comprehensive employment injury protection for all workers everywhere, all over the world.

Outcome of the discussion of the General Survey

- 175.** The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

- 176.** The Committee welcomed the opportunity to examine the General Survey prepared by the Committee of Experts, entitled “Achieving comprehensive employment injury protection”. The Survey encompassed six instruments: the Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), and the Employment Injury Benefits Recommendation, 1964 (No. 121).
- 177.** The Committee recalled that this General Survey marked the first occasion on which several social security instruments were examined in relation to employment injury benefits. The Committee also highlighted the important interlinkages between the instruments under review and other relevant international labour standards, including the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), that have been recently recognized as fundamental by the International Labour Conference.
- 178.** The Committee further recalled that social protection in cases of employment injury is one of the oldest branches of social security and lies at the heart of the ILO’s mandate, as established in the Preamble to its Constitution and reaffirmed in the 1944 Declaration of Philadelphia and the 2008 ILO Declaration on Social Justice for Fair Globalization. Moreover, the 2019 ILO Centenary Declaration for the Future of Work calls for the development and strengthening of social protection systems that are adequate, sustainable, and responsive to changes in the world of work. It recalled the vital role of social protection, including employment injury protection, as a social buffer and economic stabilizer.
- 179.** The Committee emphasized the timeliness and relevance of the General Survey in light of the growing number of work-related risks, as well as the complex challenges posed by climate change, technological developments, health crisis and major industrial accidents.

The situation and needs of Member States

- 180.** The Committee welcomed the various measures adopted in many countries to strengthen employment injury protection, including efforts to enhance the institutional and legal frameworks, extend coverage of employment injury benefits, improve the management of social security institutions, and promote occupational safety and health.
- 181.** The Committee nevertheless noted with concern that, despite the progress made over the past decades, challenges to achieving comprehensive employment injury protection remain.



Notably, the continued occurrence of employment injuries is reflected in the estimated 2.93 million work-related deaths each year, and an additional 395 million cases of non-fatal injuries. Disparities between regions are stark, with some of the lowest coverage rates observed in areas where injury incidence is highest. In this context, the effective realization of the right to a safe and healthy working environment, recognized in 2022 as a fundamental principle and right at work, is essential for the prevention and mitigation of occupational risks.

- 182.** The Committee noted the vital link between a strong occupational safety and health culture and employment injury benefit schemes. In particular, effective preventive measures, such as training, awareness-raising, research and health services play a key role in detecting and treating employment injuries and reducing their incidence, which in turn lowers the overall cost of employment injury benefits and enhances the financial sustainability of these schemes. The Committee noted the need for the strengthening of collaboration between social security schemes and authorities responsible for OSH. The Committee noted the importance of enhancing collaboration among all parties involved.
- 183.** The Committee stressed that Convention No. 102 establishes fundamental principles concerning participatory management and overall responsibility of the State for the due provision of benefits and the proper administration of institutions and services, and the need to address persisting gaps in coverage, with a view to extending employment injury protection to all workers. Notably, more efforts are required to ensure comprehensive protection for workers in the informal economy, as well as for domestic, migrant and agriculture workers, along with those in high-risk sectors. This should be approached with a gender-sensitive perspective, also bearing in consideration the emergence of new activities.
- 184.** Taking note of the challenges faced by migrant workers, the Committee acknowledged the need to ensure equal treatment for all workers regardless of residential status or nationality. The Committee observed that migrant workers are often exposed to hazardous jobs and may lack access to information about their rights due to language barriers. In this context, overcoming practical barriers to guarantee the due provision of benefits was considered essential, including by the implementation of bilateral and multilateral agreements to ensure the portability of employment injury benefits.
- 185.** The Committee noted that commuting accidents were not always considered as work-related in the legislations of some ratifying countries of Convention No. 121 and expressed the need to align the definition of work-related accidents with the provisions of Convention No. 121 and its accompanying Recommendation. In what relates to the lists of occupational diseases, while acknowledging the need to ensure that all diseases included in the Schedule I of Convention No. 121 are recognized as occupational, the Committee expressed the importance of regularly updating national lists of occupational diseases, notably in accordance with scientific evidence and technological developments.
- 186.** The tripartite Committee placed strong emphasis on the importance of promoting mental health and preventing psychosocial risks, which are becoming increasingly relevant in contemporary work environments. These issues are particularly acute in female-dominated sectors such as healthcare, education, and social services. The Committee highlighted the need to extend employment injury protection to cases of psychosocial harm as well as workplace violence and harassment, including through revisions of national lists of occupational diseases.
- 187.** In the context of a technology-driven world, the Committee recognized the challenges and opportunities presented by evolving technological developments and workplace arrangements. While new technologies, including artificial intelligence may reduce workers' exposure to occupational hazards and improve labour inspections, fraud detection, handling



complaints and support the administration and provision of benefits, these advances should not come at the cost of workers' health. The Committee considered that prevention and occupational safety and health measures require special attention in this respect, as a widespread technological working environment, which entails cognitive and visual overload, may negatively affect the physical and mental health of workers. It was also noted that social dialogue is particularly needed for an effective and responsible use of these new technologies.

188. The Committee stressed the need to ensure access to adequate quality medical care to all workers for all the contingencies covered under the instruments. It stressed the need for adequate facilities, also for rural and remote areas. The Committee underlined the need to ensure that cash benefits are paid as long as an injured worker is incapacitated for work.
189. The Committee emphasized the overarching responsibility of the State to guarantee the financial sustainability of employment injury benefit schemes and the due provision of benefits. The sound financing of the schemes must be based on resource pooling and risk sharing. Such approaches would help ensure adequate protection for workers and their dependants, while also enabling an environment for sustainable enterprises by avoiding undue financial burdens on employers. Moreover, the State must ensure the proper administration of social security institutions and services, including by strengthening enforcement mechanisms and investing in labour inspection systems. Finally, the Committee considered that claim procedures and appeal mechanisms should be clear, simple, affordable and expeditious.

Common commitments

190. The Committee welcomed the broad commitment to further advance employment injury protection according to national circumstances, and in line with the relevant international labour standards. Comprehensive and effective employment injury protection systems are vital for achieving decent work, strengthening social protection, promoting occupational safety and health, and enabling environment for sustainable enterprises and productive employment. The Committee also recognized the importance of adapting employment injury protection systems to reflect evolving work environments, as well as emerging risks and advances in knowledge related to occupational safety and health.
191. The Committee noted the emphasis placed by the tripartite constituents on the need for closer coordination of social protection policies and other relevant public policies and strategies, including the ones relating to employment, occupational safety and health, vocational rehabilitation and non-discrimination, based on strong social dialogue. Fostering an occupational safety and health culture and promoting an enabling environment for sustainable enterprises, and strengthening inclusive and accessible social protection are key for achieving comprehensive employment injury protection.
192. The Committee recognized the importance of social dialogue and the key role of workers' and employers' organizations in the design, adoption and implementation of employment injury protection measures. Participatory management is a cornerstone of good governance, informed decision-making, and public trust, ensuring that employment injury protection systems remain responsive to the changing realities of the world of work.

ILO means of action

193. The Committee recalled that comprehensive, effective and well-functioning employment injury protection systems are essential for alleviating the financial hardship experienced by injured



workers and their families, supporting the reintegration of victims into the labour market, and contributing to the prevention and mitigation of employment injuries.

194. The Committee called upon ILO constituents to step up their efforts towards comprehensive employment injury protection. In this regard, it highlighted the value of technical assistance from the Office to strengthen the capacity of the tripartite constituents to develop robust legislative and policy frameworks on employment injury protection, and to establish and maintain effective employment injury protection systems based on good governance and sound financing.
195. The Committee invited Member States to consider the possibility of ratifying Conventions Nos 102 (Part VI) or 121, as well as other Conventions relevant to employment injury protection. To that end, the Committee encouraged the Office to provide technical assistance, as may be requested by Member States, to assess and overcome potential obstacles to ratification.
196. Finally, the Committee requested the Office to take into account the General Survey entitled “Achieving comprehensive employment injury protection”, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It hoped that this outcome, along with the General Survey, would feed into the follow-up of the Standards Review Mechanism Tripartite Working Group recommendations stemming out of its examination of employment injury benefits standards in September 2022; as well as contribute to the objectives set out in the United Nations 2030 Agenda for Sustainable Development, particularly in SDGs 1 (No poverty), 3 (Good health and well-being) and 8 (Decent work and economic growth).

D. Compliance with specific obligations

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

197. 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

- 198.** 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.
- 199.** 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.
- 200.** 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.
- 201.** 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.
- 202.** 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: **Bahrain, Belize, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu** and **Yemen**. 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

- 203.** 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.

204. The Committee noted that, by the end of the 2024 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **72.9** per cent (74.7 per cent for the 2023 meeting). Since then, further reports have been received, bringing the figure to **79.2** per cent (as compared with 81 per cent in June 2024).
205. 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, Djibouti, Haiti, Marshall Islands, Saint Lucia, San Marino, Somalia, Syrian Arab Republic, Tonga, Vanuatu** and **Yemen**.
206. The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Antigua and Barbuda, Comoros, Djibouti, Marshall Islands, Saint Lucia, Somalia, Tonga, Tuvalu** and **Vanuatu**.
207. 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 2024 from the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Belize, Burundi, Comoros, Congo, Cook Islands, Djibouti, Equatorial Guinea, Gambia, Guinea, Guinea-Bissau, Haiti, Israel, Liberia, Libya, Nigeria, Palau, Papua New Guinea, Saint Lucia, San Marino, Somalia, South Sudan, Syrian Arab Republic, Timor-Leste, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Viet Nam** and **Yemen**.

1.3. Urgent appeals

208. 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, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Haiti, Marshall Islands, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu** and **Yemen** will supply their reports due as soon as possible.
209. 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

210. 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.



211. 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, Comoros, Djibouti, Dominica, Equatorial Guinea, Haiti, Kyrgyzstan, Marshall Islands, North Macedonia, Saint Lucia, San Marino, Syrian Arab Republic, Timor-Leste, Tuvalu and Uganda.**

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

212. 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

213. The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 98 of its report, which lists new cases in which the 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 101 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

214. The Committee wished to express its appreciation to the **43** 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.
215. 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, Barbados, Cook Islands, Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Guinea-Bissau, Haiti, Hungary, Kyrgyzstan, Libya, North Macedonia, Nigeria, Marshall Islands, Palau, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Solomon Islands, Somalia, Tonga, Tuvalu, Uganda, Vanuatu and Yemen.**
216. In addition, the Committee noted with **regret** that the Governments of two States, which were not represented at the Conference, were unable to participate in the discussions of the individual cases concerning their countries: **Afghanistan and Nicaragua.**⁸

⁸ See below, in paragraphs 221 and following, the statements made by the social partners in respect of these Governments' failure to participate in the discussion of the individual case concerning their country.



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)

- 217.** The Committee held a special sitting on Belarus, in application of the resolution adopted at the 111th Session of the International Labour Conference ⁹ 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: 2,584 votes in favour, 72 votes against and 112 abstentions.
- 218.** 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 second special sitting on Belarus at the 113th Session of the International Labour Conference 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 written and oral information submitted by the Government, and the discussion that followed.

The Committee again 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 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 deeply deplored the repression against independent trade unions and the imprisonment of trade unionists.

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.

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 and take appropriate measures to ensure that the Government cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association and collective bargaining referred to by the

⁹ Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.



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.

Regarding the continuing deterioration of freedom of association, the Committee deplored the continued interference of the Government in trade union activities. The Committee expressed serious doubts about the independence of the FPB and expected that, without further delay, the Government would work with the ILO to address those concerns and ensure that all trade unions, including independent trade unions such as the BKDP, can operate without any interference of the Government.

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 also took note of the latest report on the situation in Belarus to the 353rd Session of the Governing Body, which noted with deep regret that the Government once again provided no new information on the measures taken to implement the recommendations of the Committee. It also further noted that the written information submitted to the Committee did not contain any new information in that regard.

After the discussion and noting that the Government had not provided any new information, the Committee was bound once again to repeat its call 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 urged in the strongest terms the Government to immediately release imprisoned trade unionists, drop any charges and quash any convictions brought against them related to their legitimate trade union activities.

The Committee also repeated its request to the Government to accept with the utmost urgency:

- 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 welcomed the appointment of a Special Envoy to Belarus mandated to interact with the Government and relevant UN agencies to ensure the full



implementation of the recommendations of the Commission of Inquiry and urged the Government to engage constructively with him.

In line with the Conference resolution, the Committee welcomed the setting up of a working group of the ILO and other UN institutions 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 urged the Government to engage constructively with it. In this regard, the Committee welcomed the continuous monitoring of the situation by the Governing Body.

The Committee urged governments 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, and assist Belarusian citizens residing in their countries who may not have valid travel documents due to their inability to receive consular services to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives, as appropriate.

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

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F. Individual cases

- 219.** Of the **24** individual cases on its agenda, the Committee substantively examined **22** cases, taking into account that the delegations of Afghanistan and Nicaragua were not accredited to the current session of the Conference. 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.

1. Conclusions adopted on the examined individual cases

- 220.** The conclusions adopted this year on the 22 individual cases examined by the Committee are presented below.

Chad (ratification: 2000)

Worst Forms of Child Labour Convention, 1999 (No. 182)

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 continued recruitment and use of children in armed conflict. It also expressed its concern at the persistence of the practice of exploitation of children, including child herding and forced begging.

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

- ensure the full and immediate demobilisation of all children who are forcibly recruited or used by armed groups;



- ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out and sufficiently effective and dissuasive penalties are imposed in law and practice;
- provide for the rehabilitation and social integration of street children and children who are forced to join armed groups;
- redouble its efforts to combat the practice of child herding and guarantee the protection of children against this practice as a matter of urgency, including through the effective punishment of those responsible for this practice;
- take immediate steps to approve the Child Protection Code and provide a copy thereof once it has been adopted;
- amend the Penal Code to include normative provisions that penalise the “client” who demands services of or uses a child under the age of 18 for prostitution;
- prohibit and punish the use and recruitment of children for illicit activities, in particular the production and trafficking of drugs and provide the necessary resources to the competent authorities;
- improve the functioning of and investments in the education system to facilitate access to free quality basic education and protective measures for all children, particularly girls and street children, and the security and safety of children in war-affected areas, and to take measures to increase the school enrolment and attendance rates at the primary and secondary levels and to decrease the school drop-out rates;
- take measures to protect *mouhadjirin* children from the worst forms of child labour and continue efforts to ensure that the Secretary for Women and Early Childhood program is effective in the protection of street children;
- adopt regulations to protect children from working in domestic services and measures to remove them from such situations, and provide the necessary and appropriate measures to directly assist their rehabilitation and social integration.

The Committee requested the Government to avail itself of ILO technical assistance to give full implementation to the above-mentioned measures.

The Committee also requested the Government to submit a detailed report to the Committee of Experts by 1 September 2025.

Ecuador (ratification: 1959)

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.

The Committee noted the Government’s stated readiness to cooperate with the ILO, make use of its technical assistance and continue its consultation with social partners to strengthen legal protection that fully guarantees the right to organise and collective bargaining.

Taking into account the discussion, the Committee urged the Government to conduct a comprehensive review of the collective labour law framework, in alignment



with the Convention and in consultation with social partners at the National Labour and Wage Council, ensuring reasonable coherence and taking effective measures to:

- ensure that collective bargaining occurs in a conducive environment, establishing appropriate mechanisms and respective legal protections for all categories of workers and employers covered by the Convention;
- review regulations concerning the establishment of employers' and workers' associations and collective bargaining practices;
- provide data on: (i) collective bargaining in the public and private sectors, including the number of collective agreements in force in the country, the date of entry into force and renewal, and the number of workers covered by sectoral collective agreements; (ii) the number of affiliated workers and their respective unions, number of enterprise committees, and number of employer organizations and respective affiliated members; and
- address anti-union discrimination, prevent interference in workers' and employers' organizations and guarantee the right to collective bargaining in law and practice and provide information on cases processed, sanctions imposed or effective corrective measures taken.

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

The Committee requested the Government to provide a detailed report on progress made to implement the above recommendations to the Committee of Experts by 1 September 2025.

Kyrgyzstan (ratification: 2000)

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 deep concern the re-introduction of a moratorium on labour inspections for the year of 2024, which represents a serious violation of the Convention.

The Committee also noted the persistence of other limitations, contained in Law No. 72 of 2007, to the powers of inspectors and the insufficient number of labour inspectors, which significantly undermines the inspectorate's ability to perform its duties effectively.

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

- ensure that there is a sufficient number of labour inspectors so that workplaces can be inspected as often and as thoroughly as necessary to ensure the effective application of the relevant legal provisions;
- provide information on the measures planned or adopted to increase the number of labour inspectors;
- ensure that all regions are covered by the labour inspectorate;



- provide information on the budget allocation for labour inspection purposes;
- act promptly to eliminate the moratorium on inspections and to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of the Convention;
- bring its national legislation into full conformity with Article 12 of the Convention by removing the multiple remaining restrictions on the powers of inspectors;
- ensure that inspectors are able to initiate or recommend immediate legal proceedings without prior warning, where required, in conformity with Article 17;
- ensure the effective enforcement of penalties for violations of the legal provisions enforceable by labour inspectors as set out in the Code of Offences, in conformity with Article 18;
- intensify its efforts to bring the national legislation into conformity with Article 13(2)(b) of the Convention;
- provide all pending information requested by the Committee of Experts.

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

The Committee also requested the Government to provide a detailed report on the measures taken to implement the above recommendations before 1 September 2025.

Libya (ratification: 1961)

Forced Labour Convention, 1930 (No. 29)

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

While noting the prevailing situation in the country, the Committee expressed deep concern regarding the situation of migrant workers who are forced to work under extremely harsh conditions and experience ill treatment, including torture, death, enslavement, and sexual exploitation with the complicity of the government. Taking into account the discussion, the Committee urged the Government to take, in consultation with the social partners, effective and time-bound measures to:

- provide migrant workers with adequate legal protection, including by ensuring the adoption of the Bill on combating trafficking in persons shortly and requests the Government to provide a copy thereof;
- ensure that migrant workers who are victims of abusive practices amounting to forced labour are provided with adequate protection and assistance as well as remedies, rehabilitation and compensation, and take immediate measures for the protection and assistance of victims, including through voluntary repatriation and reintegration;
- ensure migrant workers have access to the justice system and are protected against reprisals, including deportation, and that their cases are processed expeditiously and that decisions are enforced;
- introduce and enforce effective and sufficiently dissuasive penalties against offenders including militia groups and labour recruiters who engage migrant workers in



situations amounting to forced labour, including perpetrators in official and unofficial migrant centres, and strengthen the capacity of law enforcement bodies in this area;

- ensure that in-depth investigations are undertaken, alleged perpetrators are prosecuted, including complicit state officials and members of armed groups, and sufficiently dissuasive sanctions imposed on those who exact any form of forced labour; and
- strengthen the law enforcement, hire and train additional labour inspectors and increase material resources necessary to enable them to carry out inspections in this regard.

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 practice.

The Committee requested the Government to fully comply with its reporting obligations and to provide information on the application of the Convention in law and practice and on the measures taken to implement these recommendations, in consultation with the social partners, to the Committee of Experts by 1 September 2025.

Slovakia (ratification: 1997)

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

The Committee took note of the oral and written 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 into account the discussion, the Committee called on the Government to:

- engage in constructive tripartite social dialogue about all matters including reasons for any changes to the provisions of Act No. 103/2017 on tripartite consultations at national level, in line with the Convention;
- conduct tripartite consultations with the most representative employer and worker organisations on all ILO standards and activities at the national level;
- ensure that consultations are effective in law and in practice and take place at least once a year and, in that regard, also ensure that, in law and in practice, no exception allows organizations to be granted the same consultation rights as those of representative organizations;
- ensure that organisations are able to exercise their right to freely elect their representatives without any external interference;
- provide information on how the new membership of the Economic and Social Council of the Slovak Republic is expected to function and effectively promote and strengthen tripartism and social dialogue.

The Committee invited the Government to provide information on measures to implement the above recommendations to the Committee of Experts by 1 September 2025.



Sri Lanka (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 welcomed the Government's use of ILO technical assistance and its impact made, and encouraged it to continue its efforts in this regard.

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

- continue its efforts to eliminate child labour, with a strong focus on the informal economy and children living in rural areas;
- provide information on the measures taken and the results achieved in this regard, including within the framework of the Child Labour Free Zone Programme;
- ensure that thorough investigations and robust prosecutions are carried out, and that sufficiently effective and dissuasive sanctions are imposed in practice, to deter adults from employing and abusing children;
- provide comprehensive information as soon as possible on the number of children identified as being engaged in child labour, as well as the number and nature of violations detected, and penalties applied with regard to the employment of children and young persons;
- strengthen the capacity and expand the reach of the labour inspectorate in addressing child labour, particularly in the informal sector;
- take the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation and continue to report on the school enrolment and completion rates of children below the age of 16 years;
- strengthen policies and legislative texts regarding the prevention, removal, rehabilitation, and social integration of children, and to put an end to the described practices and continue to inform on the measures taken, and the number of children who have benefited from the policies.

The Committee requested the Government to provide detailed and complete information on measures taken and progress made on all the above issues and to transmit all relevant legislative texts to the Committee of Experts by 1 September 2025.

Zambia (ratification: 1964)**Forced Labour Convention, 1930 (No. 29)**

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

The Committee noted the efforts by the Government to meet its obligations under the Convention including the adoption of the National Policy on Human Trafficking and Smuggling of Migrants and its implementation plan in 2022 which is an important step in eradicating trafficking as an element of forced labour. The Committee noted however



with concern that there is an increase in cases of trafficking and that Zambia remains a source, transit and destination country for victims of trafficking.

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

- take effective measures to ensure the effective identification of victims of trafficking for both sexual and labour exploitation, and to provide them with appropriate and adequate protection and assistance, including recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support;
- ensure the prosecution of perpetrators and the imposition of dissuasive sanctions;
- ensure the operationalization of measures to provide logistical support to witnesses and victims called to testify and measures to facilitate evidence-gathering for effective prosecutions;
- continue to strengthen the capacity of law enforcement officials and build the capacity of prosecutors and investigators;
- take effective measures to strengthen the coordination and cooperation with key stakeholders, such as police investigators and the judiciary, throughout the whole country, in the fight against trafficking in persons;
- take the necessary measures to amend the Act so as to limit the work exacted as part of the Zambian National Service, to work which is of a purely military nature, in compliance with Article 2(2)(a) of the Convention and to provide information on the number of citizens who have been called to perform compulsory national service, as well as on the nature of the work to which they are assigned;
- provide all pending information requested by the Committee of Experts.

The Committee requested the Government to avail itself of the technical assistance of the ILO and to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.

Burundi (ratification: 1963)

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

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

The Committee regretted that the Government did not provide the requested reports and urged it to comply with its reporting obligations in the future.

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

- ensure the inclusion of labour clauses in all public contracts and provide a copy of the new general conditions governing contracts;
- indicate the measures planned or taken to ensure minimum conditions for workers employed under a public contract;
- strengthen the labour inspection to guarantee compliance with labour clauses;



- respect social dialogue and collective bargaining, including when setting the terms of clauses to be included in public contracts; and
- address any pending request from the Committee of Experts.

The Committee requested the Government to avail itself of ILO technical assistance and to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.

El Salvador (ratification: 2006)

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.

The Committee noted with deep concern the allegations of ongoing violations of the Convention by the Government.

The Committee also expressed serious concern regarding the allegations of interference by the authorities in the activities of employers' and workers' organizations contrary to Article 2 of the Convention and reported acts of harassment against an employers' organization, namely the National Business Association (ANEP).

Taking the discussion into account, the Committee urged the Government to take effective and time-bound measures 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-establish, promote, and participate in institutionalised tripartite social dialogue and collective bargaining, conducted in a framework of mutual respect, and legal certainty in line with the Convention;
- establish a genuine consultation with worker and employer representatives to discuss all matters relating to labour reform and the labour code and reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultation; and
- 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 recommendations.

The Committee requested the Government to prepare, in consultation with the most representative employers' and workers' organizations, a report to be submitted to the Committee of Experts by 1 September 2025, informing in detail on actions undertaken to progress in the full application of the Convention in law and practice, including information on any genuine consultations to address the concerns discussed by the Committee.

The Committee invited the Government to accept a technical assistance mission with the support of the International Trade Union Confederation (ITUC) and the International Organization of Employers (IOE).



Georgia (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 recalled that the introduction of any draft legislation affecting social partners should be preceded by consultations and that the right to accept financial assistance from an international organization should be guaranteed based on the right to affiliate with international organizations set out in the Convention.

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

- in consultation with the social partners, to amend the Law on Transparency of Foreign Influence and the Foreign Agents Registration Act and the Law on Public Service, in line with the Convention; and
- engage in meaningful and timely dialogue and consultations with the social partners on relevant legislative initiatives affecting the social partners, and on the functioning of the Tripartite Social Partnership Commission, as an effective forum for tripartite consultation.

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

The Committee also requested the Government to submit a detailed report to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.

Ghana (ratification: 1986)**Maternity Protection Convention (Revised), 1952 (No. 103)**

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

The Committee welcomed the efforts by the Government to meet its obligations under the Convention while noting the persistent gaps in implementing the Convention.

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

- initiate legislative measures, including to amend or review the Labour Act and the Employment Act, with regard to (i) mandatory maternal leave, (ii) automatic extension of prenatal leave, (iii) a compulsory social insurance scheme, and (iv) prohibition of dismissal during the protected period, considering recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention;
- develop policies necessary to comply with the provisions of the Convention;
- ensure the transition to a maternity social insurance scheme or public funding for cash benefits in line with the Convention.

Taking note of the Government's request for technical assistance, the Committee invited the Government to follow up on this request with the Office in order to address these recommendations.



The Committee requested the Government to, in consultation with social partners, provide detailed and complete information on measures taken and progress made on all of the above issues in its next report to the Committee of Experts.

Honduras (ratification: 1956)

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 expressed deep concern over the murders of union leaders and the delayed investigations and prosecutions thereof. The Committee also expressed the need for urgent action to strengthen institutional social dialogue. The Committee considered this case urgent and serious.

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

- ensure the implementation of the Convention in law and practice through social dialogue free from violence and intimidation; strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice;
- initiate legislative measures and reforms to the Labour Law Code, in full consultation with the most representative employers' and workers' organizations, considering the recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention and to provide budgetary support;
- reactivate the Economic and Social Council and its technical committees and ensure there is adequate financial support and budgetary allocation;
- institutionalize and make effective the participation of the most representative worker's and employer's organization in the National Council for the Protection of Human Rights Defenders;
- ensure that the Conflict Prevention Mechanism before the ILO (MEPCOIT) resumes its activities regularly;
- ensure that the Committee on Anti-Union Violence can perform its role and conduct, without delay, independent investigations and proceedings against perpetrators of criminal acts against trade union leaders and provide up to date information on the number of investigations, prosecutions, convictions and penalties imposed to the Committee of Experts.

The Committee urged the Government to avail itself, without delay, of technical assistance from the Office to ensure compliance with the Convention in law and practice.

The Committee requested the Government to submit a detailed report to the Committee of Experts with information on the application of the Convention in law and practice by 1 September 2025.



Guinea-Bissau (ratification: 1977)**Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)**

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

The Committee deplored the fact that two years after concerns were raised regarding violent attacks against and intimidation of the independent trade unions, nothing has been done to address those concerns, noting that such attacks undermine the obligation and meaning of consultations under the Convention.

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

- guarantee, without further delay, the independence of the trade unions to enable them genuinely and effectively to represent their members;
- review the minimum wage for both the public and private sectors without further delay in accordance with the Convention;
- establish the minimum wage fixing machinery in order to fix and update the minimum wage on a regular basis;
- strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice;
- provide detailed statistical and other information on the measures taken in this regard, including on the tripartite consultations that have taken place on the minimum wage.

The Committee requested the Government to avail itself of technical assistance from the ILO and to provide a detailed report on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Hungary (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 concern the restrictions in law and practice regarding the right of workers' and employers' organizations to organize their administration and activities, as well as to further and defend the interests of their members in line with the Convention.

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

- in consultation with the social partners, to take measures to guarantee that sections 8 and 9 of the Labour Code do not impede or impair the fundamental rights provided by the Convention, including the right of workers' organizations to defend the occupational interests of their members;



- to engage in consultations with representative workers' and employers' organizations to assess the need to simplify the registration requirements in law and practice, as well as those relating to their headquarters; and
- in consultation with the social partners, to address the obstacles to the registration in practice and provide data on: the number of registered organizations and the number of organizations denied or delayed registration, including details on the grounds for refusal of registration for the period 2021-2025, to respond to the allegations and to provide information on the type of inquiries conducted by prosecutors; and, on the outcome of the discussions on union membership fees within the Permanent Consultative Forum of the Competitive Sector.

The Committee requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.

Islamic Republic of Iran (ratification: 1964)

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 expressed deep concern over the cases of discrimination, violence against protesters and the systematic state repression. It recalled that eliminating discrimination could only be achieved within an environment conducive to the free exercise of civil liberties.

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

- initiate legislative measures after consultation with the social partners, considering the recommendations of the ILO supervisory bodies, to review national law (including the draft law Bill to "Support the Family by Promoting the Culture of Chastity and Hijab", the "Comprehensive Population and Family Excellence Plan," Bill No 264, and Article 1117 of the Iranian Civil Code) and practice in line with the Convention;
- implement, both in law and in practice, mechanisms and measures focused on protection against discrimination based on religion, ethnicity, political opinion, and social origin, covering all aspects of employment and occupation and on addressing all forms of sexual harassment in the workplace;
- ensure that measures related to state security and the use of national security laws in the context of the exercise of civil liberties (including the circumstances of Mahsa Amini's death) are in line with the Convention;
- provide detailed information on statistical data regarding the current situation on equal treatment in employment, including sanctions and remedies applied, and challenges encountered.

The Committee urged the Government to avail itself, without delay, of technical assistance from the Office to ensure compliance with the Convention in law and practice.



The Committee requested the Government to provide a detailed report on measures taken and progress made on all of the above issues and to transmit all relevant legislative texts to the Committee of Experts by 1 September 2025.

Iraq (ratification: 2018)

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 took note with concern of actions against representatives of workers and employers' organizations. The Committee also took note of the ongoing legislative reforms that can prevent acts of intimidation against social partners.

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

- conclude the ongoing legislative reforms, ensure an environment conducive to freedom of association and ensure that there are dissuasive actions against those violating the law; and
- provide detailed information on the cases and respective results presented before national courts against the leaders and representatives of the independent trade union federations.

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

The Committee further requested the Government to provide a detailed report on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Malaysia (ratification: 1961)

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

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

The Committee noted with concern that gaps remained in the protection against anti-union discrimination, lengthy recognition procedures and the need to promote the full development and utilization of collective bargaining.

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

- remove all the remaining legal and practical obstacles to collective bargaining and to promote its development;
- ensure effective protection against acts of anti-union discrimination with dissuasive sanctions, and that victims of anti-union discrimination have the right to access justice and remedy;
- review recognition procedures for collective bargaining, with reasonable and adequate safeguards to prevent interference, simplifying and expediting the administrative and judicial processes; and,



- enable collective bargaining machinery for public servants who are not engaged in the administration of the State.

The Committee requested the Government to accept a technical advisory mission of the ILO before the next session of the Conference.

The Committee also requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Nepal (ratification: 1996)

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

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

The Committee noted with concern the gaps in the protection against anti-union discrimination and the inadequate measures for the full development and utilization of machinery for voluntary collective bargaining.

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

- adopt effective legislative measures to prohibit all acts of anti-union discrimination including those based on trade union membership;
- ensure that, in law and practice, there are dissuasive sanctions in cases of anti-union discrimination;
- ensure adequate protection against acts of interference as well as the effective functioning of collective bargaining machinery in line with the Convention,
- ensure that the parties are free to negotiate, at all levels, collective agreements that improve their working conditions,
- amend the legislation so that compulsory arbitration can only take place in the situations covered by the Convention; and
- ensure that the selection procedure of the members of the arbitration bodies is transparent and guarantees their full independence.

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

The Committee also requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Uzbekistan (ratification: 2019)

Labour Inspection Convention, 1947 (No. 81)

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

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



The Committee welcomed the Government's use of ILO technical assistance to improve labour inspections. The Committee noted with concern the current practice of moratoriums on labour inspections in the country and the restrictions on the powers of labour inspectors.

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

- eliminate the temporary ban on inspections and refrain from reintroducing such bans in the future;
- recruit labour inspectors and provide them with material, financial and operational resources in order to ensure the proper functioning of the labour inspectorate;
- ensure that labour inspections are undertaken as often and as thoroughly as necessary, including by ensuring that all the restrictions on the labour inspectors' powers are removed;
- ensure that effective and adequate enforcement and penalties are in place, by ensuring that labour inspectors have the power to exercise their discretion to give warning and advice instead of instituting or recommending proceedings, and establishing adequate penalties for obstructing labour inspectors in the performance of their duties.

The Committee invited the Government to continue availing itself of ILO technical assistance in this regard.

The Committee requested the Government to provide detailed and complete information to the Committee of Experts on measures taken in line with the Conventions by 1 September 2025.

Bolivia, Plurinational State of

Asbestos Convention, 1986 (No. 162) (ratification: 1990)

Safety and Health in Construction Convention, 1988 (No. 167) (ratification: 2015)

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 the national occupational health and safety regulations did not contain specific regulations on asbestos and recalled that a safe and healthy environment is a fundamental principle and right at work.

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

- initiate legislative measures, after full consultation with the most representative employers' and workers' organizations, considering the recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law (including on policies for asbestos and Construction; risk prevention and control; disability and inclusion; and on the provision of respiratory protection equipment and special protective clothing) and practice with the Convention;
- adopt, without delay, in consultation with the most representative employers' and workers' organizations, concrete and specific measures to complement the existing



framework and ensure the full implementation of the Convention in all sectors and industries;

- ensure that records of monitoring the working environment and workers' exposure to asbestos are maintained for a prescribed period, and that the workers concerned, their representatives, and the inspection services have access to those records, as well as the right to request monitoring of the working environment and to appeal to the competent authority regarding the results of such monitoring,
- adopt specific measures without delay to ensure, in line with the Convention, that workers are informed in an adequate and appropriate manner of the results of their medical examinations and receive advice concerning their health in relation to their work in situations involving exposure to asbestos.

The Committee requested the Government to provide detailed and complete information on measures taken to implement these recommendations in line with the Convention by 1 September 2025.

Panama (ratification: 1970)

Employment Policy Convention, 1964 (No. 122)

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

The Committee noted with concern the lack of effective and genuine consultation with representatives of workers' and employers' organizations regarding employment policies.

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

- ensure that employment policy promotes full, productive and freely chosen employment based on an economic and social policy that stimulates sustainable economic growth and development, raises levels of living and overcomes unemployment and underemployment including labour market access for young persons, especially young women;
- continue its efforts to combat persistent gender-based vertical and horizontal segregation in employment, the low labour market participation rate of women, and their high concentration in the informal economy and in that regard implement fully the Decent Work Country Programme 2024-2027 and by using the guidance provided by the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- ensure effective consultation with the most representative workers' and employers' organizations concerning employment policies;
- formulate, implement, monitor and review active labour market measures adopted in the context of employment policy taking into account the groups targeted.

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

The Committee also requested the Government to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.



Republic of Moldova (ratification: 1996)

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

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

The Committee welcomed the measures taken to resolve interference in union activities in the healthcare sector.

Taking the discussion into account, the Committee recommended the Government take measures to: initiate a consultation process with the most representative employers' and workers' organizations to guarantee the full compliance of the relevant provisions of national law and practice with the Convention, including ensuring that workers' and employers' organizations enjoy adequate protection against any acts of interference in their establishment, functioning or administration and to remedy situations where such interference occurs.

Taking into account the Government's request for technical assistance the Committee invited the Government to follow up on this request with the Office in order to address these recommendations.

The Committee requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.

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2. Statements on the two individual cases not examined

- 221.** The Chair informed the Committee that the delegations of Afghanistan and Nicaragua were not accredited this session of the Conference. The Governments did not respond to the reminders sent by the secretariat of the Commission, nor to the appeals published in the Daily Conference Programme and on the Commission website. As indicated in Part VII, paragraph 35, of document D.1 on the working methods of the Committee, the Committee does not examine the substance of cases concerning governments not present at the Conference, but highlights in the report the importance of the issues they raise.

Afghanistan (ratification: 1969)

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

- 222. Worker members:** The Worker members regret that no delegation from Afghanistan has come forward. As a result, our Committee cannot proceed with the examination of the case in substance. We recall that the participation of governments in the Conference, and at our Committee when on the final list, is essential to the functioning of the ILO supervisory system.
- 223.** We will therefore take this opportunity to reflect the seriousness and deep concern we have about the application of the Convention by the de facto authorities in Afghanistan, and with the confirmation of our Employer counterparts, propose that the Office take these mutual concerns, as also reflected in the observations of the Committee of Experts, as follow-up with the authorities.



- 224.** If this case had been examined, Mr Maroof Qaderi, President of the National Union of Afghan Workers and Employees, would have told us about the severe discrimination against women and young girls in Afghanistan.
- 225.** He would have told us that the Taliban have issued 50 restrictive decrees for women, prohibiting them from accessing public spaces, parks, and healthcare, as well as denying them education and employment. That women workers are almost erased from the workplace and public space. That those who are still working are forced to receive lower wages and that this systematic discrimination completely violates women's rights and stands in stark opposition to the provisions of the Convention.
- 226.** Mr Qaderi would also have told us that thousands of workers and employees have been illegally dismissed from various government departments and institutions based on their ethnicity, language, religion or nationality. That tens of thousands of people were dismissed without any humane consideration, in a blatant act of discrimination and in violation of human dignity.
- 227.** He would have told us that workers in Afghanistan, women and those from ethnic or religious minority groups in particular, are suffering from livelihood crises and economic rights violations, resulting for these groups in an alarming increase of child labour and in a dramatic rise in suicides, organ sales, forced marriages, severe hunger, and widespread malnutrition.
- 228.** He would have told us that the right to freedom of association and civil liberties are non-existent under the Taliban and that trade unions in Afghanistan cannot perform their role nor maintain operations.
- 229.** Mr Qaderi would have told us that the Taliban have appointed someone as acting head of the National Union of Afghan Workers and Employees, in violation of the union's statutes and the fundamental principles of freedom of association. He would have asked our Committee to reinstate the legitimate activities of his union, the National Union of Afghan Workers and Employees. He would have asked us to ensure that the rights of Afghan workers, especially those of women and of ethnic and religious minorities protected under the Convention, are respected in Afghanistan.
- 230.** Finally, Mr Qaderi would have asked us to press the Taliban to immediately cease repression and violations of fundamental human and labour rights in Afghanistan.
- 231.** This is what Mr Maroof Qaderi would have told us. But he could not. It could have been an opportunity to hear a powerful testimony of the gravity of the situation, but it has become the symbol of what millions of women, girls and members of ethnic and religious minority groups have to face on a daily basis since 2021: exclusion and ostracization.
- 232.** We had already addressed the gravity of the situation and the serious ongoing violations in Afghanistan in the discussion of the case in 2023. Our discussion had given rise to a strong reaction of our Committee, since it had decided to include its conclusions in a special paragraph of its report. It is clear that no improvement has been noted since then and that the situation has deteriorated even further. We could have heard this deterioration through the testimony of Mr Qaderi, but we can see it in the Committee of Experts' report that expresses its deep concern at the situation of violations of human rights and fundamental freedoms of women and girls in the country.
- 233.** The Committee of Experts refers in this regard to reports of several UN bodies such as the Human Rights Council and the Committee on the Elimination of Discrimination against Women, as well as to the report of the UN Secretary-General to the General Assembly.



234. The Committee of Experts deeply deplored the adoption of the Law on the Promotion of Virtue and the Prevention of Vice which imposes gender-specific discriminatory measures, effectively excluding Afghan women and girls from public life and nullifying their rights to employment and occupation, thereby exacerbating the existing restrictions and discrimination they face. These grave violations of the basic human rights of the population will have an immense and enduring transgenerational impact, in particular on women and girls, with each generation seeing fewer and fewer women with educational backgrounds enabling them to take up roles outside the home. The appalling levels of gender-based violence against women and the ban on women's education will perpetuate women's disempowerment with grave consequences for future generations. No society can prosper based on such blatant discrimination. It is difficult to see any prospects for development when half of the population is manifestly excluded from all life in society.
235. It is also difficult to conceive how the de facto authorities can be reintegrated into the international community by having made discrimination against women and minority groups a trademark. Their absence today shows they seem unwilling to engage with the international community. Yet, and considering the gravity of the situation, the Worker members think that it cannot be a valid reason for our Committee to not fully and extensively address the situation in the future.
236. For all these reasons, we call on our Committee to reiterate in the strongest possible terms the conclusions it adopted in 2023. We also join the Committee of Experts in recalling that the international community is not helpless, and we invite the ILO and all its Member States to answer the call of Mr Qaderi, and of millions of Afghans, to use all available diplomatic levers to press the Taliban to immediately cease repression and violations of fundamental human rights in Afghanistan.
237. **Employer members:** The Employer members have serious concerns about Afghanistan's application of the provisions of the Convention. The Employer members echo the observations made by the Committee of Experts on the consistent and institutionalized violations of the human rights and fundamental freedoms of women and girls in Afghanistan.
238. This case is extremely serious. Since August 2021, the de facto authorities have sought to and, by the assessment of several UN bodies, successfully erased Afghan women and girls from public life. Women and girls are banned from educational and training opportunities. Women and girls are prevented from achieving economic security because they are significantly restricted from pursuing work opportunities outside the home. Their freedom of movement has been severely restricted. They are subjected to institutionalized violence. Women and girls have no meaningful access to justice and no resort to remedies for these fundamental violations. Since 2021, there has been an exponential deterioration in the situation of women and girls in this country, where the law violates their freedom and dignity, their economic security, and their equal protection under the law.
239. Instead of making progress on the serious observations of the Committee of Experts, the de facto authorities have failed to appear before this body and have failed to provide any information to respond to these issues.
240. We will first deal with background and context and then examine the main issues.
241. Afghanistan ratified the Convention in 1969. The Committee of Experts has already commented on this case 25 times, almost every year for the last three decades. This is the fourth time the Committee has dealt with this particular case: in 1999, 2000, 2023, and again this year. The Convention concerns discrimination in employment and occupation and is one



of the ILO's fundamental Conventions and, as such, must be the subject of special attention and priority monitoring. This fundamental Convention aims to guarantee human dignity and equal opportunities and treatment for all workers by prohibiting any discrimination based on, among other things, sex.

242. The conduct of Afghanistan with respect to the ILO's governance process is unacceptable. Since 1 July 2016, no written report has been submitted on the implementation of this fundamental Convention. Furthermore, the de facto authorities have not responded to the Committee of Experts' comments since 2019. On 27 August 2023, the de facto authorities announced that they would respond in 2024 to the recommendations made by our Committee in June 2023. Yet, no report has been provided to the ILO since then, despite this official undertaking. Finally, as I mentioned earlier, the de facto authorities have elected not to attend this Committee to provide any oral information to respond to the Committee's deep concerns regarding the application of the Convention in law and in practice.
243. Like the Committee of Experts, we are deeply concerned by this total lack of cooperation from the de facto authorities. This extremely serious case is marked by a double footnote. In the absence of information from the de facto authorities, the Committee of Experts has relied on the recurrent observations of several high-level UN human rights bodies to identify four issues.
244. The first issue concerns the severe restrictions imposed on women and girls with respect to their access to education, vocational training, and employment opportunities, as well as the absence of any access to justice, including any effective remedies for victims of violence against women. Countries that have ratified the Convention have undertaken to pursue a national policy of equality, with a view to eliminating all discrimination based on sex in employment and occupation. These countries must therefore repeal any legislative provision, administrative instruction or practice that is incompatible with a national equality policy. The de facto authorities must, therefore, take positive actions and measures to ensure that women have equal opportunity and treatment in relation to access to education, vocational training, and employment.
245. Rather than progressing towards equality and the elimination of discrimination, the situation for women is deteriorating year after year. Since August 2021, the fundamental rights of women and girls have been effectively decimated through the promulgation of dozens of ordinances, decrees, and declarations: women can no longer move about freely; women are no longer allowed to work, including in the civil service, with very minimal exceptions; girls no longer have access to secondary and higher education; the Ministry for Women's Affairs and the Human Rights Commission have been dissolved; the public prosecutor's offices and courts responsible for combating violence against women have closed down. Since August 2024, a new law entitled the Law on the Promotion of Virtue and the Prevention of Vice has institutionalized discriminatory measures to effectively exclude Afghan women and girls from the public arena, including from the educational system and the labour market.
246. In addition to these violations under the law, further violations exist in practice. Discrimination, harassment and violence against women are commonplace and go unpunished. Because they are forbidden to work and move freely, women have lost their ability to support themselves. This fundamentally affects their human dignity and will have disastrous repercussions not only for several generations of girls, but also for Afghan society. As a result of this law, Afghan society is deprived of the economic, social, and political contributions of approximately half its population.
247. It is time for the fundamental rights of Afghan girls and women to be restored. We insist that the discriminatory policy of the de facto authorities be reversed without delay. All legislation



and practices that discriminate against girls and women in employment and occupation must be eliminated. All harassment and violence targeting girls and women must be prevented and combated by ensuring access to justice and the availability of effective remedies.

- 248.** The second issue concerns the non-conformity of the legislation on non-discrimination. Section 9 of the Labour Law, in both the private and public sectors, does not cover, in a sufficiently explicit and detailed fashion, all the grounds of prohibited discrimination. This legislative shortcoming has been mentioned for several years by the Committee of Experts, without Afghanistan communicating any improvement on this issue of non-compliance. We urge the de facto authorities to reconsider their position and finally bring national legislation in line with the Convention, so as to prohibit all direct and indirect discrimination.
- 249.** The third issue concerns discrimination against girls and women with disabilities. Although section 15 of the Law of Rights and Benefits of Persons with Disabilities enshrines the principle of the equal right for persons with disabilities to participate in social, economic, and educational life, the UN Human Rights Council has noted with deep concern that women and girls with disabilities are often exposed to multiple, aggravated, or intersecting forms of discrimination or disadvantage. The Committee of Experts reiterated its request that specific measures be taken to facilitate access to education and occupation for persons with disabilities, including for girls and women, and to promote their employment opportunities in the private and public sectors. There is an urgent need for Afghan society to put an end, in law and in practice, to this intersectional discrimination.
- 250.** The fourth issue concerns discrimination in access to justice and the absence of any effective remedies to violence against women and girls. The High Commissioner for Human Rights has noted that the legal and judicial systems have ceased to function since August 2021. The Ministry of Women's Affairs was closed down. The Independent Human Rights Commission was dissolved. Further, specialized courts for the elimination of violence against women and public prosecutors' offices have closed. Thereafter, the de facto authorities gradually set up a national judicial system and courts, which are now based on its interpretation of Sharia law. These changes to the judicial system do not guarantee respect for fundamental human rights and freedoms enshrined in customary international law and human rights instruments. Women and girls' access to justice has been seriously compromised and they no longer have access to remedies that were previously available. We urge that all necessary measures be taken to ensure access to justice in a non-discriminatory manner and ensure access to effective remedies.
- 251.** The Employer members recognize the difficulty of issuing recommendations based on consensus to a country whose de facto authorities are absent from this Committee. Their absence today and their failure to provide information to this Committee seriously impedes our ability to exchange information on the violations of the Convention, as observed by the Committee of Experts. Given the seriousness of these violations, we call on the de facto authorities – despite their repeated absence from and non-participation in the Conference – to provide full information on any progress made to end discrimination on basis of sex, as well as a copy of any new legislation to bring national legislation in conformance with the Convention.
- 252.** In addition, we insist that the protection of workers – both men and women – against discrimination in employment and occupation must be ensured in practice. No category or sector of workers should be excluded from this legal and judicial protection. We call for all necessary measures to be taken to define and expressly prohibit, in law, direct and indirect discrimination based on sex. The de facto authorities should repeal any legal provisions that



institutionalize discrimination on the basis of sex in all aspects of employment and occupation. We call for specific measures to facilitate access to education and vocational training for women and girls including those with disabilities and to promote equal employment opportunities in the private and public sectors.

- 253.** Finally, we urge that all necessary measures be taken to ensure access to non-discriminatory justice mechanisms and effective remedies regarding discrimination on the basis of sex. In addition, the de facto authorities must work actively to prevent discrimination and in particular raise public awareness on the fundamental principles of equality and non-discrimination. There is a long way to go. Not only must the existing legal framework be fundamentally transformed but the legal framework must also be applied in a manner so that girls and women are effectively protected. Because of the extreme seriousness of this case the Employer members are insisting that, as they did in 2023, a special paragraph on Afghanistan be added to the conclusions of our Committee's work.

Nicaragua (ratification: 2010)

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

- 254.** The representative of the Secretary General informed the Committee that, by communication dated 27 February 2025, the Government of Nicaragua has notified the ILO Director-General of its intention to withdraw from the Organization. In accordance with article 1, paragraph 5, of the Constitution of the ILO, the notice of withdrawal presented by the Government will take effect on 28 February 2027, provided that Nicaragua has, by that date, fulfilled all its financial obligations arising from its membership. It is important to remember that Nicaragua is currently bound and will remain bound by all the obligations arising from the Conventions it has ratified and the obligations relating thereto, for the period provided for in the said Conventions, irrespective of its status within the Organization.
- 255. Employer members:** Today we are discussing the case of Nicaragua, a country where, regrettably, the systematic nature of violations of fundamental labour rights has reached a point of extreme gravity. We do so with a deep sense of responsibility placed on us by this Committee, which defends the rule of law, freedom of association and the genuine tripartism that gave rise to this Organization.
- 256.** There is some background to the comments made by the Committee of Experts in 2024. The Convention was ratified by Nicaragua in 2010. Although it was never discussed in this Committee, observations were made by the Committee of Experts in 2018 and 2024. In its latest comments, the Committee of Experts observed that the UN Committee on Economic, Social and Cultural Rights and the UN Committee on the Elimination of Racial Discrimination, among other bodies, had expressed concern that the indigenous authorities elected in community assemblies were not recognized by the Nicaraguan Government, and that parallel governments had been set up to replace them. It therefore requested the Government to ensure coordinated and systematic action with indigenous peoples through their legitimate representatives in the policies and programmes that affect them.
- 257.** The Committee of Experts also observed the existence of a climate of violence on the North Caribbean Coast as a result of disputes related to land occupation, and deplored the fact that the Government had not provided information on the subject. These disputes have resulted in murders, disappearances and injuries. It also observed with concern the reports of physical, psychological and sexual violence against indigenous women. The Committee of Experts, in addition to expressing its deep concern, firmly urged the Government to ensure a climate free



from violence and adequate protection for the physical and psychological integrity of the peoples covered by the Convention.

- 258.** The Government did not provide information on the operation of the prior consultation mechanisms required by the Convention and, therefore, the Committee of Experts requested information on those procedures regarding any legislative or administrative measures that might affect these peoples directly. Finally, it observed an absence of the clarification of title to indigenous lands that had led to illegal invasions and violent conflicts over access to land. The Committee requested the Government to continue these processes and provide detailed information in this regard.
- 259.** The Employer members once again reiterate that we deplore violence in all its forms, and especially as it affects indigenous peoples and particularly women.
- 260.** In Nicaragua, a worrying duality persists in the application of justice. While certain offences go unpunished, others are prosecuted arbitrarily and selectively. This is a regrettable situation which benefits nobody, and which significantly prejudices legality and legal certainty.
- 261.** The case under discussion today, which focuses on compliance with the Convention, is part of a much broader and more alarming pattern of institutional repression. In Nicaragua, not only have indigenous voices been suppressed through the usurpation of their representation, the rejection of their traditional authorities and the dismantling of prior consultation mechanisms, but a climate of violence and impunity has developed which threatens the lives, identity and collective rights of indigenous peoples, particularly on the North Caribbean Coast, as documented by the Committee of Experts and multiple UN human rights bodies.
- 262.** The Employer members wish to emphasize that these practices are not isolated events. They have occurred in a context in which over 5,700 organizations have been illegally dissolved, including all the legitimate employers' organizations in the country, and in which all forms of independent representation have been completely dismantled. We would like to reiterate that, as a result of this destructive policy, the Higher Council for Private Enterprise of Nicaragua (COSEP), the most representative employers' organization in the country, has been destroyed together with the rest of Nicaragua's civic and institutional bodies. Its legal personality was revoked, its assets were seized, and its members were deprived, not only of their most basic rights, but also of their country, as they were stripped of their nationality and forced into exile. These very facts were condemned by the ILO Director-General in an official letter sent to the Government at the express request of the International Organisation of Employers.
- 263.** In Nicaragua there is no space for legitimate tripartism as we understand it in this House and as reflected in the fundamental ILO Conventions. There are no employers or workers organized freely and independently. What is left is a land stripped bare of its institutions and where fear and the arbitrary action of the authorities renders impossible the exercise of fundamental rights. What remains is a regime that has not only abandoned any will to engage in dialogue, but has also formally announced its withdrawal from the ILO, deepening its international isolation and its disdain for multilateralism.
- 264.** We would have welcomed the Government's presence today before this Committee to provide information on the application of the Convention, but it has not even registered a delegation for the Conference. As indicated by the representative of the Secretary General, the Government indicated in February 2025 that it was withdrawing from the ILO. Article 1 of the ILO Constitution provides that any Member State that withdraws from the Organization must give notice to the Director-General – which the Government of Nicaragua has done – and that such notice shall take effect two years after the date of its reception by the Director-General,



subject to the Member having fulfilled all financial obligations arising out of its membership. Furthermore, when the State has ratified an international labour Convention, all obligations arising thereunder shall remain valid in the State for the period provided for in that Convention. In the case of Nicaragua and Convention No. 169, the period when the Government may denounce it and, eventually, cease to recognize the obligations assumed under it, runs from 5 September 2031 for one year. In the meantime, the Government will be required to continue to comply with the Convention as ratified.

265. Nicaragua stated that it was withdrawing from the Organization due to the distortion of the ILO's purpose, as it was acting in a politicized manner by lending itself to destabilization and interventionist manoeuvres in issues that are the internal responsibility of the State. That is untrue: there is no interference of any kind in the internal affairs of the State, but rather an established process for the supervision of international Conventions ratified voluntarily by the State of Nicaragua, which it is not respecting. The Committee on the Application of Standards is the forum where it should answer for its non-compliance.
266. The Employer members understand that cutting off communications with the ILO may seem like a good short-term strategy for the Government, but it renders the situation of Nicaraguan workers and employers increasingly precarious. In view of this unsustainable situation, the Governing Body, at its 353rd Session in March 2025, decided to establish a Commission of Inquiry under article 26 of the ILO Constitution to consider the allegations contained in the complaint. That decision, adopted in light of the total lack of cooperation by the Government and the ongoing aggravation of the situation, represents a historic, firm and absolutely necessary step.
267. In conclusion, the Employer members reaffirm their commitment to the employers and workers of Nicaragua, to those who cannot be here today because they have been forced into silence or into exile. To them, we want to say that they are not alone, that this house of freedom and tripartism has not closed its doors or renounced its principles.
268. We ask this Committee to demonstrate clear support for the decision adopted by the Governing Body and to express forcefully that this Organization will tolerate neither impunity nor the denial of basic human rights.
269. **Worker members:** We are faced with a regrettable situation because the Government's absence demonstrates its lack of interest and, as has been described, its decision to withdraw from the ILO. As this Committee has indicated, this makes it necessary for us to engage in deep collective reflection. In accordance with the official information, this decision was announced in the context of the Governing Body session last March and, in the Worker members' view, constitutes an extremely serious act at the institutional level.
270. The ILO is an organization founded on the pillars of social dialogue, social justice and respect for international law. Therefore, the mere intention of withdrawal gives rise to deep concern, for both the workers and employers of Nicaragua, and for all the Nicaraguan people. Furthermore, it cannot be ignored that this measure has been announced in a context of reports of serious violations of international labour Conventions ratified by Nicaragua.
271. It is important to emphasize that, in accordance with the ILO Constitution, the withdrawal of a Member State does not have immediate effect. Article 1 sets forth a period of two years following the formal notification during which the country remains a party to the ILO and is bound to comply with the Conventions it has ratified, except for those that have been explicitly denounced, and in accordance with the envisaged procedure. This has not happened, particularly in respect of the fundamental Conventions, such as the Convention No. 87, and



other key instruments, such as Convention No. 169, that brings us together today and which remains fully in force in Nicaragua. Convention No. 169 is an essential tool for the protection of the collective rights of indigenous peoples. It recognizes their right to free, informed and prior consultation, respect for their cultures and traditions, and the protection of their territories, natural resources and ways of life. Although Nicaragua has expressed the wish to withdraw from the ILO, it is still obliged to comply with the provisions of this Convention, which has not been denounced.

- 272.** We must recall that, at the previous session of the Conference, Nicaragua was included in the list of double footnoted cases, an exceptional measure that responded to the gravity of the situation. The Governing Body has also been engaged in special follow-up of the case.
- 273.** As the Committee of Experts said in its report, “The Committee notes this information with concern. It notes with regret the absence of information from the Government on the operation of the participatory mechanisms for the various indigenous peoples in the country in the formulation of policies and programmes that affect them”. The Committee of Experts has also requested the Government to “indicate the manner in which it ensures coordinated and systematic action, with the participation of indigenous peoples through their representative institutions, in the policies and programmes that affect them”. It also noted with deep concern that all the information demonstrates the persistence of a climate of violence and attacks on the life and physical integrity of indigenous communities in the North Caribbean Coast Autonomous Region, which is related to land claims and processes for the clarification of land ownership by those communities.
- 274.** The Committee of Experts recalls that a climate of violence, as described here, constitutes a serious obstacle to the exercise of the rights of indigenous peoples set out in the Convention, and emphasizes that the absence of prosecutions and convictions of the perpetrators of acts of violence results in an unacceptable climate of impunity which affects the exercise of the rights of indigenous peoples. For further information, the report provides an in-depth analysis of the serious situation in Nicaragua. There was no response to this, nor is the Government here today.
- 275.** As we know, the ILO was established to protect the workers of the world and is based on the fundamental principle of tripartite social dialogue. This mandate must therefore guide all our actions. We are here: the Committee, the Office and the Governing Body. Diplomatic, institutional and technical efforts will perhaps be stepped up to establish channels of dialogue with the Nicaraguan Government, urging it to reflect and to reconsider complying with its international obligations.
- 276.** We, in the trade union movement, want the protection of workers. We want genuine tripartite social dialogue to be established, with respect and guarantees, and we want the entire Nicaraguan trade union movement to be safeguarded, as well as employers’ representatives. We also believe that the defence of labour rights and of indigenous peoples cannot be subject to unilateral decisions that isolate a country from the system of international protection. These principles that speak to sovereignty also speak of responsibility and summarize the mission that we have in the ILO; because we exist to ensure that people’s rights and workers’ rights are respected, and that observance of tripartite social dialogue is formalized, particularly when countries face difficult periods.



G. Adoption of the report and closing remarks

277. The Committee's report was adopted, as amended.
278. **Employer members:** The Employer members endorse the report of the Committee and recommend it for adoption.
279. We thank the Chair for the effective time management of our work, and all delegates for their discipline and cooperation, which enabled the Committee to successfully conclude its work on time. The Committee once again demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt conclusions in the cases discussed.
280. Regarding the discussions of the individual cases and the special sitting, the Employer members were pleased to note that the majority of governments constructively engaged in the process of the Committee and expressed commitment to engaging with the Office with a view to addressing the compliance issues discussed.
281. However, it is particularly serious and deeply regrettable that no government or authority representatives from Afghanistan or Nicaragua were present at the Conference this year, especially given that they had cases before our Committee. Both cases involved serious and pressing concerns, which makes the absence of the relevant governments or authorities all the more troubling. Their non-participation meant that the Committee was unable to hear their perspectives, which undermined the principles of dialogue and transparency and weakened the Committee's ability to ensure a fair and balanced discussion of cases.
282. We would like to emphasize that the supervisory system is a vital mechanism for upholding international labour standards. ILO members have a clear obligation to engage with this process, particularly when serious allegations relating to ratified Conventions are raised. We therefore urge all governments to honour their ILO membership commitments and engage fully and constructively with the ILO and its supervisory bodies. Meaningful participation is essential to accountability, trust and the integrity of the international labour system.
283. We also call on the Committee of Experts to adequately take into consideration the needs of sustainable enterprises in its compliance assessments to ensure balance in, and acceptance of, its recommendations. This important element, highlighted in the ILO Centenary Declaration, must be duly recognized in the context of the ILO's standards promotion, application and supervision. We would like to take this opportunity to encourage the members of the Committee, the Committee of Experts and the Office to continue to cooperate towards increasing the transparency, efficiency, balance, relevance and tripartite governance of the ILO standards supervisory system in good faith and in a constructive manner.
284. We would like to highlight a few proposals in this regard. Regarding the determination of double-footnoted cases, the Employer members would appreciate more transparency on the criteria followed to come to such a determination for each case. 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. This would not only allow for more transparency, but it would also ensure that objective criteria are faithfully respected and applied consistently.
285. On the discussion of individual cases, the Employer members observed that several interventions were outside the scope of the issues concerned by, and Conventions related to, the cases in question. Not only does this lead to unnecessary and irrelevant discussions which leads to inefficient use of our limited time as a Committee, but it also complicates the negotiation on appropriate conclusions. In short, it undermines the opportunity for the



relevant governments to benefit from the richness of a discussion that is on point. Accordingly, we consider it essential to keep the discussion focused on the relevant matters at stake in each case.

286. Regarding the credibility of the work of the Committee, we believe that our conclusions should fairly reflect the seriousness of the cases examined. This is a point on which the workers and employers must continue to collaborate and to refine. 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 straightforward 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] record of proceedings." In this regard, any long commentary and repetition of the observations of the Committee of Experts should be avoided while the focus should remain on the concrete actions expected from the Government concerned.
287. We would also like to place emphasis on the importance of the follow-up to the conclusions of the Committee. These conclusions represent tripartite consensus on compliance issues and, therefore, define and frame the mandate of related Office technical assistance and follow-up missions. In this spirit, ACT/EMP and ACTRAV specialists should be systematically involved in such follow-up action to assist employers' and workers' organizations from their respective countries and contribute to the solution to 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.
288. Finally, 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 and International Trade Union Confederation (ITUC), as Employers' and Workers' secretariats.
289. We firmly believe that 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 consultations on the working methods of the Committee.
290. In conclusion, the Employer members note with satisfaction the overall constructive operation of this year's session of the Committee. Discussions were held respecting time limits in most cases, consensus was reached wherever possible, and disagreements, where they existed, were respectfully highlighted.
291. I would like to conclude with words of thanks and appreciation to the International Labour Standards Department for facilitating this session. A special thanks goes to our Chairperson, Mr Tabai, for the excellent, fair, parliamentary running of the Committee's meetings this year, as well as its very effective time management. We are appreciative of your understanding, efforts and kind accommodation to enable us to complete our work efficiently and smoothly. Please allow me a moment to thank the Employers' Group, especially Sonya Jahani, Annick Hellebuyck, Guido Ricci, Fernando Yllanez, Jackie Vandermeulen, Juan Mailhos, Juliana Manrique, Michael Congiu, Laura Gimenez, Paul Mackay, Paul Noll and Tala Khoury, for their support and assistance in preparing and presenting the Employer perspective on individual cases and the General Survey. Also, to the whole Employers' group for their strong participation, thoughtful contributions, and continued commitment to social dialogue



throughout the two weeks of work in the Committee. I would like to express gratitude for the invaluable support of Rita Yip, Tess Mitchell and Emilie Villet from the International Organisation of Employers, and Maria Angeles Palmi Reig, Nuno Biscaya and Andres Yuren from ACT/EMP. Finally, I thank my friend, Tjalling Postma and his team, and the government representatives that participated actively in the Committee to ensure that our discussions were constructive and productive.

- 292. Worker members:** The adoption of the general report marks the end of our Committee's work and offers a timely opportunity to reflect on the role our Committee plays within the ILO. This role is central. Our Committee contributes to the founding objective of promoting peace and social justice, which the ILO set for itself upon its creation: to protect workers, guarantee human dignity, and put in place safeguards that prevent exploitation and a race to the bottom. In that regard, it ensures a level playing field for enterprises and governments. This is achieved by overseeing the proper application of international labour standards by Member States.
- 293.** It is through the promotion, ratification, development and effective supervision that we realize these goals of our founding. To fulfil this mandate at this session, we were able to examine most of the cases on our list and adopt consensual conclusions. This ability to reach consensus is an achievement that must be duly appreciated. The pursuit of such consensus must be guided solely by the aim of addressing the challenges faced by each Member State in the most relevant and effective way possible. The suffering and deprivation caused by violations of international labour standards – and the responses they require – should never be subject to political or strategic considerations that would distract us from the constitutional objective that must guide our Committee's work.
- 294.** While we were able to adopt conclusions in most cases, we regret that we were unable to examine the substance of the cases concerning Nicaragua and Afghanistan, due to the absence of the relevant authorities before our Committee. We call on the ILO Office to follow up with these authorities and to inform the Committee of Experts of the serious concerns expressed in these cases. The absence of a government cannot – and must not – exempt it from its obligations, nor can it justify depriving workers of their fundamental rights.
- 295.** As in previous years, we were also confronted with delegations that were not composed in accordance with the tripartite principles that govern the ILO. In some instances, governments want to choose their own worker organizations to attend the Conference instead of the genuinely most representative organizations. We are particularly concerned by the increasing frequency of such issues, which jeopardize the full participation of legitimate workers' representatives in our Committee's work.
- 296.** The involvement of all groups in the examination of cases is essential to enrich our discussions. We therefore call on all groups to continue to actively participate in the review of all cases. Let me thank them for their unwavering commitment throughout this session of the Committee.
- 297.** As in previous years, many of the conclusions adopted this year invite Member States to seek technical assistance. It is clear that the Office should enjoy, in consultation with the tripartite constituents, the greatest possible flexibility in assessing the most appropriate forms this technical assistance should take to adequately address and resolve the issues at hand. The effective implementation of our recommendations depends heavily on the follow-up. In this regard, we must reiterate that the ultimate objective is to see that our conclusions and recommendations are making an impact in the lives of workers and employers facing violations of their rights under the Conventions in question. The social partners have been creative in arriving at these conclusions, especially those related to missions. In these particularly challenging times, creativity is called for. It is our expectation that the Office, in



following up, will take this opportunity – working together with the secretariats of the Employers and Workers and their respective bureaus – to deliver missions that will be efficient, effective and make an impact.

- 298.** On the subject of impact, Worker members are of the view that that the promotion, ratification, and effective implementation – in law and in practice – of ILO Conventions is core to the normative mandate of the ILO and is the beginning of the cycle of positive change. Governments should take proactive steps, in consultation with their social partners and with ILO assistance, to bring this change and impact to the labour and social situation in their countries.
- 299.** We must call attention to the discussions that took place during the cases of Belarus and Panama. We already made the point on Belarus during the discussion. During the Committee's sitting, the representative of the Government of Panama made unfortunate and stigmatizing remarks about independent trade unions. Even more serious and unjustified allegations of criminality were made against the Single National Union of Construction and Similar Workers (SUNTRACS) during the plenary. This constitutes intimidation and is not acceptable. We must continue to insist on ensuring that, whether here in our Committee, the plenary, or at home, there is an environment where workers can be present and express themselves without feeling unsafe.
- 300.** The coherent and interrelated work of the supervisory system is seen during our work as a Committee. In particular, the report and follow-up by the Committee of Experts is central for us. We had fruitful interactions at the beginning of our session and support them fully in the independent and professional execution of their mandate.
- 301.** We had cause to come back to the issue of the right to strike at the beginning of our session, and hope that this matter will be put to rest in our Committee, in view of the working methods we have adopted for many years now. It is for the Governing Body, which referred the question to the ICJ, to receive its advisory opinion and agree on the best way forward, in line with the Constitution and mandate of the ILO.
- 302.** Taking the discussion as a whole in our Committee, it is also clear that there are areas where we already see common ground with our Employer counterpart, which will also be picked up in our continuous dialogue to improve the functioning of our Committee.
- 303.** On behalf of the Workers' group, I would like to extend my sincere thanks to the Chair of our Committee, who led the work with great care; the Rapporteur, for his diligent work; and the entire secretariat for its immense contribution. In particular, I would like to name the representative of the Secretary-General, Ms Corinne Vargha, and her deputies Mr Horacio Guido and Ms Karen Curtis. Ms Curtis will soon conclude her long and admirable career at the ILO. We thank her for her decisive contribution to the ILO's supervisory bodies, especially to the work of our Committee, and we wish her all the best for the future. We also extend our thanks to Rosinda and Carlos, the backbone of this Committee; to the interpreters and the technical team; to my counterpart from the Employers' group, Mr Moyane, who I have come to respect even though we do not always agree, for his attentiveness and patience. Of course, I also thank my group for their active participation and solidarity. I would especially like to acknowledge those who accepted the role of spokesperson alongside me. I would like to mention: Marta, Nina, Mikyung, Losi, Alejandra, Ann, Clare, Jocelyne, Stephen and Souleymane. Thanks also to our colleagues from the Confederation of Christian Trade Unions (ACV-CSC) and International Trade Union Confederation, for their steady and professional input and advice, as well as those from ACTRAV, for their support.



- 304. Government member, Poland,** speaking on behalf of the EU and its Member States, the candidate countries, Albania, Georgia, Montenegro, North Macedonia, the Republic of Moldova and Ukraine, and the EFTA countries, Iceland and Norway, members of the EEA, and Switzerland, aligned themselves with this statement.
- 305.** We would like to start by warmly thanking the Chair 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-Chairs and the Rapporteur for their constructive spirit, contributions and efficiency. We also thank the representative of the Secretary-General, Ms Corinne Vargha, and her team for their dedicated support and guidance throughout the sittings. We would like to take this opportunity to sincerely thank Ms Karen Curtis, Deputy Director of the Standards Department, for her key role in this support for numerous years. This is her last Committee in this function. We would like to extend our very best wishes for fulfilment in all her future endeavours.
- 306.** We welcome the discussions and the Constituents' positive approach and engagement in the process. However, we very much regret that two cases could not be examined, because the respective Governments chose not to engage or participate in the Committee. We would like to stress that the participation of government representatives in country case discussions is vital for the proper functioning of the ILO supervisory mechanism. It is not only an obligation for each Member State, but also an opportunity to receive guidance and assistance for future work towards complying with ratified Conventions. We equally regret that, for a second consecutive year not all conclusions could be adopted by consensus, 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.
- 307.** 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, including international labour standards, are fundamental for relations between peoples and nations.
- 308.** 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.
- 309.** 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.
- 310.** We are pleased that the Committee of Experts continues to deepen its cooperation with the UN Human Rights Treaty Bodies, crucial to enhance the effective fulfilment of human rights, including labour rights. We very much welcome the Office of the High Commissioner for Human Rights joining the Global Coalition for Social Justice. We note with regret that the situation we are in puts us off track to reach 2030 SDGs, and particularly SDG 8 on decent work and economic growth. In this regard, we aim at new impetus of the Second World Summit for Social Development to foster social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills.



311. We attached great value to the General Survey of the Committee of Experts, which presents a comprehensive overview of the vital relationship between a safe and healthy working environment and the prevention of employment injuries, enabling a reduction in the overall cost of employment injury benefits. Strengthening the culture of prevention at work, promoting the sustainability of enterprises and ensuring comprehensive and accessible social protection is urgent. We welcome the General Survey's recommendations for improvement.
312. We welcome 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 ILO's technical assistance, which may also entail missions.
313. 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 a constructive engagement with the ILO Office and the tripartite constituents in the follow-up to the conclusions of the Committee.
314. **Chairperson:** As we conclude the work of our Committee, allow me to express some words of gratitude. Chairing this Committee has been an immense honour and a privilege of which I am fully aware. Working by your side has been an enriching experience, both on a professional and personal level. I have learned a lot from the quality of your interventions, the wealth of your experience and the earnest commitment you have shown to the ideals upheld by our Organization. I have especially appreciated the spirit of constructive dialogue and mutual respect which has prevailed over all our discussions. Your contributions, which are always thoughtful and courteous, have added real value to our exchanges. For my part, I hope that I have led our work calmly, with mutual listening and an open dialogue.
315. I would like to express my profound gratitude to the government delegations for their engagement in the discussions on the individual cases. I dare to hope that the discussions held here will, in the spirit of progress, will contribute to the improvement of the situations evoked, for the benefit of your societies.
316. I warmly thank the two Vice-Chairpersons for their constant support and their valuable advice. Their experience and their ability to listen have been precious tools in the conduct of our work. I also thank the Worker spokesperson and the Employer spokesperson for their active involvement and spirit of responsibility, as well as all the delegations – governments, workers and employers – whose presence, interventions and cooperation have contributed significantly to the success of this session.
317. Special thanks go to the International Labour Standards Department, whose professionalism, rigour and dedication have enabled our Committee to function in the best conditions. Not to forget the interpreters and the technical team, whose discreet but essential support significantly facilitated our communication and the flow of our work. I express to them my gratitude.



- 318.** It has not been easy to take on this responsibility but it has been, without a doubt, one of the most enriching experiences of my career. I complete this mandate motivated by a deep respect for each of you, and huge pride in the work we have accomplished together. You have my heartfelt thanks and my most sincere wishes for success with your forthcoming commitments.

Geneva, 13 June 2025

(Signed) Mr Belgacem Tabai
Chairperson

Mr Marcelo Tapia
Reporter



Annex I

International Labour Conference
113th Session, Geneva, 2025

► CAN/D.1

Committee on the Application of Standards

Date: 2 May 2025



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 speaking times; 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 14 April 2025. These consultations confirmed previously established practices as well as 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:

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

- (a) compliance by Members with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution;
 - (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.

² See [para. 83](#) of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), International Labour Conference, 113th Session, 2025. A list of direct requests can be found in Appendix VII of the Report.



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 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

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.



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 *Achieving comprehensive employment injury protection*. The General Survey concerns the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), and the Employment Injury Benefits Recommendation, 1964 (No. 121).¹⁰
17. The informal tripartite consultations of April 2025 have confirmed the total time for the discussion of the General Survey, which should be a maximum of four hours, as well as the speaking times for the initial remarks of the Employer and Worker spokespersons, and also for the Governmental groups which had been increased in 2024.¹¹

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 the explanations provided by the governments concerned on the difficulties encountered, and the conclusions adopted by the Committee under each criterion are reflected in its report.
19. The governments concerned may, if they so wish, communicate written information on such failures one week before the date of the special sitting, i.e. **Tuesday, 27 May 2025**. This information will be published in three languages prior to the sitting.¹²
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:¹³
 - 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;

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 The informal tripartite consultations in March 2024 confirmed that this practice would be maintained.

¹³ These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).



- 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;¹⁴
- 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.¹⁵ 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 2024, the Committee of Experts issued urgent appeals to 17 countries that had failed to send the reports requested for three years or more.¹⁶ 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

¹⁴ This time frame begins at the 100th Session (2011) 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.

¹⁵ See [paras 9 and 10](#) of the General Report of the Committee of Experts, Report III (Part A), International Labour Conference, 107th Session, 2018.

¹⁶ See “[general comments](#)”, section I of Part II of the Report of the Committee of Experts, Report III (Part A).



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 Conference¹⁷ 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 consultations in April 2025, 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, 2 June 2025.
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 2013.¹⁸
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 "S". 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

¹⁷ Before Monday, 19 May 2025.

¹⁸ See [paras 95–101](#) 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.



full particulars to the Conference (“double-footnoted cases”).¹⁹ 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.²⁰

- 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.²¹

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.²² 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 of all the individual cases discussed are adopted at dedicated sittings at the end of the session of the Committee. The draft conclusions are transmitted to a person designated by the government concerned two hours before the adoption of the text.²³ 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 1980,²⁴ Part One of its report will contain a section entitled “Application of ratified Conventions”, in which the Committee draws the attention of the

¹⁹ See [para. 93](#) of the General Report of the Committee of Experts.

²⁰ Participants in the tripartite consultations in April 2025 noted that the adjustments made to the planning of the examination of cases had been useful and allowed for good time management, emphasizing the importance of the discussion of an individual case ending on the day it begins.

²¹ Since 2010, this document is appended to the General Report of the Committee.

²² See above Part III(C).

²³ The two sittings dedicated to the adoption of conclusions on individual cases are scheduled for Wednesday afternoon, 11 June, and Thursday morning, 12 June.

²⁴ See footnote 13.



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”.²⁵

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

²⁵ See section V.

²⁶ 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.

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).



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 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.²⁹ 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.³⁰ 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 April 2025, it was decided to maintain the speaking time limits established in 2024. 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;

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 See also article 30, para. 3, of the [Standing Orders of the International Labour Conference](#).

³⁰ Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes.



- 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;
- 5 minutes for the other members;³¹
- 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.

At the informal tripartite consultations in April 2025, the participants decided that the government whose case is being examined could decide to divide the 30 minutes allocated to it as it saw fit between its opening statement and its concluding observations.

- 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:³²
 - 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

³¹ This time limit may be reduced to three minutes by the Chairperson, in consultation with the other Officers of the Committee, particularly if there are more than 17 speakers on the list. In this case, the Office will try as far as possible to inform the delegates on the list of speakers.

³² These arrangements result from the informal tripartite consultations of March 2016, April 2023, March 2024 and April 2025.



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.

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 (113/III(A))

88. 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 2025.
89. 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.
90. 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.
91. 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.
92. 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 (113/III(A))

95. 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.
96. 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.
97. 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.
- ...
100. 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 amendments to the transcription of their statements 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
113th Session, Geneva, 2025

► CAN/D.2

Committee on the Application of Standards

Date: 2 June 2025

► 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
AFGHANISTAN **	111
PLURINATIONAL STATE OF BOLIVIA	162/167
BURUNDI	94
CHAD **	182
ECUADOR **	98
EL SALVADOR	98
GEORGIA	87
GHANA	103
GUINEA-BISSAU	26
HONDURAS	87
HUNGARY	87
ISLAMIC REPUBLIC OF IRAN	111
IRAQ	87
KYRGYZSTAN **	81
LIBYA **	29
MALAYSIA	98
NEPAL	98
NICARAGUA	169
PANAMA	122
REPUBLIC OF MOLDOVA	98
SLOVAKIA	144
SRI LANKA	138
UZBEKISTAN	81/129
ZAMBIA	29

** Double-footnoted cases



► Report of the Committee on the Application of Standards

Discussion on the General Survey, on the report of the Joint ILO–UNESCO Committee of Experts and on the situation concerning particular countries





► Record of Proceedings

4B

International Labour Conference – 113th Session, Geneva, 2025

Date: 11 July 2025

Part Two

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 Two

Discussion on the General Survey, on the report of the Joint ILO–UNESCO
Committee of Experts and on the situation concerning particular countries

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I. Discussion on the General Survey

Achieving comprehensive employment injury protection

Chairperson – We now turn to the second item on our agenda: the discussion of the Committee of Experts' General Survey on a number of Conventions and Recommendations relating to employment injury benefits, entitled *Achieving comprehensive employment injury protection*.

I will now open the floor for discussion on the General Survey. I invite the two vice-chairpersons to deliver their opening remarks.

Employer members – Today we are discussing a report entitled *Achieving comprehensive employment injury protection*. Comprehensive does not simply mean all-encompassing coverage. It also means ensuring coherence in and between instruments, respecting basic common principles, staying in line with the core provisions of the fundamental Conventions, while at the same time allowing room for and respecting national laws and practice to accommodate specific situations and needs. May I point your attention to the discussion in the Standard-Setting Committee on Biological Hazards (CNB) of this Conference.

In the CNB, injury benefits are also debated but in a fragmented, isolated way, not coherent with the existing ILO instruments. The protection of the worker against sickness, disease and injury arising out of employment lies at the heart of the ILO's mandate as set out in the Preamble of its Constitution. The Employer members, therefore, would like to thank the Committee of Experts and the Office for preparing this General Survey on the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Social Security (Minimum Standards) Convention, 1952 (No. 102) (Part VI), the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), the Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25), and the Employment Injury Benefits Recommendation, 1964 (No. 121).

The Employers note that information sent by 129 governments as well as by 30 workers' organizations and 11 employers' organizations was considered in preparing the General Survey. We take note of the good practices, challenges and the mapping obstacles to the ratification and implementation of the instruments under examination. We thank the Committee of Experts for its review and take note of the ratification rates of the instruments. We note that Convention No. 19 has the highest number of ratifications (121) among the instruments examined. Convention No. 12 has 77 ratifications and Part VI of Convention No. 102 has 51 ratifications and acceptances. However, we note that Convention No. 121 has a low ratification rate of only 24.

As a fundamental part of the social protection umbrella, ensuring protection against employment injury contributes to the realization of inclusive and well-functioning economies, decent work, productive employment, sustainable enterprises and inclusive growth. For countries that ratify ILO social security standards these goals should be pursued by taking into account national specifications, priorities and resources, the core principles established in the ratified standards in coordination with the other public policies including employment policy and through tripartite social dialogue. We also take note that although Convention No. 102 was the subject of the 1961 and 2011 General Surveys, this is the first occasion on which the social security instruments Conventions Nos 12, 19, 102 (Part VI) and 121, and Recommendations Nos 25 and 121 have been examined together in a General Survey in relation to the provision of employment injury benefits.



The Employer members welcome paragraphs 8 to 10 of the General Survey on the link between the prevention of employment injury and benefits. We believe that prevention is essential regarding occupational safety and health measures and agree that this directly reduces the number of work-related accidents and occupational diseases, thereby decreasing the costs associated with employment injury benefits and contributing to the financial viability of employment injury benefit schemes. The notion of protection recalls that of prevention. It is in fact through prevention that risks are mitigated and occurrence of work-related injuries and illnesses is minimized. Employment injury schemes should therefore be considered closely linked to occupational safety and health. The responsibility to provide fair, equitable and effective compensation for workers and their access to necessary healthcare covering medical and allied care services and goods, including rehabilitation in cases of injury or occupational disease, derives from the responsibility to ensure working conditions that secure the occupational safety and health of workers.

In the Employer members' view, reducing the incident of occupational injuries and disease represents the best way to contain associated costs. This conviction is based on the consideration that most work-related accidents, incidents and ill health episodes can be prevented if a prevention culture and mechanism is applied.

Alongside employment injury schemes it is therefore essential to also develop adequate prevention mechanisms with regard to occupational safety and health by, for instance, training labour inspectors and developing monitoring mechanisms in which the social partners would play a bigger role as a means to combat illegal and informal labour.

While having adequate resources in the workplace is essential, raising public awareness and social acceptance to learn relevant and up-to-date information on preventive measures are equally important to build a preventive culture. In this regard, workers' responsibility should also be explicitly acknowledged in different regulations. Following these general remarks the Employer members would now like to provide more specific comments on the individual chapters of the General Survey.

Part I (Principles, contingencies and coverage relating to employment injury protection), Chapter 1 (Objectives, purpose and key features of employment injury protection). In this regard, the objectives, purpose and key features of employment injury protection, and in relation to key features of employment injury protection schemes, we agree that employers should not be solely and directly responsible for providing employment injury benefits. Shared responsibility is very essential.

We welcome the approach set out in paragraph 40 of the General Survey that the pooling of financial resources and risk sharing ensure, on the one hand, adequate protection for workers and, on the other, promotion of enterprise sustainability and avoids placing an individual financial burden on employers.

We fully agree that the State must assume general responsibility for the proper administration of the scheme and the due provision of employment injury benefits.

Turning now to employer liability mechanisms, we insist that this must be understood and discussed with full regard to, and analysis of, the specific national circumstances and context. We note the range of examples in different countries where employers are legally obliged to provide liability mechanisms and employment injury benefits as indicated in paragraph 50 of the General Survey. The differences are vast, highlighting the need for an understanding of the national context. For example, the General Survey points out that in Sierra Leone, employer liability insurance is mandatory for employers with more than five employees.



In contrast, in Australia, a company employing at least 2,000 workers must demonstrate that it meets minimum requirements regarding financial strength and liability to be able to self-insure.

The Employer members highlight the fact that Convention No. 102 (Part VI) and Convention No. 121 rule out employer liability mechanisms where each individual employer is solely responsible for paying compensation. The same applies to schemes offering voluntary liability insurance to employers to provide compensation for employment injuries. We agree that employer liability schemes with the obligation to take out insurance may also have certain shortcomings adversely affecting injured workers, their families and employers.

The Employer members also believe that voluntary insurance systems regulated by the State but not necessarily subsidized by the State should be considered as qualifying coverage. Regrettably this aim was achieved only partially in the text of the Convention.

Further regarding Convention No. 102 at the time of adoption, the Employer members emphasized that a Recommendation would have been more appropriate, especially for an instrument the scope of which might encompass population groups other than just employees and in order to provide more flexibility in applying social security standards.

Overall, Convention No. 102 demonstrates that ILO social security standards including employment injury benefits remain more relevant and achievable in developed countries. Therefore, some doubts still exist as to whether the Convention has succeeded in setting realistic universal minimum standards.

We also take note in paragraph 53 of the General Survey that benefits provided under employee liability mechanisms are often time-limited or given as a lump-sum payment and that this is contrary to the requirements of the ILO social security Conventions, which require the provision of medical care and cash benefits throughout the whole period of the contingency.

Further, that while private insurance schemes make it possible to mitigate public deficits resulting from the need to cover increasing social expenditure, we highlight the fact that such schemes may also involve higher costs for workers and enterprises.

Regarding comprehensive employment injury protection, we take note that many national employment injury protection schemes have shifted from a purely compensatory function to strengthening protection against employment injury.

Further, that the Social Protection Floors Recommendation, 2012 (No. 202), reaffirmed such an integrated approach by ensuring the coordination of combined preventive, promotional and active measures with benefits and social services. The Employer members agree and welcome the Committee of Experts' emphasis on the importance of an integrated approach towards employment injury protection.

Chapter 2 (Employment injury contingencies): Regarding occupational diseases and in particular mental health, the Employer members are concerned with information in paragraph 98 of the General Survey which refers, in the case of Spain, to an increase in absence due to mental health by 81.54 per cent in 2022 by comparison with 2016. However, this was referred to without reference to any study or official source that collects data, which detracts from the rigour of the data itself. We would seek the Committee of Experts' clarification on this matter and also request that it provides the sources of information in future General Surveys.

With regard to Chapter 3 (Personal coverage), we turn now to workers in digital platform employment.



In paragraph 166, we take note that less than 20 per cent of workers on online platforms reported being covered against employment injury. However, we have doubts regarding the statement that without adequate social security protection workers have to take out private insurance. The Employer members suggest that this depends on the nature of the work. For example, intellectual work does not necessarily need occupational accident or illness insurance. Further we question if indeed the benefits are much less favourable than those provided by social insurance schemes. Rather the Employer members believe that this depends on the insurance product and note that there are more favourable benefits in relation to accidents.

Overall, we would like to highlight the fact that some countries, for example the Netherlands, do not have a specific regime for occupational risk and rather it is the same system regardless of the status of the worker and the same for citizens.

Part II (Benefits and other related services), Chapter 4 (Medical care and allied benefits): With regard to treatment at the place of work in paragraphs 196 and 197, the Employer members note that there may be a need to ensure the provision of first aid or treatment of a slight injury while not precluding other forms of treatment that might be considered more effective. We agree that in certain circumstances injured workers may require emergency treatment or any other immediate medical attention.

We recognize and embrace the role of employers in this regard too and some countries provide first-aid supplies or facilities. We take note of the range of services available in different countries surveyed and recognize that prompt medical response must, where possible, be available in the workplace. However, once again we suggest that the level of the expected care must be country- and context-specific.

Regarding medical care and allied benefits overall, however, the Employer members believe that the primary responsibility to help realize the right to social security lies with governments. While there should be space for private insurance as a complement to the government's mandatory responsibility, the government is still obliged to fulfil its duties. By placing the general responsibility on the government, ILO standards oblige it to regulate the provision of private social security so as to mitigate possible negative effects.

Chapter 5 (Employment injury cash benefits): Regarding employment injury cash benefits, we would like to highlight the following specific points. First, regarding the waiting period and duration of payment in paragraph 231, the Employer members consider that regulation is not well defined regarding Spain. It is recommended that it be revised as follows: "The Spanish system regulating the change from temporary incapacity to permanent incapacity is as follows: Temporary incapacity leave has a maximum duration of 12 months although this can be extended for up to 12 more months in 2 periods of 6 months if it is foreseen that recovery is possible in that period or if there are delays regarding appearance before the medical court to obtain permanent incapacity. If, after the maximum time allowed for temporary incapacity, the worker has not improved sufficiently to return to work, a change to permanent incapacity could be considered." We note that, in any case, the National Social Security Institute will not recognize the right to permanent incapacity before the end of the temporary incapacity. If the application for permanent incapacity is rejected, the worker may be automatically discharged. Second, in relation to children, specifically paragraph 305 on children with disabilities, we note that there is no age limit in terms of entitlement to a survivor's benefit. We welcome this practice of Member States and note that this inclusive approach reflects best practices and aligns fully with protecting vulnerable dependents. Third, we agree with the prescribed ceiling to limit the total amount of pension provided to several dependents, as noted in



paragraph 318. We welcome the country examples, including the Greek system, which ensures that total survivors' pensions do not exceed the deceased worker's prior earnings. We emphasize this as a crucial measure for fiscal sustainability and support its continued application as both fair and actuarially sound. Fourth, regarding the duration of payment, we agree that a survivor's pension generally terminating upon remarriage is in line with Convention No. 102, Article 69(j) and Convention No. 121, Article 22(g). The Employer members believe that this reflects a widely accepted international standard and allows for targeted benefit allocation.

Chapter 6 (Prevention of employment injuries), with regard to education and training: In paragraph 363, with specific regard to Spain, we believe that the information should make it clear that the Spanish Health and Safety Strategy and its Action Plan were agreed to with the social partners.

Its revision and clarification are recommended as follows: "The Government of Spain indicates that both the Spanish Strategy for Safety and Health at Work 2023–2027 and its Action Plan 2023–2024 were agreed in the social dialogue with the social partners (Spanish Confederation of Employers' Organizations (CEOE), Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME), Trade Union Confederation of Workers' Commissions (CCOO) and General Union of Workers (UGT)) and include a set of measures to improve occupational safety and health management in small and medium-sized enterprises (SMEs)."

Chapter 7 (Vocational, rehabilitation and employment of persons with disabilities): Further, under employment of persons with disabilities, the information in paragraph 393 is incomplete. The following revision is recommended: "Regarding Spain, special employment centres may be created both by public administrations and entities, natural or legal persons which have the legal capacity to act as employers either directly or in collaboration with other bodies or entities, and it is essential that they be qualified and registered."

Part III (Legal, administrative and financial safeguards to enable employment injury protection). Chapter 8 (Administration and financing of employment injury protection schemes): With regard to paragraph 402 in the French translation, the use of the term "work accident and occupational disease insurance schemes" is incorrect and we propose the correct term is "occupational diseases". We take note of the examples of institutions which are responsible for accidents at work and occupational illness. However, we would point out that regarding Belgium, indeed, the Federal Agency for Occupational Risks (FEDRIS) provides insurance for occupational illness; however, it does not provide for accidents at work. FEDRIS had a role in accidents at work, but since 1 January 1988, the sector has been privatized, so victims are compensated by private accident at work insurers. FEDRIS only intervenes for victims who had an accident at work before 1988, for the merchant navy and sea fishing sector, and for victims of an employer who is not insured.

Chapter 9 (Procedures to ensure the due provision of benefits). The Employer members agree with paragraph 447 and that well-designed delivery mechanisms and processes are crucial to ensure effective prompt and efficient access to medical care and cash benefits for injured workers and their dependents, including clear and simple claim procedures along with transparent decision-making by the competent authorities. Further, that complaint and appeal mechanisms must be fair, accessible, affordable, transparent and expeditious, including for foreign workers and their dependants residing abroad.

Part IV (Achieving the potential of the instruments). Finally, regarding ratification, we insist that it should be preceded by thorough technical and fiscal assessments while preserving national flexibility in areas such as benefit structuring and administration.



As a general principle, we consider it important to carry out an impact assessment prior to the ratification of an international labour Convention with particular attention to whether national legislation adequately meets the requirements of international law and whether the transposition of international provisions is effectively ensured.

Worker members – I will share the time allocated for introductory remarks with three other colleagues.

This year's General Survey focuses on employment injury protection, a timely and highly relevant subject in light of the growing risks faced by workers today. The General Survey examines six key ILO instruments (four Conventions and two Recommendations). The rising complexity and frequency of work-related risks make it all the more urgent to identify new areas of action and to strengthen existing frameworks that protect workers and their families from the devastating consequences of employment injury.

The right to social security including protection in the event of employment injury is a cornerstone of the ILO's mandate.

The Preamble of the ILO Constitution highlights this very obligation as central to our mission.

Many of the ILO's foundational Declarations, including the Declaration of Philadelphia and the ILO's Centenary Declaration for the Future of Work, reaffirm the imperative to establish and maintain social security mechanisms that provide livelihoods for all those in need.

In 2017, the inclusion of employment injury instruments in the annexes of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy further elevated the visibility and importance of this area within the ILO's work.

International human rights frameworks such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights also enshrine the right to social security.

These commitments are reinforced by various regional instruments.

Comprehensive, effective and well-functioning employment injury protection schemes are essential to achieving the Sustainable Development Goals (SDGs).

In particular, they contribute to target 1.3 of SDG 1 relating to the eradication of poverty through social protection systems, target 3.8 of SDG 3 on universal health coverage and target 8.8 of SDG 8 on the promotion of safe and secure working environments, decent work and economic growth.

The Worker members fully endorse the Committee of Experts' view on the mutually reinforcing relationship between a culture of occupational safety and health and the expansion of employment injury benefit schemes.

In 2022, the ILO constituents recognized the safe and healthy working environment as a fundamental principle and right at work, thereby reaffirming the importance of preventive measures in occupational safety and health. Despite advances in occupational safety and health in recent decades, workplace accidents remain alarmingly widespread. In 2019 alone, more than 395 million workers worldwide suffered non-fatal occupational injuries. Annually, 2.93 million workers lose their lives due to work-related causes, representing 6.7 per cent of all global deaths.

Although many countries are taking steps to extend social protection for employment injuries, less than half of the global labour force is legally covered for employment injury cash



benefits. In practice, even fewer actually receive them. Disparities between regions are stark with some of the lowest coverage rates observed in areas where injury incidence is highest. This is both a global and a local issue. It affects all of us and has far reaching social and economic consequences. Addressing it must be a shared priority. At the heart of this challenge lies the issue of financing. States bear the ultimate responsibility for ensuring the proper administration of social security institutions and services and for guaranteeing the due provision of benefits.

The proper functioning of employment injury benefit schemes depends heavily on their financial sustainability and the availability of adequate resources to cover expenditure on benefits administration and preventive and rehabilitation measures. Such schemes should be based on social insurance principles, mandatory coverage of workers and sound financing to resource pooling and risk sharing. Those schemes should also be based on clear and transparent procedures for claim-processing and payment of benefits without the need to provide fault on the part of the employer so as to enable the provision of a comprehensive range of employment injury benefits in a fair and timely manner.

Finally, the Worker members underscore the critical importance of participatory governance. In many countries employment injury schemes are administered by tripartite bodies and this model should be upheld. Strong social dialogue lies at the core of the ILO's identity and its effectiveness. Good governance depends on it.

We therefore urge all Member States to promote and strengthen participatory mechanisms in the management of employment injury protection schemes.

Another Worker member, speaking on behalf of the Worker members – As my colleague noted, we are witnessing more and new risks relating to employment injuries. This trend means that it has never been more urgent to ensure that worker protection mechanisms are as broad and inclusive as possible.

In many countries, the definition of “employment injury” is interpreted broadly, including, among others, accidents occurring during breaks and non-working days, outside the workplace, while working remotely and, as we all know, during the COVID-19 pandemic. We regret, however, that in some Member States commuting accidents, or so-called accidents *in itinere*, are still not recognized as employment accidents.

With regard to occupational diseases, we note with concern that not all the 29 diseases listed in Schedule I of Convention No. 121 are fully covered by the national legislation of the Member States that have ratified that Convention.

We fully support, therefore, the call made by the Committee of Experts to apply the principle of the presumption of occupational origin to the diseases listed in Schedule I. That presumption is particularly crucial in countries where a small number of occupational diseases affects a broad segment of the labour force.

Similarly, the list-based system is particularly useful in contexts where scientific and medical resources are limited since it offers a practical means of establishing links between certain occupations and specific diseases.

The Committee of Experts is also right to highlight a grave concern that workers are made responsible for proving the occupational origin of diseases that, although included in Schedule I, are not reflected in national lists. Requiring such proof constitutes a double burden on affected workers and is an unacceptable injustice for persons already suffering the consequences of an employment accident.



It is also important to encourage Member States to go beyond Schedule I and recognize other occupational diseases that, although not included in national lists, fall within that general definition of occupational disease.

Given the rapid and profound transformations in the world of work, it is essential to update national lists of occupational diseases periodically on the basis of scientific evidence, technological progress and emerging knowledge, with the significant participation of the social partners.

In addition to diseases linked to new technologies and changes to labour organization, we cannot ignore those caused by violence in the workplace, including psychosocial and mental health risks. Our societies are facing a rise in psychological stress and mental disorders, and there is therefore an urgent need to extend employment injury protection to those risks.

We must remember that the Violence and Harassment Recommendation, 2019 (No. 206), establishes clearly that victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work.

Certain sectors and groups of workers are particularly vulnerable to workplace violence and harassment. They frequently face ethical stress, increased workloads and difficult working environments. It is therefore vitally important to prevent these risks and guarantee access to both medical care and cash benefits for affected persons.

The relevant ILO Conventions stipulate that employment injury protection schemes must cover the following four contingencies: 1. morbid conditions; 2. incapacity for work resulting from such conditions involving suspension of earnings; 3. total or partial loss of earning capacity likely to be permanent, or corresponding loss of faculty; and 4. the loss of support suffered as the result of the death of the breadwinner.

The General Survey offers a valuable overview of how these contingencies are addressed in different Member States. In some, a single comprehensive scheme provides full coverage; in others, some of these contingencies can be covered by different schemes through employer liability mechanisms.

To align with these ILO Conventions, it is vital to ensure that, regardless of how these schemes are structured, all workers have the right to medical care and cash benefits that meet at least the minimum standards.

Work should allow workers and their families to lead decent lives. Work is the foundation of our societies' prosperity, but when that work causes harm, it is our collective duty to prevent it, provide adequate compensation and offer redress. That is the responsibility that we all share.

Another Worker member, speaking on behalf of the Worker members – My colleague has emphasized the gaps in employment injury coverage. And there is another fact that is just as worrying: the majority of workers in the world are still not covered against employment injury. The Committee of Experts notes that effective global coverage is only 37.4 per cent, with significant regional differences.

It is therefore essential to extend effective coverage to comply with the requirements of Conventions Nos 102 and 121. That must include all workers, including self-employed workers, apprentices, members of cooperatives, and their dependants, as envisaged by Convention and Recommendation No. 121.



The General Survey highlights persistent shortcomings in several key economic sectors. Only 36.9 per cent of domestic workers are covered, a category that is composed mainly of women with a migration background, and who are often excluded by working hours and earnings thresholds.

Agriculture, which employs over a billion people, is one of the most dangerous sectors, accounting for one third of fatal accidents worldwide. Climate change is aggravating this situation, thereby emphasizing the urgent need for the adaptation of social protection systems. We also draw attention to the instruments under examination, which call for the extension of coverage to self-employed agricultural workers.

Seafarers and fishers, who are exposed to a high risk of accidents, are often poorly protected. Although certain come under general systems, others have no protection or are subject to inequitable treatment. We call on Member States to reinforce bilateral and multilateral agreements in order to guarantee equitable treatment for these workers.

It is just as vital to ensure the coverage of workers in the informal economy. Recommendation No. 121 specifically calls for States to extend the application of their legislation providing for employment injury benefits to workers who are not in a formal employment relationship. As women are over-represented in the informal economy, this is also an issue of social justice.

We therefore support the call made by the Committee of Experts to promote the formalization of informal workers and their inclusion – them and their employers – in contributory social security schemes so as to ensure the effective coverage of employment injury protection.

That should be combined with the strengthening of labour and social security inspection mechanisms with a view to ensuring compliance, and with efforts to inform workers of their rights. Administrative procedures should be simplified with a view to addressing the challenges described by the Committee of Experts and ensuring that these rights are accessible to all workers.

Employment injury coverage must be accompanied by rapid access to adequate medical care and cash benefits. Care must be provided for as long as is necessary, without arbitrary limitations on its duration. The setting of maximum periods of coverage or the imposition of qualifying conditions compromises the recovery of workers, particularly in the case of serious or long-term injury. Conventions Nos 102 and 121 specify that medical care shall be provided until full recovery or the stabilization of the state of health.

With reference to cash benefits, they must be paid without a waiting period, as soon as temporary incapacity occurs, and throughout its duration. Any waiting period risks plunging families into precarity. In the event of the death of the worker, survivors must receive full compensation.

We emphasize that no workers should be excluded from care by reason of their work history, seniority or contribution record. Entitlement to care must be immediate, as soon as the injury occurs. Moreover, costs to be met by patients, such as cost sharing, constitute an obstacle, particularly for workers on low earnings. We therefore call on Member States to provide these services free-of-charge, as guaranteed by Conventions Nos 102 and 121, and to ensure that no worker is denied treatment on the grounds of financial constraints.

The Committee of Experts also emphasizes that many obstacles remain in practice: lack of infrastructure and skilled personnel, high costs, long delays and the uneven quality of



services, particularly in rural areas. We therefore urge Member States to invest in health systems, particularly in regions that are not well served, in accordance with the requirements of Recommendations No. 202 and the Medical Care Recommendation, 1944 (No. 69).

Another Worker member, speaking on behalf of the Worker members – Effective coverage is key to ensuring meaningful protection against employment injury. Next to workers in the informal economy, we must acknowledge the growing number of workers in non-standard forms of employment who remain inadequately protected.

This includes temporary, part-time and casual workers, as well as those in SMEs and the platform economy. Drawing on my own experience in the Republic of Korea, I have seen first-hand the rise of subcontracting and platform-based work models that obscure employment relationships and leave many without access to basic protections. The Committee of Experts notes that fewer than 20 per cent of online platform workers report being covered against employment injury.

We therefore strongly support the progressive extension of employment injury protection not only to all employees, but also to the self-employed and others, in line with Recommendation No. 121. This must include clearly defining the employment status of platform workers.

Migrant workers also face heightened risks due to their concentration in hazardous jobs, and they often experience unequal access to employment injury benefits. We echo the Committee of Experts' call for Member States to ensure equal treatment for all workers regardless of residence status. Practical barriers must be removed, and the portability of benefits must be guaranteed through stronger bilateral and multilateral agreements. Equal access to social protection is vital for more inclusive and safer labour markets.

Prevention and rehabilitation are central to any just and effective labour protection system. The ILO has long emphasized the deep connection between a strong labour protection system and employment injury schemes. Investing in prevention saves lives, preserves livelihoods and reduces the immense social and economic cost of work-related injury and illness.

The rapid development of digital technologies adds urgency to this issue. Automation and digital tools can reduce exposure to traditional workplace hazards and improve the administration of social security systems, but they also introduce new risks. Our systems must adapt to protect workers from these evolving challenges and ensure that technological progress does not come at the cost of worker health.

Convention No. 121 calls on Member States to take proactive steps to prevent accidents and occupational disease, notably by adopting national occupational safety and health policies that include worker training, awareness campaigns and data-driven prevention strategies. These steps are key, especially in high-risk sectors, such as agriculture, construction, fishing and manufacturing.

Workers in SMEs deserve special attention, as these enterprises often lack the resources and capacity to fully implement occupational safety and health standards, placing their workers at greater risk. Similarly, migrant workers, who are often found in dangerous jobs, require better protections.

Any incentives to encourage employers to enhance workplace safety should be rooted in an accurate and transparent reporting system.



Nearly 1 billion people globally live with disabilities, the majority of working age. Yet only one third are employed. Conventions Nos 102 and 121 call for comprehensive rehabilitation measures to help injured workers regain their capacity and re-enter the workforce.

The Worker members recall that these services must be available even in rural and remote areas. During the rehabilitation period, it is crucial that workers continue to receive cash benefits to avoid being forced back to work prematurely, undermining both recovery and reintegration.

We are also concerned by the application in some countries of excessive qualifying conditions and inadequate financial support for workers, particularly those with partial disabilities. This is the case, for example, in the Netherlands, where the incapacity threshold to qualify for compensation is currently still set at 35 per cent, while benefits are calculated at a flat rate based on the minimum wage, not the worker's previous earnings. These limiting conditions are incompatible with the requirements set out in Convention No. 121.

Finally, we urge Member States to promote inclusive employment policy through strong social dialogue and to eliminate discrimination against persons with disabilities.

Prevention and rehabilitation are not just a response to injury, they are essential to building a fairer and more resilient labour system.

Government member, Poland – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries **Albania, Georgia, Montenegro, North Macedonia, Republic of Moldova, Türkiye** and **Ukraine**, , and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

We warmly welcome the General Survey of the Committee of Experts, which presents a comprehensive overview of the vital relationship between a safe and healthy working environment and the prevention of employment injuries, enabling a reduction in the overall cost of employment injury benefits.

Employment injury protection is grounded in international labour standards through the ILO instruments analysed in this General Survey.

We share concerns about the continued prevalence of employment injuries, with more than 2.93 million workers dying every year from employment injuries accounting for 6.71 per cent of all deaths worldwide. Strengthening the culture of prevention at work, promoting the sustainability of enterprises and ensuring comprehensive and accessible social protection are crucial. The extension of employment injury benefit coverage is particularly needed for workers in high-risk sectors and in vulnerable situations.

In the context of climate change, employment injury protection becomes even more important, as climate change negatively impacts workers' health in all regions of the world and may also result in increased work-related accidents and occupational diseases. Similar concerns will also arise with other types of crises in the future and we will pay particular attention to them. Experience has shown that comprehensive and inclusive social security systems based on principles of solidarity are valuable socio-economic stabilizers for overcoming all types of crises.

The work environment shall prevent illness and accidents and take into account and address the impact of technological changes on workers' health. Cognitive, visual and sensory overload at work, as well as other psychosocial and ergonomic risks, may adversely affect the



physical and mental health of workers and necessitate corresponding adjustments in employment injury protection.

We appreciate the significant focus placed by the Committee of Experts on the development of concepts to promote mental health and prevent psychosocial risks, which are becoming increasingly relevant in modern work environments.

We would like to highlight the importance of preventive occupational safety and health policies. Implementing inspections, training and awareness campaigns is crucial to reducing injuries, thereby protecting workers and the sustainability of enterprises. To this end, effective and inclusive social dialogue remains crucial.

We support the focus of the Committee of Experts on the critical role of vocational rehabilitation and employment integration for persons with disabilities. We need policies and strategies to prevent and eliminate discrimination against persons with disabilities. Coordinated health, labour and education policies are crucial for reintegration.

We acknowledge the recommendation of the Committee of Experts on the importance of establishing and maintaining employment injury protection schemes based on social insurance and the compulsory coverage of workers. Comprehensive protection against accidents at work also supports resilient, inclusive and fair labour markets globally. In order to achieve the objective of comprehensive and adequate protection against accidents at work for all workers, the ILO instruments in the field of social security should be further promoted. Recommendation No. 202, which provides governments with the necessary guidance to build comprehensive and inclusive social security systems, is particularly relevant.

It is essential that governments invest in their labour inspection systems in line with the principles enshrined in the ILO Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), to ensure that rights are effectively implemented. Beyond well-equipped administrations for handling complaints, managing requests and paying or guaranteeing the required benefits, the use of new, inclusive digital technologies can support the administration and realization of rights. Appeal procedures as inexpensive as possible should be made available to enable individuals to assert their rights.

At EU level, the 2019 Council recommendation encourages Member States to provide coverage of benefits in respect of accidents at work and occupational diseases for all workers. At the level of the Council of Europe, the revised European Code of social security complements ILO instruments in ensuring adequate employment injury protection.

We support the strong offer of ILO technical assistance in legal reform, capacity-building and policy development to strengthen the employment injury protection framework.

Interpretation from Arabic: **Government member, Kuwait** – I am speaking on behalf of the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar and the State of Kuwait, members of the Gulf Cooperation Council. We welcome the efforts of the Committee of Experts and the ILO to prepare this General Survey, which offers a unique occasion to strengthen international labour standards. That can make it possible to progress from theory to practice.

We commend the Member States that made their contribution to this General Survey by providing information to the Committee of Experts and sharing their experience in the field under examination, which is of great importance. We wish for a working environment, a workplace that is safe and healthy, as emphasized in 2022.



A principle has been present since the very beginning of our Organization – an Organization that has existed for over a century – namely the principle of social protection, with an inclusive approach, based on rights that should enable us to achieve our common aspirations. With this General Survey, we can see the trends that are emerging concerning the various instruments on social protection and employment injury. We welcome this work. It is necessary to ensure that all instruments maintain their pertinence in the contemporary world of work.

The General Survey refers to a series of problems experienced in the world of work. Each of us must therefore take the necessary measures to combat these problems. Reference could be made to mental health with the increasing number of cases of burn-out, and the inclusion of migrant workers, and we emphasize one point: all the agreements concluded between countries of origin and of destination must permit equality and social justice for these workers.

Government representative, Côte d'Ivoire – The Government of Côte d'Ivoire commends the Office for the quality of the document produced, which provides an overview of the practices of States and allows for a review of national legislation with regard to Conventions Nos 12, 19, 102 and 121, and the corresponding Recommendations.

The social protection of workers against employment injury is at the heart of the ILO's mandate, as part of its efforts to promote and guarantee the rights of workers and their protection. This approach calls for not only support by all but also the strengthening of our social protection systems in order to ensure that workers receive better coverage.

In this regard, Côte d'Ivoire, which has already ratified Conventions Nos 19 and 102, has been a stakeholder of the Global Coalition for Social Justice since it was established. This approach to the ongoing quest for social justice for workers is reflected in an effective system of institutional collaboration, which is able to respond to the social protection challenges faced by the population and, in particular, by victims of employment injury.

It is important to indicate that the improvement of living standards for public servants and government officials and all workers in the private and informal sectors, through the development of social protection systems, is a major focus of the Government's Social Programme and the National Development Plan 2021–2025, which aim to achieve coverage of 50 per cent of the population by 2025.

Furthermore, as a reminder, our country has two main non-exclusive schemes covering against the risks of employment injury, which are:

- universal health coverage, which is a general scheme for private-sector employees, and which currently has over 19 million beneficiaries, representing around 57.88 per cent of the population;
- the social scheme for self-employed workers, which is a special mechanism that aims to combat the vulnerability of workers in the informal sector by providing them with social protection adapted to their situation, and which covers almost a million workers.

These two schemes cover the following:

- work-related accidents and occupational and non-occupational diseases;
- family benefits solely under universal health coverage;
- maternity insurance (payment of a daily allowance);
- retirement (payment of a lifetime pension).



Complementary operational schemes exist, which also contribute to strengthening the institutional and legal framework for the protection and reintegration of workers in general. These include:

- the Technical Commission for Vocational Guidance and Professional Reclassification, responsible for assessing the skills of persons with disabilities in order to guide them more effectively;
- the Fund for the Professional Integration of Persons with Disabilities, the mission of which includes promoting the professional integration of persons with disabilities in private enterprises, and facilitating job retention and rehabilitation for persons with disabilities and workers with disabilities as a result of employment injury.

However, efforts still need to be undertaken to enhance the performance of all labour administrations responsible for enforcing the provisions on decent work and adequate social protection in all sectors of activity.

Côte d'Ivoire intends to maintain the momentum that it has built up with the support of the ILO, through stronger social dialogue, in order to increase the quality of the benefits provided to victims of employment injury.

Worker member, Australia – All workers have the undeniable right to a safe and healthy working environment.

In 2022, the ILO constituents rightly reaffirmed this right as a fundamental principle and right at work under the 1998 Declaration. Yet the reality remains stark. Each year, approximately 2.93 million workers lose their lives due to workplace accidents, and an additional 395 million sustain non-fatal injuries. This tragic toll serves as a sobering reminder of the persistent global challenges we face in safeguarding workers' health and safety. It underscores that only through sustained attention and decisive action can meaningful progress be achieved. Australia has a long-standing commitment to the prevention of, and protection against, work-related injuries and illnesses. Through targeted public policies and sustained collaboration with the social partners over decades, Australia's work-related injury rate stands at 3.5 per cent nationally – roughly one third of the global average of 12.1 per cent. Moreover, the fatality rate among Australian workers has decreased by 19 per cent over the past decade, with 200 workers killed at work in 2023. National statistics reveal that vehicle accidents remain the leading cause of worker fatalities, responsible for 42 per cent of deaths. Equally concerning, a 2024 report by SafeWork Australia, our Government's statutory body for workplace health and safety and workers' compensation, highlights a sharp rise in claims related to mental health conditions, which is the fastest-growing type of injury claim. These now constitute 10.5 per cent of all serious claims, marking a 19.2 per cent increase since the 2021–22 period – nearly double the rate of a decade ago. This data aligns with findings from the Australian Council of Trade Unions' "Work Should not Hurt Survey", which in 2023 documented a statistically significant increase in reported mental health injuries from the previous year, with women disproportionately affected. We take particular note of the General Survey's findings that female-dominated occupations, including nursing and care work, face heightened psychosocial risks. The Committee of Experts further highlights that workplace violence and harassment can result in post-traumatic stress disorder and other serious mental health consequences. In this light, we strongly support the Committee of Experts' call to recognize mental disorders as employment injuries by including them in the national lists of occupational diseases, as recommended by the List of Occupational Diseases Recommendation, 2002 (No. 194). We also emphasize the urgent need to prevent workplace violence and harassment, and to ensure that victims receive appropriate medical care and



compensation, in line with Recommendation No. 206. This is especially critical in sectors where workers are most vulnerable to these abuses.

Strengthening a culture of prevention through systematic risk identification and control, as well as ensuring comprehensive social protection, are fundamental to reducing work-related accidents and occupational diseases. Recognizing that a right to a safe and healthy working environment cannot be achieved without the realization of other fundamental rights, such as freedom of association and the right to collective bargaining. Ultimately, these efforts are essential for creating safe, healthier, and more dignified working environments for all. This commitment must be renewed and embraced continuously by governments, employers and workers alike.

In 2024, Australia reaffirmed this pledge by ratifying the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), marking two decades since it ratified the Occupational Safety and Health Convention, 1981 (No. 155). Both Conventions embody the right to a safe and healthy working environment, a right that remains at the heart of our collective mission.

Every worker has the right to a safe and healthy workplace and to return home safely to their loved ones at the end of the day.

Worker member, Zimbabwe – I am speaking on behalf of the workers of Zimbabwe and South Africa. The ILO has a historic mandate to protect the social security rights of workers including in cases of employment injury. The workers of Zimbabwe and South Africa stand unwaveringly committed to realizing this mandate because the health, safety and well-being of every worker must be our foremost concern.

Zimbabwe has ratified the two fundamental occupational safety and health Conventions, that is the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as well as the Occupational Health Services Convention, 1985 (No. 161), the Asbestos Convention, 1986 (No. 162), the Chemicals Convention, 1990 (No. 170), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Safety and Health in Mines Convention, 1995 (No. 176). Yet, despite having a strong legal framework in place, our country has not yet ratified the more up-to-date and comprehensive instruments on employment injury protection, specifically Convention No. 102, Part VI. Similarly, South Africa is yet to ratify the modern instruments on employment injury protection. Both South Africa and Zimbabwe have strong legislation on employment injury compensation.

In South Africa, the Compensation of Occupational Injuries and Diseases Act provides financial compensation, medical care and rehabilitation for workers who are injured or fall ill on the job. It covers a range of sectors, from construction to manufacturing and now even domestic workers in private households. In South Africa, workers in a wide range of sectors are covered by the Compensation of Occupational Injuries and Diseases Act.

Turning back to Zimbabwe, accident prevention and worker compensation are regulated by the statutory instrument SI 68 of 1990, which provides compensation to workers for injuries or diseases arising from their employment, including both short-term and long-term benefits, such as medical aid and the payment of a lump sum. Under the scheme, the injured worker does not have to prove negligence on the employer's part to receive those benefits. The scheme covers a wide range of sectors from construction to manufacturing. The Zimbabwe National Social Security Authority is also actively working to extend social security coverage to workers in the informal economy, recognizing their significant contribution to the economy.



These pieces of legislation are a critical tool to build safer workplaces and provide much needed support to workers and their families in the wake of injuries or diseases. However, we must acknowledge that compensation alone will not create a truly safe working environment. What is clearly needed is a comprehensive approach that includes strong prevention measures and rigorous enforcement of health and safety regulations. This is particularly urgent in high-risk sectors such as construction, mining, chemicals, agriculture, and iron and steel, where the situation remains highly unacceptable.

The Ministry of Public Service, Labour and Social Welfare in Zimbabwe, which houses the National Social Security Authority has identified the root cause of these tragic statistics: weak occupational health and safety practices, a lack of proper training for workers and, perhaps most concerning, employers' non-compliance with safety regulations. And in both South Africa and Zimbabwe, employers, workers and the Governments have affirmed their commitment to the principle of "zero harm".

In South Africa, the Government and social partners have long been collaborating to establish a culture of prevention, including through the conclusion of sectoral occupational health and safety accords.

In Zimbabwe, the Government is finalizing its harmonized view, which has sailed through the first and second house and is now only awaiting presidential assent. The Bill is expected to address current gaps in workplace safety regulations, providing a cohesive framework that will enhance compliance and enforcement. As we review our national legislation and the governance of employment injury schemes, we urge the Government and employers to take concrete action. We must strengthen our commitment to occupational health and safety, and ensure that all workers in all sectors, especially the most dangerous and vulnerable, are protected from harm. Workers have the right to go home safely every day. We demand that these rights should be protected.

We call on the Government, employers and the ILO to work with workers and their representatives to make this dream a reality.

Worker member, France – France has recently carried out a reform to improve compensation for employment injury, covering nearly 20 million workers in the private sector. This reform – which will come into force by June 2026 at the latest – stems from a national inter-occupational agreement signed by all French trade union organizations in May 2023. The agreement covers prevention, compensation and governance within the employment injury branch (ATMP). Today, I would like to focus on governance and prevention.

Let me begin with governance. In France, the ATMP branch is jointly managed by workers' and employers' representatives, reflecting a desire to strike a balance between, on the one hand, supporting workers affected by employment injury, and on the other, supporting employers who contribute to the scheme and provide compensation.

While the State is not part of the ATMP joint committee, it nonetheless exerts a degree of influence over the social partners, as the ATMP branch falls under the supervision of the National Health Insurance Fund. This State influence serves to weaken the role of the social partners, particularly when it comes to managing ATMP funding. It is worth noting that the ATMP scheme shows a surplus of over €1 billion each year. And each year, the State draws on this surplus to cover the deficit in the health insurance branch, which is linked to the fact that some employers fail to report employment injury.



Since 2023, this situation has been compounded by the transfer of employer contributions to the pension branch. These transfers between branches are imposed on the social partners without prior consultation, affecting the budget for which they are responsible.

In France, prevention continues to pose a major challenge. For many workers in France, “losing your life while making a living” is still a reality, with two workplace deaths every day. In 2023, there were 1,287 work-related deaths in France, as well as 555,803 work-related accidents and 47,434 occupational diseases recorded by the National Health Insurance. And these figures, which we deplore, do not reflect the under-reporting of work-related accidents or the fact that many occupational diseases go unrecognized.

Given the high level of employment injury, current investment in prevention remains insufficient. Efforts to improve prevention remain hampered by a lack of financial and human resources.

- In terms of lack of financial resources, as the ATMP branch is funded solely through employer contributions, with just a small fraction of that funding earmarked for prevention. Thus, of every €100 in contributions, only €4 are allocated to prevention.
- As for the lack of human resources, while the 2023 national inter-occupational agreement – which provides for €100 million per year to be dedicated to prevention – has enabled the recruitment of staff in occupational health funds, there remains a broader need to increase their numbers, as well as those of controllers, occupational physicians and labour inspectors.

Psychosocial risks represent another major challenge that is still not adequately taken into account in France, particularly in comparison with some of our European neighbours. These risks constitute a growing threat, affecting an ever-increasing number of workers. Since 2022, mental health conditions (20 per cent) have overtaken musculoskeletal disorders (16 per cent) as the main cause of work stoppages. A 2024 report by the General Inspectorate of Social Affairs highlights the close link between management and employee health. Organizational autonomy, the meaning of work, trust and recognition from managers are all key factors affecting exposure to psychosocial risks. Workers’ participation in decisions relating to their work is identified as a contributing factor in reducing psychosocial risks.

As proposed in the April 2025 report of the French Economic, Social and Environmental Council, it is essential to introduce a tenth prevention principle into the Labour Code, focusing on workers’ physical and mental health: listening to workers on technical aspects of their work, the organization of work, working conditions and social relations.

Government member, Pakistan – We take note of the General Survey and commend the Committee of Experts for its timely and insightful report, particularly on decent work and the platform economy. The analysis resonates closely with Pakistan’s own digital transformation journey. Our platform economy, now valued at over US\$2 billion, has emerged as a major source of employment.

Ride-hailing services employ over 300,000 drivers and food delivery platforms engage more than 75,000 restaurants.

Pakistan’s freelance sector, the fourth largest globally, contributes around \$400 million annually. This growth is supported by public investment.

4G coverage now extends to 90 per cent of the population and over 100,000 young people have been trained through the national freelance training programme. Special technology



zones are attracting digital businesses, while our digital Pakistan policy 2023 ensures that gig workers are integrated into broader development strategies.

We are also piloting social protection schemes, including health insurance for 50,000 ride-hailing drivers and launching digital skills certification programmes through Navtech, our federal institution for technical training.

Looking ahead, our platform economy is projected to grow by 35 per cent annually with new opportunities in artificial intelligence services, AgriTech and cross broader e-commerce. With this growth comes a commitment to balance regulatory frameworks that protect workers' rights, ensure fair conditions and support innovation.

Here I would commend ILO's technical assistance to Pakistan for the development of the Sindh and Punjab Labour Codes, which are very significant pieces of legislation that will go a long way in helping our compliance with the ratifications of several ILO Conventions. The Codes enshrine and encompass the supportive legislation which is required of Pakistan in terms of the ILO ratifications.

Pakistan is also proud of its long-standing tradition of women's active participation in all walks of life. I am honoured to pay tribute here to Ra'ana Liaquat Ali Khan, the former First Lady of Pakistan who served with distinction on the Committee of Experts from 1954 to 1977.

Pakistan's Constitution, particularly articles 25.3 and 26.2, mandates the State to proactively promote women's rights and participation in progress, which has been tangible. For example, parliament passed an amendment to the 2022 Act on protection against harassment of women at the workplace.

Punjab and Sindh passed occupational safety and health Acts in 2019, and provincial assemblies have enacted laws to criminalize gender-based violence, and ensure protection and rehabilitation of vulnerable persons.

With 20 per cent reserved seats for women in both national and provincial legislatures, Pakistan now ranks among the top in the region for women's political representation.

Women's participation in the labour market is also rising, with 3.6 million of the 4.4 million home-based workers in Pakistan being women. In the provinces, we are encouraging the registration of trade unions of home-based workers and are ensuring occupational safety and health for home-based workers in all provinces of Pakistan.

We have worked with international partners to extend social security fair wages and access to childcare and transport for women workers. These efforts helped improve Pakistan's score in the World Bank's Women Business and Law 2022 report.

The Government has launched a National Gender-based Policy Framework 2022, while social initiatives such as the support programme continue to support vulnerable families, especially women.

The Prime Minister's youth programme, with dedicated quotas for women, provides skills training, entrepreneurship, support and access to technology. Recently a new initiative was launched to provide subsidized motorbikes for working women and female students to increase mobility for women and help their participation in the workforce.

Pakistan remains committed to fulfilling its obligations under international labour standards. We will continue taking affirmative steps to protect the rights of all workers, especially women workers and those in the informal and platform economies.



Worker representative, Peru - The General Survey contains valuable information for making decisions that can ensure comprehensive and adequate employment injury protection coverage for all workers regardless of gender, work status or occupation. Unfortunately, this is not the case in the Americas and, on this occasion, I will focus only on two countries.

Turning to Peru, despite the fact that Peru has an ambitious legal framework on occupational safety and health, in practice, there are major gaps between legislation and the reality. The law adopted in 2019 at the initiative of workers has been relaxed by regulation.

Another issue is the high level of labour informality in Peru. According to the National Institute of Statistics and Information (INEI), in 2023 the rate of informality was 71.1 per cent; in other words, the majority of the workforce does not have access to employment injury protection or insurance for hazardous work. Furthermore, insurance for hazardous work only focuses on high-risk activities, therefore excluding the many other sectors with less protection. There is also no protection for specific sectors. This is the case for agricultural workers, whose work is highly dangerous, domestic workers, and migrant workers, who do not have this access on equal terms with nationals.

The trade unions indicate that there is an underreporting of work-related accidents and occupational diseases due to lack of knowledge and failure to update the list.

We request the Peruvian Government to ratify Convention No. 121 and to fully accept Part VI of Convention No. 102, which would provide a stronger framework and minimum standards for benefits; explore mechanisms to extend insurance coverage against hazardous work or similar insurance to all workers regardless of the level of risk of their economic activity or contract type; develop accessible insurance schemes for self-employed workers and for workers in new forms of work, such as those in the platform economy.

Moreover, I wish to point out a key element for prevention, which is occupational medical examinations. In our country, believe it or not, these types of examinations are considered bureaucratic barriers, when they can be very useful for prevention.

Turning to Argentina, in Argentina, the current Government's adjustment and dismantling policy is affecting employment, wages, pensions, education and the health system. According to information published by the Office of the Superintendent of Occupational Risks, in 15 months of this Government, 13,111 enterprises with registered workers disappeared, mainly SMEs, with a decrease of 219,670 workers from their registers.

The public works stoppage and the financing of the provinces by the Argentinian Government has serious consequences. The worst hit sector is construction with a 17.5 per cent reduction in the registration of workers. The rate of informality at over 46 per cent affects more than 6 million workers, who are stripped of their labour rights, and social security, health and occupational risk coverage.

Accordingly, the standing advisory committee for the law on risks has initiated the process to establish a law on prevention. In this regard, the trade unions are calling for an improvement in labour inspection, the updating of the list of occupational diseases, safety and health training at various levels and a greater participation in these areas, all of which with institutionalized social dialogue.

Lastly, we wish to highlight that, in line with Conventions Nos 102 and 121, States are ultimately responsible for the administration of the social security institutions and services with the participation of the social actors.



Government member, Norway – Let me begin by thanking the Committee of Experts for its comprehensive General Survey on this important topic. Norway fully supports the ILO's effort to strengthen social protection systems and ensure fair and inclusive working conditions for all.

The legal framework for occupational injury protection must continuously evolve to keep pace with changes in work environments, emerging risks and advancing knowledge of occupational health.

Recognizing this need for adaptability, the Norwegian Government is committed to ensuring that all employees have the right to fair and predictable compensation for occupational injuries and diseases.

In 2024, the Ministry of Labour and Social Inclusion submitted for consultation a proposal for a revised list of occupational diseases, including mental health conditions such as post-traumatic stress disorder (PTSD) and depression following war participation.

This is a significant step towards ensuring that our legislation reflects the realities of modern working life.

We also propose the establishment of a Tripartite Advisory Committee to ensure that the list of occupational diseases is regularly updated in line with the latest research. At the same time, we recognize that not all conditions can be captured in a list. That is why we are proposing a safety valve in the National Insurance Scheme, a mechanism to ensure that workers suffering from conditions not on the list may still be entitled to benefits under specific circumstances. We are also reviewing the definition of "occupational injuries", especially in view of psychological injuries caused by traumatic events at work. A revised definition could be especially important for workers in high-risk professions. We aim to submit a proposal for consultation before the summer of 2025.

The Government has taken note of the views expressed by the trade union regarding the need to improve occupational injury coverage in sectors where women workers are typically in the majority, such as the health and education sectors. These are important perspectives that we will carry forward in our ongoing work to renew and improve the Norwegian occupational injury scheme.

At the same time, we emphasize that the proposed measures will provide Norway with an updated and modern occupational injury framework with a clear gender equality profile.

Worker member, Switzerland – The General Survey that we are examining shows that in Switzerland we have, particularly through social partnership, achieved a certain level of protection against employment injury. But it also emphasizes that this protection is still incomplete. There are still many gaps to fill and improvements to be made. I would like to highlight here four points of the report on which Switzerland is rightly subject to criticism.

First, psychosocial risk factors at work. It is encouraging to read that over the past 30 years, these risks have become the subject of increasing interest in many countries. Recommendation No. 194 explicitly recognizes mental and behavioural disorders as occupational diseases. It also refers to post-traumatic stress disorder (PTSD), which can arise from working conditions.

However, in Switzerland, as noted in the General Survey, the national legislation still does not recognize the occupational nature of diseases caused by psychological stress at work. We therefore support the recommendation encouraging States to extend employment injury



protection to mental disorders by including them in national lists of recognized occupational diseases and we call on Switzerland to take action for this purpose.

This is all the more important as it is related to another problem raised by the General Survey: the updating of the national list of recognized occupational diseases. The General Survey rightly emphasizes that this list is not regularly updated in Switzerland and that there is no transparent procedure for trade unions or experts to propose revisions to the list. It is therefore essential to set out in Swiss legislation a clear and transparent procedure to ensure the evolution of this list in line with the real situation in the world of work. We welcome the explicit reference to this shortcoming in the General Survey.

Third, the situation of women and men agricultural workers. The General Survey rightly recalls that they are not covered by the Labour Act in Switzerland. That means that they do not benefit from, or enjoy very little coverage by legal protection in relation to health, with exposes them to a higher risk of work-related accidents and diseases on account of stress, lack of breaks and exhaustion. We fully endorse the position of the Committee of Experts in calling for effective legal coverage for this sector. We therefore call on the Government of Switzerland to amend the Labour Act to include agricultural workers and guarantee them equivalent protection to that of other employees.

Finally, the General Survey recalls that the International Trade Union Confederation (ITUC) considers the ratification of Conventions Nos 102 and 121 to be essential to strengthen protection against employment injury. However, Switzerland has still not ratified Convention No. 121, nor Conventions Nos 12 and 19, nor even the two fundamental ILO Conventions on occupational safety and health, Conventions Nos 155 and 187. The ratification of these international instruments appears to us to be indispensable for Switzerland to be able to take a decisive step towards the full and modern protection of workers against employment injury.

As you will have understood, the General Survey shows that, even in Switzerland, a wealthy and developed country, there is still much to do to ensure full protection against employment injury.

Government member, Türkiye – I would like to express our sincere gratitude to the Committee of Experts for its valuable efforts in preparing this comprehensive and timely General Survey on employment injury protection. As we all know, employment injury protection remains one of the oldest and most essential elements of social security systems.

Employment injury protection stands at the heart of the ILO's founding mission as stated in the Preamble to its Constitution and reinforced through the 1944 Declaration of Philadelphia and the 2019 Century Declaration for the Future of Work.

In this light, the Turkish Government fully supports the call for universal and inclusive protection against employment injury. Türkiye shares the view that comprehensive protection should cover all workers regardless of their status or occupation, including those in agriculture, domestic work and emerging digital platform employment.

The link between a strong occupational safety and health culture, and the financial sustainability of benefit schemes is crucial. As the General Survey rightfully underlines, the COVID-19 pandemic and recent industrial disasters have reaffirmed the urgent need for robust, adaptable and inclusive employment injury protection systems. Türkiye has long acknowledged the importance of the international labour standards in this area. Our legal and institutional framework strives to comply with the principles set forth in Convention No. 102.



We welcome the recognition in the General Survey of the right to a safe and healthy working environment as a fundamental right at work and we support the clear linkage drawn between prevention and benefits.

We also value the call to align our system with the Sustainable Development Goals, especially Goals 1.3 and 8.8. Furthermore, the General Survey appropriately highlights the need to extend coverage to vulnerable groups, including migrant workers and platform workers. We particularly welcome the General Survey's call for ensuring the protection of vulnerable workers and adapting to climate and technological changes.

These challenges require a forward-looking approach, and Türkiye remains committed to contributing to global efforts in this domain.

I would like to reiterate that the Turkish Government supports the ILO's efforts and shares good practices to make this vision a reality.

Worker member, Norway – The General Survey illustrates the serious and structural challenges related to employment injury protection globally. On behalf of the Nordic Workers' group, I want to highlight the gender dimension of this issue. Far too many women are excluded from the protection that employment injury systems are meant to provide, both in the formal and informal economy.

The General Survey shows that only 43 per cent of workers worldwide are covered by legislation that grants the right to cash benefits in case of employment injury. In practice, even fewer receive such benefits. Women are significantly over-represented in sectors with low coverage, such as health, care, education, and the informal economy.

In the Nordic countries, we have fought for years to ensure that legislation including the list of occupational diseases reflects the real health risks in professions where women are in the majority. Work in health and education often involves strong relational and emotional demands leading to psychological stress, physical strain, and occupational disease.

Legal standards must be updated to reflect the actual harm in these female-dominated sectors. It is simply time to correct the gender bias in how employment injuries are recognized and compensated, both nationally and globally. In many female-dominated professions, violence and harassment are real risks, and yet we must assume there is significant under-reporting. Violence, harassment, and psychological trauma often go unreported or are not believed.

The General Survey shows that many workers develop serious mental health conditions, such as PTSD, as a result of their work, but few countries recognize this as an occupational injury. That must change. Being harmed at work should not be an individual burden. I want to highlight an example from my home country, Norway.

A new legal proposal is now on the table that strengthens requirements for the psychosocial work environment. The proposal states that work must be organized and conducted in such a way that psychosocial factors are fully sound, and it explicitly highlights emotional demands and people-centred professions.

This is an important step towards giving mental health and prevention in healthcare, education, and social services the attention they deserve, and in clarifying the knowledge that psychosocial strain in these sectors is real, serious, and must be addressed systematically.

Finally, I want to emphasize the discriminatory effect that arises when access to compensation and protection depends on income levels, working hours, or the number of employers. This disproportionately affects women, especially those in part-time jobs or with



multiple employers. Migrant women additionally face language barriers and lack of access to information about their rights. For many women, it is nearly impossible to qualify for protection. Addressing these gaps is not only a matter of updating technical regulation; it is about ensuring fairness, dignity, and respect for human rights in the world of work.

Employment injury protection must be expanded to cover psychosocial harm and workplace violence and harassment and adapted to reflect the lived realities of women in both the formal and informal economy. Women's occupational health must be taken seriously. We cannot continue to expect women to work in environments that lack adequate health and safety and dignity protection.

Interpretation from Arabic: **Government member, Egypt** – The Government of Egypt expresses its sincere thanks to the Office for preparing the General Survey. This topic has special importance at the national and international levels. The General Survey aims to provide a safe and healthy work environment to reduce economic costs as a result of injuries and to improve productivity. We have provided the required information relative to this General Survey.

Based on our belief in the importance of inclusive and universal coverage for workers in the world of work, we in Egypt have introduced regulatory measures that deal with work injuries, such as cash subsidies and health insurance and the provision of health services free of charge. We have a branch that deals with workplace injuries as part of the social protection system dealing with emergencies and other areas of injuries related to work.

This is one issue the General Survey has underscored when mentioning Egypt by saying that Egypt is one of the few countries that allows the combination of various benefits without any preconditions. We in Egypt are continuing to develop legislation on the universal protection of workers. The new Labour Code of 2025, No. 14, provides for a package of amendments that aim to improve the legislative structure respecting occupational health and safety.

The Higher Council for Occupational Health and Safety looks at a balanced approach to deal with how the social partners can contribute to the development of policies that are effectively balanced and can contribute to any future studies. We also have a National Centre for studies on occupational health and safety, and these studies are being translated into plans that will apply to all provinces and regions. All of this is an attempt to ensure that there is prevention when it comes to work injuries.

The new Labour Code No. 14 of 2025 sets out the conditions for occupational safety and health in any working environment with a view to ensuring that there is a reduction in such injuries. The Labour Code makes it compulsory for companies and enterprises to put in place preventive measures in dealing with machinery, substances, chemical agents and the risk of fires and the whole process of providing sufficient protection.

The Ministry of Labour, in cooperation with the ILO, was able to prepare a dossier on how companies can implement these preventive measures as part of the strategy, and this will be launched very soon.

We would like to express our satisfaction at the excellent cooperation with the Head Office of the ILO and the Regional Office in Cairo and the number of protocols that we have signed together.

The Government of Egypt also makes it clear that General Surveys can only lead to improving national policies to provide better social protection covering health and



occupational injuries and the coverage provided for workers and, of course, this comes through mobilizing resources and accepting shared responsibility to deal with these issues.

This can only lead to the provision of equitable and fair compensation as a means of realizing decent work in our country.

Interpretation from Arabic: **Government member, Saudi Arabia** – The Government of my country commends the role of the Committee of Experts in choosing the topics of the General Survey and emphasizes the importance of the instruments included in the General Survey and their impact in achieving protection for all workers. We also thank the Committee of Experts for its continued support to Member States to strengthen levels of compliance with international labour standards.

We believe that occupational safety and health is a major pillar in a productive and decent working environment and, therefore, the Kingdom has recently deposited the accession document for Convention No. 187. We are firmly committed to ensuring a healthy and safe work environment in compliance with international standards, and the ratification of this Convention is a strategic step towards enhancing occupational safety and health.

Based on our vision for 2030, and as we are firmly committed to creating a safe and healthy working environment, we have launched the national policy on occupational safety and health, in cooperation with the ILO and in consultation with the representatives of workers and employers, to develop and strengthen the occupational safety and health system and strengthen protection for all workers in their various working places, in compliance with the international Conventions and treaties to which we are parties, and based on best practices at the international level.

We have put in place a policy that improves the quality of life and the protection of the occupational safety and health of all workers. The policy has identified the responsibilities and roles of Government bodies and employer and worker representatives and has updated the national legislation and regulations, taking into consideration the circumstances of all sectors. Continuous awareness-raising and training programmes have been launched and emphasis has been placed on the importance of tripartite consultation and the principle of social dialogue in formulating policies that involve employers, workers and governments in decision-making processes. The Government has adopted a law that requires employers to provide secure and decent working conditions and prevent any kind of discrimination or violation during employment.

This has led to the harmonization of safety standards in all activities and the inclusion of all workers without discrimination in order to guarantee the implementation of these standards. The Government has developed modern inspectorate systems that are based on artificial intelligence and digital technologies to monitor and respond to risks. There is a combination of electronic systems and traditional inspection means, which allows for quick interventions to deal with any problems before they are aggravated. Since its establishment in 2022, the National Council for Occupational Safety and Health, which includes in its membership representatives of employers and workers, has been working to coordinate occupational safety and health efforts at the national level. This Council has contributed to increasing coordination between the private and public sectors and to achieving true partnership in developing safety policies, launching training and awareness-raising programmes targeting high-risk sectors, and promoting digital surveillance to facilitate electronic filing of complaints about violations.



The efforts undertaken by the Kingdom in developing occupational safety and health confirm its firm commitment to guaranteeing a work environment that respects the dignity of workers. This role has not been limited to the local level, since the Kingdom is also active at the international level, through the exchange of expertise with the ILO and Member States. In doing so, the Kingdom has strengthened its position as a responsible State that has adopted the highest standards in protecting workers, putting the human being at the core of its development policies to secure a safe labour market.

Finally, the Government emphasizes the importance to commit to international labour standards in view of the challenges and developments. We endorse the renewed dynamism in the world of work, within the framework of the United Nations Sustainable Development Goals, and commend the efforts of Member States in achieving these objectives.

I renew my thanks to the Committee of Experts and the Conference Committee for their important work in ensuring compliance with international labour standards.

Government member, Islamic Republic of Iran – On behalf of the Islamic Republic of Iran, I extend our gratitude to the ILO for its continued commitment to advancing social justice and promoting decent work worldwide. Today, I present the perspective and efforts of the Islamic Republic of Iran concerning the critical topic of this General Survey, namely achieving comprehensive employment injury protection, as outlined in Report III(B). The Islamic Republic of Iran recognizes the fundamental importance of ensuring comprehensive employment injury protection as a cornerstone of decent work and social justice. Our nation, with its rich cultural heritage and resilient workforce, is committed to safeguarding the rights and well-being of workers, in alignment with international labour standards, including those enshrined in the ILO Conventions. Employment injury protection is not merely a policy objective, but a moral and economic imperative to ensure that workers, who are the backbone of our economy, are protected from the risk inherent in their labour.

In the Islamic Republic of Iran, our labour policies are guided by the principles of social equity and economic resilience, rooted in our constitutional commitment to providing social security and welfare for all citizens. The Social Security Organization of the Islamic Republic of Iran, established decades ago, plays a pivotal role in delivering employment injury benefits, including medical care, rehabilitation and compensation for workplace injuries and occupational diseases. Over the years, we have made significant strides in expanding the coverage of our social security system, which currently protects millions of workers across both the formal and informal economies.

One of the key priorities of the Islamic Republic of Iran is ensuring that employment injury protection systems are financially sustainable while remaining accessible to all. Despite external challenges, including economic sanctions that have strained our resources, the Islamic Republic of Iran has invested in strengthening occupational safety and health frameworks to prevent workplace injuries and diseases. We have implemented training programmes for employers and workers, enhanced workplace inspections and promoted a culture of safety in high-risk industries such as construction, oil and gas. These efforts align with the ILO's emphasis on prevention as a core component of employment injury protection.

The Islamic Republic of Iran also recognizes the need for gender-sensitive approaches to employment injury protection, as highlighted in the General Survey. Women in our workforce, particularly in sectors like healthcare and education, face unique occupational risks. We are working to ensure that our social security policies address these specific needs, providing equitable access to benefits and rehabilitation services. Of course, to implement such relevant policies in the best possible manner, we need the ILO's cooperation and assistance.



Moreover, the Islamic Republic of Iran is committed to international cooperation and knowledge-sharing to enhance our employment injury protection systems. We have actively engaged with the ILO and regional partners to learn from best practices and adapt them to our national context. For instance, we are exploring innovative financing mechanisms such as those outlined in the General Survey to ensure the long-term sustainability of our social security system. We also support the ILO's calls for inclusive dialogue involving Governments and employers' and workers' organizations to design and implement effective protection systems.

In conclusion, the Islamic Republic of Iran reaffirms its commitment to achieving comprehensive employment injury protection as part of our broader vision for decent work and social justice. We call upon the international community to support inclusive and equitable approaches that respect national sovereignty and address the diverse realities of Member States. The Islamic Republic of Iran stands ready to collaborate with the ILO and its constituents to advance the principles of the General Survey, ensuring that every worker, regardless of their employment status, enjoys the protection that they deserve.

Government member, Senegal – The Government of Senegal commends the quality of the report by the Committee of Experts on the subject of achieving comprehensive employment injury protection, which lies at the heart of the ILO's mandate. The dramatic consequences of employment injury and occupational diseases, on both the incomes of workers and on their life and health, require an innovative, effective and dynamic approach to achieve full protection against occupational risks.

The subject of this General Survey is aligned with the national priorities of Senegal in terms of social justice in relation to the prevention of occupational risks and a safe and healthy working environment. This commitment has been reaffirmed through the ratification of Conventions Nos 12, 19, 102 and 121, which are the subject of Report III (Part B) of the Committee of Experts, and the fundamental Conventions on occupational safety and health.

With reference to the workers covered, it should be emphasized that all categories of workers are included in employment injury coverage, including trainees, apprentices, daily workers, domestic workers and self-employed workers. In addition, detainees performing prison work are taken into account in the coverage of occupational risks.

It should also be noted that Senegal has adopted a national occupational safety and health policy, the objective of which is to strengthen human capital in the working environment through the prevention of occupational risks and the effective management of accidents and threats to the health of workers. This policy is combined with a national occupational safety and health programme, which is being implemented over the years 2023-27. Within the framework of this programme, the fundamental objectives include the harmonization of data collection tools, the accessibility of statistics and compliance in workplaces in the private, public and informal sectors, and in agriculture, in relation to occupational safety and health.

As a result of the implementation of the national occupational safety and health programme, encouraging results have been recorded, in the form of a reduction in employment accidents and occupational diseases reported in 2024. The annual labour statistics report records 975 declarations of employment accidents and occupational diseases in 2024, compared with 1,316 in 2023, or a decrease of 25.9 per cent.

The Government of Senegal is open to any proposal that goes along with its drive to achieve full employment injury protection with a view to ensuring and promoting the fundamental rights of workers and supporting the sustainable performance of enterprises.



Worker member, Brazil – I speak on behalf of all trade unions in Brazil, representing millions of workers in our country. Before addressing the specific topic of this session, I wish to underscore the vital role of multilateral spaces such as the ILO in shaping global governance rooted in democracy. But for us workers, democracy must mean democracy with rights. Otherwise, we risk drifting away from social peace and towards deeper conflicts.

Turning to our topic, I would like to thank the Committee of Experts for this year's General Survey on employment injury protection. This General Survey comes at a decisive time that is very different from that in which the ILO documents being examined were approved. The recognition in 2022 of a safe and healthy work environment as a fundamental principle and right at work has transformed the ILO's constitutional mandate into a legal and moral imperative. In this context, we welcome the progress highlighted in the General Survey. However, we must not ignore a sobering reality.

Workplace accidents remain a global trend, with numbers that are truly shocking. In 2019 alone, 400 million work-related accidents and almost 3 million deaths were recorded. These are not just statistics. They represent lives lost and families shattered. The burden falls disproportionately on the global South. The Americas alone account for nearly 11 per cent of workplace accidents. In Latin America, the main challenge lies in protecting informal workers and those in non-traditional employment. According to ILO data, about 53 per cent of Latin American workers, roughly 130 million people, were in informal employment in 2016. More recent studies confirm this structural characteristic. A third of informal workers are even found in formal companies, revealing the complexity of this issue. This massive informal workplace is effectively excluded from occupational safety protections.

As the Committee of Experts noted, coverage is essentially lacking among temporary, informal, part-time and platform workers, but also in the gig economy and in small and medium-sized enterprises. These are precisely the sectors that are growing fastest in many countries. Comprehensive solutions must be built through public policies grounded in social dialogue, aiming to formalize work and guarantee protections for all.

While the General Survey identifies Brazil as a possible positive example of coverage for workplace injuries, this coverage is restricted to formal workers in our country. Therefore, we are concerned about the serious risks to existing protections. And this is now under real threat. In early 2025, Brazil's Supreme Court accepted a case that could allow non-standard contracts to fully replace formal employment relationships. This could legitimize misclassification, in direct contradiction to the Employment Relationship Recommendation, 2006 (No. 198), and strip millions of workers of their right to employment injury protection. If this legal change occurs in Brazil, the country could go from being an example to a regrettable warning in a matter of months.

We once again echo the Committee of Experts in reaffirming that addressing legal and practical gaps in coverage, tackling informality, strengthening enforcement and improving procedures are essential to build a world where every worker in every form of employment is protected.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – The IUF is a global labour federation representing over 12 million workers in food, agriculture and services. Very many of our members are not even recognized as workers due to the nature of occupations conducted in rural areas and their non- or self-employed status.



We welcome the General Survey of the Committee of Experts on achieving comprehensive employment injury protection and its recognition that workers in our jurisdiction are too often denied the right to employment injury benefits in sectors which have very poor occupational safety and health. We welcome the highlighting of the need to address disparities in access to employment injury benefits, particularly for agricultural workers and foreign workers.

Furthermore, the General Survey identifies good practices and challenges, as well as mapping.

In the discussion in this Committee of the 2015 General Survey on giving a voice to rural workers, the Committee of Experts noted the persistent obstacles to freedom of association for workers in agriculture. Ten years later, those obstacles remain. Convention No. 12, like the Right of Association (Agriculture) Convention, 1921 (No. 11), recognizes the persistent discrimination that workers in agriculture face and calls on Governments to extend to these workers the laws and regulations which provide for compensation for other workers. Convention No. 12 was adopted in 1921, but the General Survey under discussion today finds that those protections have, in many cases, not been extended. It is 104 years since Convention No. 12 was adopted.

We welcome the Committee of Experts' acknowledgment that challenges remain in the legal and effective coverage of agricultural workers and its encouragement to Member States to consider taking steps to extend the coverage of relevant provisions, but we urge this Committee to call on the Office to develop a time frame and provide technical assistance to help Member States achieve this extension. We appreciate the recognition in the General Survey that the agricultural sector is one of the most hazardous, involving high employment injury rates. We urge this Committee to recognize that prevention is preferable to compensation and that increased efforts by the ILO to encourage Governments to ratify and implement the Safety and Health in Agriculture Convention, 2001 (No. 184), are needed.

The Meeting of Experts on Decent Work in the Agri-Food Sector, which took place in May 2023, concluded a ten-year discussion answering the question of what decent work actually means for rural workers. It developed policy guidelines for the promotion of decent work in the agri-food sector. We call on the ILO to promote them as a tool to create an environment enabling the realization of fundamental workers' rights, including the right to freedom of association and the right to health and safety in agriculture.

As representatives of informal economy workers, the IUF is partnering with the International Domestic Workers Federation (IDWF). Our sister organization represents 93 domestic workers' unions in 70 countries. On behalf of IDWF members, we are happy to express appreciation for the consideration that the General Survey has given to domestic workers' conditions. There are 76 million domestic workers in the world, who provide at least 25 per cent of the world's care. Domestic work is a wage occupation essential for the sustenance of life and the economy and is carried out within the framework of an employment relationship, with an employer who assigns tasks to be performed by a worker. Globally, 81 per cent of domestic workers are in the informal sector. The consequences of living in informality mean no decent working conditions, poverty, low wages, lack of coverage of social protection and lack of protection of labour rights.

The IDWF proposes essential actions to the ILO and its Member States to adopt ILO Domestic Workers Convention, 2011 (No. 189) as a central pillar of policies for the transition to formality for domestic workers. Recognition of the role and responsibility of the employers of domestic workers in the formalization process ensures that domestic workers are covered by labour codes and social security systems on an equal footing with other workers.



In conclusion, on behalf of the IUF and IDWF, we welcome the publication of the General Survey and support its recommendations and its focus on the promotion of a comprehensive and universal approach to employment injury protection.

Observer, IndustriALL – The General Survey aligns with and reinforces the commitment undertaken by IndustriALL Global Union to a rights-based approach to occupational health and safety, and inclusive compensation for work-related injuries and illnesses. Achieving comprehensive employment injury protection for all workers goes to the heart of providing a social security safety net for all workers, regardless of their gender, employment status or occupation, including those in nonstandard forms of employment, such as temporary and casual forms of employment, as well as those workers in casual and part-time work and those employed in the platform economy.

One of IndustriALL's key objectives is to work towards the ratification, implementation and respect of all international labour standards. Therefore, we welcome the first ever opportunity to review together the law and practice of all ILO Member States with respect to employment injury protection.

Despite the progress achieved in occupational safety and health in recent decades, workplace accidents remain widespread worldwide, including in IndustriALL Global Union sectors.

As emphasized by the Committee of Experts, mining and manufacturing are among the most hazardous sectors. ILO data indicates that mining only accounts for 1 per cent of the global workforce but is responsible for about 8 per cent of fatal accidents at work. Further efforts are needed to ensure that workers in these sectors are adequately protected against occupational hazards and, in the event of an accident or illness, they can fully access employment injury protection schemes.

In this regard, we echo the Committee of Experts' broader call to Member States to ensure that employment injury protection schemes cover all four contingencies and that they meet the minimum parameters established under the Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), regarding medical care and cash benefits.

We further support the Committee of Experts' call to Member States to extend the definition of work-related accidents to commuting accidents in line with Convention No. 121 and its Recommendation. This is very important for IndustriALL and its affiliates, particularly in our mining and maritime sectors.

We can no longer ignore the compounding effect of climate change, including the risks posed by environmental degradation and heat stress on workers' safety and health. In this regard, we echo the Committee of Experts' call to give effect to the 2015 ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all, which highlight the importance of adequate social protection systems to build resilience in the context of climate change, and contribute to offsetting its impact on livelihoods, incomes and jobs.

Lastly, but equally important, we support the Committee of Experts' recommendation to include compensation coverage for post-traumatic stress disorder as an occupational disease resulting from workplace violence and harassment. This is particularly important in the light of the specific vulnerabilities faced by women in the mining sector.



Achieving comprehensive employment injury protection in and of itself is not sufficient without recognizing the imperative of creating a preventative occupational health and safety culture.

Government member, Republic of Tanzania – The United Republic of Tanzania wishes to express its sincere appreciation to the ILO for the timely and insightful report, *Achieving comprehensive employment injury protection*, and for its continued guidance in the promotion of decent work worldwide.

The United Republic of Tanzania has made significant strides in aligning its national policies with international labour standards. The establishment of the Workers Compensation Fund (WCF) and the Workers Compensation Act of 2015 exemplifies Tanzanian dedication to safeguarding workers in both the public and private sector against occupational injuries and diseases.

We are pleased to report that the design and operation of the WCF are aligned with the key principles of Convention No. 121 including conveyance, the provision of medical care, rehabilitation services and periodic payments to injured workers or the dependence of diseased workers based on the no fault and collective financing principles.

The Government of United Republic of Tanzania participated fully in this General Survey.

We are committed to transparency and shared learning on employment in injury protection systems.

The United Republic of Tanzania places great value on the protection of its workforce. In a deliberate effort to enhance both prevention and compensation, the Government has brought occupational safety and health authorities and the WCF under one ministry – the ministry responsible for labour – to ensure a coordinated approach that prioritizes prevention over compensation.

We also recognize that the majority of our labour force is in the informal economy and we are making deliberate efforts to extend protection to this segment. However, we acknowledge the complexities involved and we respectfully request the continued technical assistance of the ILO in designing scalable inclusive mechanisms that ensure no worker is left behind. The United Republic of Tanzania affirms its commitment to the ILO standards and to building a comprehensive sustainable employment injury protection system that responds to the evolving needs of workers in all sectors.

Worker members – The rich discussions today on the General Survey have underscored the vital importance of employment injury protection. The ILO has a clear mandate to safeguard workers' social security rights, particularly in cases of workplace accidents or occupational diseases. This core commitment is enshrined in the ILO Constitution, which emphasizes the protection of workers against sickness, disease, injury and disability arising from their employment. This commitment is further reiterated through key ILO documents including the Philadelphia Declaration, the ILO Declaration on Social Justice for Fair Globalization and the ILO Centenary Declaration on the Future of Work.

These documents collectively underscore the need for social protection systems that are not only sustainable and appropriate but also adaptable to the evolving world of work. They call for systems that provide basic income and comprehensive medical care to all workers in need of protection. However, as the General Survey clearly reveals, there is still work to be done. The number of workers and families affected by employment injury continues to be alarmingly high with marked regional disparities. These challenges are both global and local



in nature, further exacerbated by natural disasters, public health crises and industrial accidents, all of which have a profound impact on workers' lives and well-being. In this context, robust social security systems, including employment injury schemes, are essential both as social buffers and as economic stabilizers ensuring that the pressing needs of affected workers and their families are met.

Climate change has escalated risk for workers, especially those working outdoors in agriculture, construction and transportation. These workers face heightened vulnerabilities to extreme weather conditions including heat stress. Therefore, extending employment injury protection to these sectors is not only necessary but urgent.

Similarly, low-wage workers, very often migrant workers, are disproportionately exposed to employment injury risk, and regions with weak protection systems have notably higher injury rates.

New technologies also present both challenges and opportunities in the context of occupational safety. These technologies can introduce new risk but also hold the potential to improve reporting systems, case management and fraud detection. The introduction of new technologies should therefore be a subject of social dialogue between partners to ensure that their deployment is equitable and effective.

Another key issue that emerged in our discussions is the urgent need to expand the scope of protection to include all workers, particularly those most at risk of employment injury. These include workers in the informal economy, self-employed workers, platform workers and those in high-risk industries such as agriculture, mining, manufacturing and construction. Additionally, seafarers, fishers, domestic workers and migrant workers must also be considered and in that regard we want a gender approach to always be included.

In terms of the material scope of employment injury protection, it must be as comprehensive as possible. This includes coverage for commuting accidents, psychosocial risk and mental health disorders, particularly those arising from workplace violence and harassment. Injured workers should receive comprehensive medical care aimed at restoring and improving their health and ability to work. This care must be provided for as long as necessary and should not be subject to arbitrary duration limits. Imposing co-payments or qualifying periods based on employment length or insurance contribution can prevent workers from accessing essential care. Member States must ensure that medical care is provided free of charge for the entire duration of the contingency, reflecting a strong commitment to the well-being of workers. Investing in the care economy benefits not only injured workers but society as a whole, and Recommendations Nos 69 and 202 should be fully considered when designing these systems.

Our discussions also highlighted the critical link between preventive measures and social security. Investments in robust systems are essential to prevent work-related accidents and diseases which incur significant human, social and economic costs. Member States must prioritize education, training and research aimed at identifying the root causes of work-related accidents and occupational diseases, and develop effective prevention strategies.

As per Convention No. 121, each Member State is obligated to take measures to prevent industrial accidents and occupational diseases. This includes investing in preventive medical services, occupational safety and health education, awareness campaigns and research into the root causes of accidents. Additionally, Member States must strengthen collaboration between insurance schemes and the authorities responsible for occupational safety and health.



Vocational rehabilitation and employment services are also critical for restoring the employability of workers affected by disability, including those injured on the job. Ensuring the continuation of cash benefits during rehabilitation is vital to guarantee income security, preventing workers from being forced to return to work prematurely.

Social dialogue is central to the design and implementation of employment policies, particularly in efforts to prevent and eliminate employment-related discrimination against persons with disabilities. Such dialogue ensures that policies are inclusive, fair and aligned with the needs of affected workers.

Employment injury schemes should be anchored in social insurance with compulsory coverage for workers, sustainable financing through resource pooling and effective management structures. States bear the ultimate responsibility for the administration of social security institutions and services, including the provision of benefits. They must guarantee the financial sustainability of the systems, ensuring that adequate resources are available to cover the cost of benefits, administration, preventive measures and rehabilitation services.

The Worker members further emphasize the importance of social dialogue in ensuring the good governance and efficient operation of employment injury protection schemes. Social partners possess unique insights into the specific needs of workers and should be actively involved in the design and implementation of these systems.

Additionally, we echo the Committee of Experts' call for ensuring that foreign workers, as well as the dependants of deceased workers who have lived abroad, have access to the benefits they are entitled to. To facilitate this, it is crucial for countries to establish and implement bilateral and multilateral social security agreements to ensure the portability of employment injury benefits.

Moreover, Member States must implement strong compliance and enforcement mechanisms to guarantee the effective functioning of both public and private insurance systems. This includes the establishment of efficient inspection and monitoring systems, strategies to combat contribution evasion and the imposition of dissuasive penalties for non-compliance.

In conclusion, while not all Member States have ratified the most recent instrument on employment injury protection, the General Survey reveals that many national laws and practices already align with these instruments. Therefore, we strongly encourage Member States to ratify Convention No. 102, Part VI, and Convention No. 121.

Employer members – To conclude, the Employer members wish to stress the following points.

Companies are committed to promoting and safeguarding the safety and health of their workers, as the maintenance of their activities depends on this.

Companies are working to adopt measures, especially in the area of prevention, that make workplaces safer, while also advocating for the reduction of bureaucracy, simplification and cost reduction that the current occupational safety and health system imposes on companies.

The Employer members strongly agree that preventive measures significantly contribute to reducing employment injury rates, lessening the financial burden on insurance institutions and strengthening the sustainability of employment injury benefit schemes.



In relation to gaps in coverage in the public and private sectors, we insist that the coverage of self-employed, as provided by Recommendation No. 121, is done only where it would be in accordance with national laws.

Regarding the statement that agriculture is one of the most hazardous sectors of the economy in terms of fatalities, injuries and work-related ill health in paragraph 539 of the General Survey, we also encourage Member States to ensure that employment injury protection schemes cover all employees, including agricultural wage earners.

However, with regard to encouraging Member States to consider taking steps to extend the relevant provisions of the national legislation on employment injury benefits to all agricultural wage earners, as provided by Article 1 of Convention No. 12, we raise that this, again, must take into consideration national laws and context. The dangers in this sector are not really different from those observed in other sectors. It is necessary to correctly use the different notions and terms in the field of safety and health at work, for example danger, risk, effect or probability.

The Employer members welcome the point that one of the important aspects of the principle of equality of treatment between national and foreign workers is the possibility of transferring employment injury benefits abroad.

We agree that for this purpose, legal, administrative and practical obstacles need to be overcome to effectively ensure the principle of equality of treatment and the due provision of employment injury benefits.

Shared responsibility is crucial in administering employment injury benefits.

In light of this, we also welcome the fact that many public and private institutions administering employment injury schemes have a tripartite Governing Body composed of representatives of the Government, workers and employers.

Further, the participation of social partners in the management of employment injury protections schemes can contribute to good governance and informed decision-making, as well as maintaining and strengthening public trust.

We agree that complaint and appeal mechanisms must be fair, accessible, affordable, transparent and expeditious, including for foreign workers and their dependants residing abroad.

In the Employers' view, inclusive, sustainable and well-administered employment injury schemes are an important component of social protection systems.

ILO supervisory bodies should promote an inclusive and balanced implementation, in consultation with the most representative social partners, to ensure that national realities and circumstances are adequately taken into account.

In closing, we highlight that the ILO Centenary Declaration emphasizes the pivotal role of social protection. Notably, it calls upon all members to strengthen the capacities of all people to benefit from the opportunities of a changing world of work through "universal access to comprehensive and sustainable social protection" so as to better support and protect workers and employers during their life and work transitions. This requires commitment and collaboration at the country level between ministries and public institutions responsible for social protection, including ministries of economy and finance, sectoral ministries and workers' and employers' organizations.



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

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

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

Countries mentioned in [paragraph 66](#) of the General Report – page 60

Afghanistan, Barbados, Comoros, Djibouti, Haiti, Marshall Islands, Papua New Guinea, Saint Lucia, San Marino, Somalia, Syrian Arab Republic, Tonga, Vanuatu and Yemen.

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

Papua New Guinea: The Government has sent some reports due.

In addition, written information was received from the Governments of **Comoros, Saint Lucia** and the **Syrian Arab Republic**

See below under Part B.

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

Afghanistan, Barbados, Comoros, Djibouti, Haiti, Marshall Islands, Saint Lucia, San Marino, Somalia, Syrian Arab Republic, Tonga, Vanuatu and Yemen.

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

Countries mentioned in [paragraph 69](#) of the General Report – page 61

State	Conventions Nos
Antigua and Barbuda	– Since 2023: Conventions Nos 177, 181, 184, 185, 187 and 188
Comoros	– Since 2023: Conventions Nos 97 and 143
Djibouti	– Since 2022: Convention No. 183
Iraq	– Since 2022: Convention No. 185
Marshall Islands	– Since 2021: Convention No. 182
Saint Lucia	– Since 2023: Convention No. 155
Somalia	– Since 2023: Conventions Nos 97, 143, 144, 155, 181, 187 and 190
Sudan	– Since 2023: Conventions Nos 87 and 144
Tonga	– Since 2022: Convention No. 182



State	Conventions Nos
Tuvalu	– Since 2021: Convention No. 182
Vanuatu	– Since 2021: Convention No. 138

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

Iraq. The Government has sent the first report on the application of Convention No 185.

Sudan. The Government has sent the first reports on the application of Conventions Nos 87 and 144.

In addition, written information was received from the Governments of **Antigua and Barbuda, Comoros and Saint Lucia**

See below under Part B.

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

Antigua and Barbuda, Comoros, Djibouti, Marshall Islands, Saint Lucia, Somalia, Tonga, Tuvalu and Vanuatu.

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

Observations concerning particular countries ([Part II of the CEACR Report](#) – page 95)

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Haiti, Iraq, Marshall Islands, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

Since the last session of the Committee of Experts, reports on the application of ratified Conventions have been received from the following countries: **Iraq and Papua New Guinea**

In addition, written information was received from the Governments of **Antigua and Barbuda, Saint Lucia, Syrian Arab Republic and Comoros**

See below under Part B.

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

Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Haiti, Marshall Islands, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu and Yemen.

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

Countries mentioned in [paragraph 74](#) of the General Report – page 63

Afghanistan, Antigua and Barbuda, Barbados, Belize, Brunei Darussalam, Burundi, Comoros, Congo, Cook Islands, Croatia, Cuba, Denmark (Greenland), Djibouti, Equatorial Guinea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Israel, Kenya, Kiribati, Liberia,



Libya, Lithuania, Montenegro, Nigeria, Palau, Papua New Guinea, Saint Lucia, San Marino, Saudi Arabia, Serbia, Somalia, South Sudan, Suriname, Syrian Arab Republic, Thailand, Timor-Leste, Turkmenistan, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands and Montserrat), Vanuatu, Viet Nam and Yemen.

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

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

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

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

Denmark (Greenland). The Government has sent replies to most of the Committee's comments.

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

Kenya. The Government has sent replies to most of the Committee's comments.

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

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

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

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

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

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

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

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

United Kingdom of Great Britain and Northern Ireland (Montserrat). The Government has sent all replies to the Committee's comments.

In addition, written information was received from the Governments of **Antigua and Barbuda, Belize, Comoros, Gambia, Guinea, Israel, Liberia, Montenegro, Saint Lucia, South Sudan, Syrian Arab Republic, Timor-Leste and Viet Nam**

See below under Part B.

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

Afghanistan, Antigua and Barbuda, Barbados, Belize, Burundi, Comoros, Congo, Cook Islands, Djibouti, Equatorial Guinea, Gambia, Guinea, Guinea-Bissau, Haiti, Israel, Liberia, Libya, Nigeria, Palau, Papua New Guinea, Saint Lucia, San Marino, Somalia, South Sudan, Syrian Arab Republic, Timor-Leste, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Viet Nam and Yemen.



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

Countries mentioned in paragraph 118 of the General Report – page 80

Antigua and Barbuda, Barbados, Chad, Comoros, Djibouti, Dominica, Equatorial Guinea, Haiti, Kyrgyzstan, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, San Marino, Sao Tome and Principe, Singapore, Syrian Arab Republic, Timor-Leste, Tuvalu, Uganda and Yemen.

Since the last session of the Committee of Experts, **Antigua and Barbuda, Chad, Papua New Guinea, Sao Tome and Principe, Singapore, Uganda and Yemen** have sent reports on unratified Conventions and Recommendations

In addition, written information was received from the Governments of **Antigua and Barbuda, Comoros, Saint Lucia, Syrian Arab Republic and Timor-Leste**

See below under Part B.

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

Barbados, Comoros, Djibouti, Dominica, Equatorial Guinea, Haiti, Kyrgyzstan, Marshall Islands, North Macedonia, Saint Lucia, San Marino, Syrian Arab Republic, Timor-Leste and Tuvalu.

6. Failure to submit instruments to the competent authorities

Countries mentioned in paragraph 130 of the General Report – page 84

Angola, Bahrain, Belize, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Haiti, Hungary, Lebanon, Liberia, Libya, Oman, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Yemen and Zambia.

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

Angola: On 11 June 2025, Angola ratified the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Employment Policy Convention, 1964 (No. 122), the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190). According to the criteria established by the Committee of Experts, Angola is no longer in serious failure to submit.

Oman: On 20 April 2025, Oman submitted the 15 instruments adopted by the Conference between 2006 and 2023 to the Shura Council and the State Council. According to the criteria established by the Committee of Experts, Oman is no longer in serious failure to submit.

Zambia: On 13 December 2024, Zambia ratified the Violence and Harassment Convention, 2019 (No. 190). According to the criteria established by the Committee of Experts, Zambia is no longer in serious failure to submit.



In addition, written information was received from the Governments of **Angola, Bahrain, Belize, Gambia, Grenada, Lebanon, Saint Kitts and Nevis, Saint Lucia, Syrian Arab Republic, Timor-Leste and United Arab Emirates**

See below under Part B.

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

Bahrain, Belize, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu and Yemen.

B. Written information received from Governments concerned by serious failure

Angola

We would like to inform you that measures are being taken to resolve this situation as quickly as possible. It should be noted that Angolan law stipulates that all instruments submitted to the competent authority (National Assembly) must be in the official language, that is, Portuguese (translated by an internationally accredited translator).

Fortunately, this year we have obtained the official translation (into Portuguese) of the 22 instruments but due to our institutional bureaucracy the process will only be fully completed in the last quarter of the year, since the law requires that for submission we must follow the same legal procedures as for ratification, which strictly speaking means that after having the instruments translated, the next step will be the preparation of Technical Opinions and Explanatory Notes by the Ministry of Labour, which in turn must submit them to the Ministry of Foreign Affairs, which is responsible for scheduling them for discussion and consideration at the Council of Ministers' meeting (held once a month), and the latter finally submits them to the National Assembly for receipt and possible formal approval of the accession process.

Antigua and Barbuda

Regrettably, the Government of Antigua and Barbuda has not upheld its reporting obligations due to a number of contributing factors. Firstly, the post of ILO Desk Officer within the Labour Department remained vacant for almost ten years, with Ms J'Donna Defoe being appointed to the post in December 2024. At the conclusion of the international labour standards training held in Antigua in November 2024 and facilitated by the international labour standards specialist in the Decent Work Technical Support Team in Port of Spain (Trinidad and Tobago), a team was assembled comprising Ms Defoe and other members of the Ministry, along with our wider stakeholders, to address the backlog in ILO reporting.

Work on ILO reporting is ongoing, with 13 reports having since been submitted to the ILO, five reports awaiting stakeholder feedback, and 18 reports still to be completed. It is our commitment to complete and submit all reports.

The Ministry appreciates the ILO's continued support in providing training and orientation in meeting our obligation as a constituent.



The reports submitted to the ILO are the following:

- (1) Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
- (2) Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (observation 2018)
- (3) Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- (4) Employment Policy Convention, 1964 (No. 122) (direct request)
- (5) Private Employment Agencies Convention, 1997 (No. 181)
- (6) Forced Labour Convention, 1930 (No. 29)
- (7) Protocol of 2014 to the Forced Labour Convention, 1930
- (8) Abolition of Forced Labour Convention, 1957 (No. 105)
- (9) Labour Inspection Convention, 1947 (No. 81) (direct request)
- (10) Minimum Wage Fixing Convention, 1970 (No. 131) (direct request)
- (11) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (direct request)
- (12) Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- (13) Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

The reports pending stakeholders' feedback are the following:

- (1) Weekly Rest (Industry) Convention, 1921 (No. 14)
- (2) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
- (3) Occupational Safety and Health Convention, 1981 (No. 155) (direct request and observation)
- (4) Maternity Protection Convention, 2000 (No. 183)
- (5) Occupational Health Services Convention, 1985 (No. 161) (observation)

The reports to be completed are the following:

- (1) Right of Association (Agriculture) Convention, 1921 (No. 11)
- (2) Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
- (3) Equal Remuneration Convention, 1951 (No. 100)
- (4) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- (5) Workers' Representatives Convention, 1971 (No. 135)
- (6) Minimum Age Convention, 1973 (No. 138)
- (7) Human Resources Development Convention, 1975 (No. 142)
- (8) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- (9) Labour Administration Convention, 1978 (No. 150)
- (10) Labour Relations (Public Service) Convention, 1978 (No. 151)
- (11) Collective Bargaining Convention, 1981 (No. 154)
- (12) Protocol of 2002 to the Occupational Safety and Health Convention, 1981



- (13) Termination of Employment Convention, 1982 (No. 158)
- (14) Home Work Convention, 1996 (No. 177)
- (15) Worst Forms of Child Labour Convention, 1999 (No. 182)
- (16) Safety and Health in Agriculture Convention, 2001 (No. 184)
- (17) Work in Fishing Convention, 2007 (No. 188)
- (18) Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)

Bahrain

In reference to the recent observations made by the Committee of Experts regarding the failure of the Government of Bahrain to submit the international labour instruments adopted by the International Labour Conference to the competent national authority, we wish to draw your esteemed attention to the fact that the Kingdom of Bahrain has diligently fulfilled all its obligations in this regard, in accordance with the constitutional framework established by the ILO.

Consistent with our national constitution and established practices, all Conventions and Recommendations adopted by the Conference are submitted to the competent authority, specifically the esteemed Council of Ministers, for ratification, encompassing all instruments adopted by the Conference from 2000 to 2023. Moreover, the Government is committed to submitting a comprehensive report to the International Labour Office during the current reporting period, detailing the procedures undertaken in the submission of Conventions and Recommendations to the competent authority.

We respectfully request that this position be given due consideration.

Belize

Belize takes the Committee's concerns seriously, particularly regarding the non-submission of instruments to the competent authority and the lack of response to previous comments.

With respect to the non-submission of ILO instruments, although initial efforts were made to initiate the process, it was not completed due to procedural uncertainties. In response, the Ministry consulted with countries sharing similar legal systems and received technical guidance from the ILO. As a result, the Government is now moving forward with submitting the instruments to the National Assembly.

Regarding the lack of response to previous comments, Belize is working to finalize its 2024 reports by the end of July. These reports will then be reviewed by the Labour Advisory Board before submission to the ILO. The Labour Department has recently replaced officers who have retired and also expanded its team; therefore we acknowledge the need for technical capacity for these new officers. We therefore respectfully request the ILO's continued support in building the skills of our officers to meet reporting obligations effectively.

Finally, we recognize that timely report preparation is often delayed by challenges in securing input from key stakeholders, including various ministries. To improve coordination, we request the ILO's support in organizing a national workshop focused on finalizing the 2025 reports and fostering greater stakeholder engagement.

We remain committed to upholding our responsibilities under the ILO Constitution and to working collaboratively to strengthen compliance and institutional capacity.



Comoros

The Comorian Government places particular emphases on promoting decent work and combating unemployment among women and young people, which are the Head of State's main aims with regard to tackling emerging challenges.

We wish to highlight that the delay in complying with our obligations owes mainly to an internal restructuring of the labour administration which hindered the regular report preparation and submission process.

We hereby inform the Committee that the reports concerning the application of ratified Conventions will be submitted to the Office's International Labour Standards Department before 1 September 2025. Those reports will provide responses to all the observations and direct requests made by the Committee of Experts in 2024, as well as other comments on the Conventions, and they will include the first report on the Social Security (Minimum Standards) Convention, 1952 (No. 102).

The Government is committed to fully respecting its international obligations, including its obligations to submit reports under article 22 of the ILO Constitution. It would be useful, however, if the ILO could provide technical assistance to Comorian stakeholders to strengthen their skills in the area of respect for obligations linked to international labour standards.

Gambia

The Government hereby conveys its apology for the long silence and we hope this apology will be honoured and valued. This letter therefore represents and demonstrates our renewed commitment to and fulfilment of ILO obligations. Notwithstanding, there are obviously challenges related to specific resources, staff attrition, sustained capacities and structural issues, just to name a few. These challenges have hugely impeded our consistency in reporting, attendance at ILO statutory meetings, and commitment to our outstanding contribution and regular annual contributions. This is why we will not be able attend the upcoming 113th Session of the Conference.

We wish to inform the Office that we have been in close contact with the ILO Regional Office in Dakar regarding some of the challenges and it has provided technical assistance on several occasions through a mini project and also through direct support to the Ministry. We wish to acknowledge with appreciation the technical assistance offered, which undoubtedly has had a positive impact and has ensured a kind of ILO presence in the country. The technical assistance offered in 2023 included the development of the formalization strategy, capacity-building for ILO tripartite constituents, and the completion and submission of a backlog of outstanding reports. Recently, from 7 to 11 April 2025, a mission was carried out by the ILO Regional Office headed by Director Samira Daoud with technical staff, to introduce the new director, who expressed the desire to strengthen existing collaboration with the Government and social partners. The purpose of the mission was to revive cooperation between the ILO and the Government of the Gambia for a strengthened implementation of the Decent Work Agenda in the country and to encourage the Government to renew the commitment toward ILO obligations. The Regional Director's visit presented two opportunities to the Ministry, including capacity-building for the tripartite constituents and a scholarship package for four tripartite constituents with ITCILO – International Labour Standards Academy.

We further wish to state that we are aware of the several communications regarding the instruments to be submitted, the replies to the pending direct requests and observations, and the submission of reports. We are aware of the fact that this is an additional challenge and indeed



an obligation to be fulfilled. All of these responsibilities present a need for technical assistance, as previously requested, to support the development of a road map with an explicit timeline to ensure a progressive commitment to the outstanding tasks and the establishment of a payment plan for the outstanding contributions. This arrangement will enable the Ministry to work toward the key Conventions, as indicated in the pyramid, which will be gradually ratified based on the proposed road map and the work of the SRM Tripartite Working Group.

Finally, we wish to reiterate the need to request technical assistance from either a local or international expert that would be hosted for a period of at least 18 months to implement the proposed road map.

We wish to assure your esteemed Office that we will deliver on these obligations, and we are hopeful that by 1 September 2025, reports will be submitted to the Office for your consideration.

Grenada

We inform the Committee that the Division of Labour has received the necessary technical support from the ILO Decent Work Team and Office for the Caribbean regarding the steps required to fulfil our reporting and other obligations. All other obligations have been fulfilled to date except the submission of outstanding instruments to the competent authorities. Please note that these instruments have already been compiled and will be submitted to the Parliament by the end of the third quarter of 2025 for its consideration.

The Government of Grenada affirms its commitment to fulfilling its obligations as an ILO Member State, including the reporting obligations under Article 22 the ILO Constitution.

Guinea

The Minister of Labour and the Civil Service acknowledges the shortcomings identified and reaffirms his determination to strengthen efforts to meet commitments towards the ILO supervisory bodies. In that regard, we wish to highlight that Guinea has benefited from the support of the ILO Office in Dakar, including through online training for a number of managers responsible for drafting reports. Direct technical assistance was also provided in the preparation of the required reports.

As part of steps to structure the reporting process, the Ministry has designated focal points within the relevant sectoral departments who are responsible for facilitating the collection of information on the application of ratified Conventions. Furthermore, it should be noted that the considerable effort made this year has allowed Guinea to submit 17 of the 23 reports requested, marking significant progress in compliance with its obligations.

At our request, a capacity-building session for managers, supported by a staff member from the International Labour Standards Department, has been planned for July. We thank you for your understanding and for the ILO's ongoing guidance in support of the efforts of the Republic of Guinea to comply with its international obligations.

Israel

We would like to clarify that any gaps in reporting were not the result of negligence or disregard, but rather stemmed from staffing constraints that temporarily affected our capacity to meet certain deadlines. For approximately a year and a half, the position of an ILO focal point within Israel's Ministry of Labour remained vacant, with interim staff making considerable efforts to maintain reporting duties under challenging circumstances. Since



December 2024, Advocate Gedalia Haber has assumed the role of focal point and is actively working to prioritize, consolidate and streamline reporting processes while enhancing coordination with relevant stakeholders.

Despite these challenges, Israel has remained engaged and has submitted several reports in the recent period, as follows:

- In October 2023, Israel submitted a comprehensive set of reports on eight ratified Conventions: Conventions Nos 88, 94, 100, 111, 117, 122, 142 and 181.
- In the first quarter of 2024, a detailed report on unratified Conventions and Recommendations related to employment injury benefits, workmen's compensation (agriculture) and equality of treatment (accident compensation) was submitted and subsequently acknowledged in the Committee of Experts' General Survey "Achieving Comprehensive Employment Injury Protection".
- In December 2024, a detailed national report on occupational safety and health in relation to Conventions Nos 155 and 187 (not yet ratified by Israel) was submitted. Israel's contribution was duly noted in the "Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022".
- At present, Israel is in the process of finalizing a report on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The preparation of this report has required extensive consultation with several government ministries, agencies, stakeholders and our social partners, in accordance with Israel's tripartite obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

As outlined in the Report of the Committee of Experts published on the ILO's International Labour Conference 2025 web page, as well as in the Office communications of 9 May 2025 and 11 March 2025, Israel currently has the following outstanding reporting obligations:

- Regular duty to report:
 - Ratified Conventions: Conventions Nos 1, 14, 19, 30, 87, 98, 102, 106, 136, 150, 160;
 - Unratified instruments: the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), and Recommendation, 2023 (No. 207) and the Quality Apprenticeships Recommendation, 2023 (No. 208).
- Response to a direct request: Israel has been asked to submit specific reports on the following conventions: Conventions Nos 29, 81, 95, 105, 118, 138, 144, and 182.
- Additional direct requests: Furthermore, Israel notes that the Report of the Committee of Experts includes additional direct requests regarding six of the eight ratified conventions reported in October 2023: Conventions Nos 94, 100, 111, 117, 122, and 181. To the best of our knowledge, no separate formal communication regarding these additional requests has been received, and we are relying on the published report as the basis for identifying these obligations.

Altogether, this constitutes a backlog of 28 reporting obligations – a significant workload that requires thorough research, consultation with the social partners (as required under Convention No. 144) and careful preparation to ensure compliance with ILO standards. Israel remains fully committed to fulfilling these obligations in a timely and comprehensive manner. Should we require technical assistance or support from the Office in addressing this backlog, we will not hesitate to reach out.



Lebanon

With respect to the letter dated 9 May 2025 from the Director of the International Labour Standards Department addressed to the Minister of Foreign Affairs concerning “failure to submit to the competent authorities the instruments adopted by the International Labour Conference under Article 19 of the ILO’s Constitution”, the Ministry of Labour would like to provide to the Committee on the Applications of Standards the following information.

In 2022, the former Minister of Labour sent the 2021 observation of the Committee of Experts to the General Secretariat of the Council of Ministers in order for the latter to submit the pending ILO instruments to the Parliament. Due to the Minister not having the capacity to address the Parliament directly, the communication needed to be transmitted via the General Secretariat of the Council of Ministers.

On 6 July 2023, the Ministry of Labour received a reply from the Council of Ministers and shared it with the International Labour Standards Department on 25 August 2023 attaching “the reply of the Council of Ministers (as per the observation of the Committee of Experts 92/2021 concerning the submission to the competent authorities of Conventions and Recommendations adopted by the International Labour Conference under article 19 of the ILO’s Constitution)”.

In 2023, the Ministry of Labour received the same observation from the Committee of Experts. The Head of International Affairs Department assumed that the reply of the Council of Ministers was not satisfactory, although there was one letter (enclosed) sent to the President of the Parliament dated 11 April 2015 concerning the submission of Protocol of 2014 to the Forced Labour Convention, 1930 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). In order to clarify the issue, the Head of the International Affairs Department followed up with officials of the General Secretariat of the Council of Ministers. In September 2023, the Head of the International Affairs Department met with the Head of Legal Affairs Department from the General Secretariat of the Council of Ministers to explain that the Committee of Experts had urged the Government to indicate the dates on which several instruments adopted by the International Labour Conference at its 99th, 100th, 101st, 103rd, 104th and 106th Sessions (2010–17) had been submitted to the National Assembly (Majlis Al Nuwwab), and to submit the new instruments adopted by the International Labour Conference at its 108th (2019) and 111th Sessions (2023).

Furthermore, in August 2024, the Head of the International Affairs Department had several exchanges (on 7, 19, 20 and 22 August) with the Head of the Joint Affairs Department with the Parliament of the General Secretariat of the Council of Ministers to explain the constitutional obligation of submission. There seemed to have been a misunderstanding as the officials involved mistakenly considered that there was a need to study the examined Conventions for the purpose of ratification. The Head of the International Affairs Department explained that while ratification was an option, the obligation to submit more broadly implied to “notify” the Parliament of the instruments adopted by the International Labour Conference. At the end of August, the war started and the civil servants of the Ministry of Labour had to leave the Ministry of Labour premises in the southern suburb of Beirut.

With respect to the above communication of the Director of the International Labour Standards Department, and with respect to the 2024 observation of the Committee of Experts, the Minister of Labour sent a letter, on 23 May 2025, to the General Secretariat of the Council of Ministers (copy attached) concerning the failure to submit to the competent authorities of the instruments adopted by the International Labour Conference under article 19 of the ILO’s Constitution.



The main challenges faced by the Government to fulfil its constitutional obligation of submission include force majeure reasons (the 2024 war) and the misinterpretation of the officials at the Council of Ministers on how to follow up. Finally, the Government requests ILO technical assistance, particularly in the form of capacity-building (a one- or two-day workshop) of the officers at the General Secretariat of the Council of Ministers and the Parliament.

Liberia

The Government has provided the following written information as well as the Ministry of Labour's response to the issues raised by the Committee of Experts under Convention No. 87.

We inform the Committee that the current administration at the Ministry of Labour, which is statutorily responsible for addressing all the concerns raised by the Committee of Experts, took over the helm of authority in February 2024, following the country's General and Presidential Elections held in November 2023. Since then, the current administration has been coming to terms with what is on the books, with different unresolved issues, such as those raised by the Committee of Experts in the communication dated 9 May 2024 to the Liberian Government.

The Ministry of Labour continued to engage with stakeholders to undertake multiple research projects and conduct a labour force survey to establish a comprehensive database. Information in the labour sector is scarce, thereby leaving a gap in labour-related issues that the Ministry can use.

Lastly, the Government of Liberia is facing serious financial constraints, which are creating a bottleneck in meeting our international obligations. The fiscal space is a challenge for the Ministry, which is counting on the ILO for technical and financial support in meeting some of these challenges.

As indicated above, these and other issues are impediments to the Ministry of Labour, which will need technical and financial support to write these reports by 1 September 2025. We will communicate with your Office separately by early June 2025.

Montenegro

The Government wishes to emphasize that the delay in meeting this obligation was primarily due to a comprehensive reorganization of the state administration carried out during 2024, which adversely affected the regular process of report preparation and submission.

The Government hereby informs the Committee that the reports concerning the implementation of ratified Conventions have been duly prepared and were submitted to the International Labour Office – International Labour Standards Department on 16 May 2025. The reports provide responses to all the observations and direct requests made by the Committee of Experts. The Government of Montenegro remains fully committed to the timely fulfilment of its international obligations including the reporting obligations under article of 22 the ILO Constitution.

Saint Kitts and Nevis

The Ministry of Employment and Labour has begun the preliminary work to amalgamate the reports and relevant submissions for the years in question. We anticipate this may take some time to retrieve, given the period that has elapsed and the constraints on record retention. The Government intends to utilize the resources available to us through ILO for guidance as we endeavour to comply with our reporting obligations.



Saint Lucia

The Government of Saint Lucia reiterates its commitment to fulfilling its reporting obligations to the International Labour Organization as soon as possible.

In relation to article 22 reporting on ratified Conventions, the Government is pleased to report that measures are being taken to improve the issue of reporting. In the years 2024 and 2025, officers from the Department of Labour, participated in the International Training Centre of the International Labour Office (ITCILO) course on “Best Practice in Reporting”, in an effort to build capacity in that specific area. As such, it is the intention to have an officer assigned the specific responsibility of preparing reports to the ILO.

It is important to note that in addition, a senior official from the Department of Labour recently attended the ITCILO’s International Labour Standards Academy to assist with the strengthening of national capacity to follow international labour standards procedure, including the discharge of reporting obligations under articles 19 and 22 of the ILO Constitution. The Government is working closely with the ILO’s Caribbean Office, particularly the international labour standards specialist, to fulfil its reporting obligations.

In relation to article 19 – Reporting on unratified Conventions, the Government informs the ILO that it is devoted to taking all necessary action to submit reports under article 19 in a timely manner.

With regard to the submission of instruments to the competent authorities, the Department of Labour will continue to consult with the ILO Caribbean Office and take steps to address this issue as soon as possible.

South Sudan

The Republic of South Sudan has the pleasure to echo its apology for delays in reporting on the ratified Conventions. There have been numerous challenges affecting the country and particularly the Ministry of Labour that is tasked with the responsibility of reporting. However, we are trying our best to meet the required reporting standards as per international labour standards.

Syrian Arab Republic

Following Syria’s liberation from the old regime and the new Government’s assumption of power, the Ministry of Social Affairs and Labour (hereinafter the Ministry) has conducted a preliminary review of the extent of compliance with the obligations arising from the ratified Conventions. It has been noted that the old regime had in past years failed to fulfil such obligations, specifically when it came to submitting internationally mandated periodic reports concerning ratified Conventions and the implementation thereof.

The Ministry appreciates that periodic reports submitted to the ILO are essential instruments for monitoring the implementation of Conventions ratified by Member States. The Ministry believes that the failure to submit reports to the supervisory bodies is a clear indication of the lack of commitment on the part of the old regime to protecting workers’ fundamental rights and improving working conditions, despite its ratification of the Conventions.

- The political and security situation that the old regime forced from 2011 on the Syrian people in all its entirety directly impacted the performance of state institutions and weakened their technical and administrative capabilities, with institutions suffering from deficient and



defective staffing and technical resources, inadequate for the preparation of comprehensive technical reports.

- There had been a lack of internal coordination within government institutions, with there being no effective mechanism for coordination among the bodies concerned with preparing the reports.
- The international sanctions that were imposed on Syria constituted an indirect obstacle to communication with international organizations and United Nations agencies. Furthermore, the lack of technical support from the ILO Office in Syria that persisted for many years of that period also impacted the preparation of these reports as did the absence of the needed technical support.
- The old regime's political considerations, its reservations about the content of the reports or fear that this might be used against it internationally had also been an obstacle.

We wish to point out that in September 2024, the Ministry sought to fulfil its obligations and submit reports to the ILO. A request for technical support was submitted to the ILO Regional Office, which graciously provided it to the Ministry and trained the Directorate of Planning and International Cooperation and relevant technical directorates, along with a number of ministries, and elements representing employers and workers. Out of 37 reports, 22 draft reports had been prepared and submitted to the relevant authority, which did not communicate them to the ILO, possibly for the reasons outlined above.

The Ministry appreciates the importance of preparing and submitting periodic reports, not only for the sake of submitting the required reports and meeting its international obligations, but also for the purpose of achieving a number of benefits with regard to the updating and developing of national laws and legislation, most prominent among these being:

- (1) Improving compliance of national legislation with international standards: Thus, the process of making the reports requires exhaustive review of national laws and legislation and comparison of them with international Conventions, in order to bring about their amendment and make them more aligned with the latest international labour standards. The Ministry is currently in the beginning stages of this. We hence submit our request to the ILO for possible technical assistance in amending and updating the laws and legislation relating to labour and social insurance.
- (2) Reassessing and evaluating the current situation with respect to national legislation, identifying legal deficiencies and legislative reform: In the course of preparing the reports, gaps, or inconsistencies and flaws, came to light in national legislation, thus making it timely to propose legal reforms that will serve to offer greater protection to workers and employers and improved working conditions.
- (3) Making labour-related legislation and policies more transparent and accountable by drafting reports documenting the actual status of legislation and the extent of its application, such that transparency and accountability are strengthened, the passing of legislation that is at odds with Syria's international commitments is lessened and previous legislation is amended and upgraded.
- (4) Fostering the development of a legal environment that is conducive to cooperation internationally and with the United Nations and to programmes of rehabilitation and rebuilding of Syria: Thus, the alignment of legislation with international labour standards raises the confidence of international players in the strength of Syria's resolve to regulate and develop the labour market and to create a decent working environment. Syria is



desirous of this in the present phase of its recovery as well as of achieving sustainable development.

- (5) Extending social dialogue and participation in the preparation of legislation: The participation of trade unions and employers' organizations is integral to the preparation of the reports, which simultaneously strengthens social participation in the drafting of labour policies and partnership with them given that they are stakeholders in these.
- (6) Benefiting from the experience of other States that are in compliance with international Conventions and have introduced them into their national laws and legislation.

Proposed work plan for stepping up the process of preparing and dispatching the reports requested, while ensuring their consistency and compatibility with international standards and that they do not fail to comply therewith or fall short of them in the future

Activity	Tasks	Time frame
First stage		
1. Reviewing observations and Conventions	✓ Review the latest observations by the Committee of Experts on which work is currently under way ✓ Categorize the observations and requests in accordance with the Conventions of highest priority ✓ Identify those Conventions that have still not been addressed or that are in need of updating	During the workshop that will be conducted on 31 May 2025
2. Assembling data, information, laws and legislation	✓ Assemble relevant national legislation ✓ Obtain latest statistical data from governmental bodies ✓ Document actual practices by means of questionnaires or on the basis of locally supplied reports	
3. Preparing the draft report	✓ Review draft of the reports produced in accordance with the report forms for: 1. Night Work (Women) Convention (Revised), 1948 (No. 89) 2. Equal Remuneration Convention, 1951 (No. 100) 3. Minimum Age Convention, 1973 (No. 138) 4. Worst Forms of Child Labour Convention, 1999 (No. 182)	



Proposed work plan for stepping up the process of preparing and dispatching the reports requested, while ensuring their consistency and compatibility with international standards and that they do not fail to comply therewith or fall short of them in the future		
Activity	Tasks	Time frame
Second stage		
1. Announcing the formation of a national team comprising representatives of the Government, employers and workers	Issue an official decision to form a permanent national team for preparing reports, reviewing the Conventions that are to be addressed and assembling the relevant national legislation. The team shall comprise representatives and legal experts from: the Ministries of Social Affairs and Labour; Foreign Affairs and Expatriates; Justice; Education; (Higher) Education and other relevant ministries and the like; the General Establishment for Social Insurances (GESI); the General Federation of Trade Unions (GFTU); the Federation of Chambers of Industry, (the Federation of Chambers of) Commerce and others besides.	During the first week of June 2025
2. Completing all the required reports	Prepare the draft of the technical report on 37 Conventions, including the response to the observations and requests	During the workshop to be conducted from 22 to 25 June 2025
3. Reviewing and approving the reports	Conduct internal legal and technical review; approval of the reports by the national committee prior to presenting them to the Ministry of Foreign Affairs and Expatriates	During July 2025
4. Dispatching the reports and following up on them	Dispatch the report via the Organization's official channels Request confirmation of receipt of the report by the ILO	During August 2025
Requirements specific to achieving the plan annually	✓ Appoint a permanent point of liaison for future follow-up vis-à-vis reports from the Directorate of Planning and International Cooperation ✓ Build the capacities of national personnel to prepare international reports; request technical support from the ILO in training the national team on each specialized Convention ✓ Hold meetings and workshops nationally in cooperation with ILO on a continuous basis in order to make clear the importance of compliance and the consequences of non-compliance ✓ Hold a biannual workshop to take stock of progress in preparation of the reports ✓ Encourage dialogue between the government and representatives of workers and employers under the auspices of the ILO ✓ Assign a permanent team to the Office of International Cooperation within the Ministry of Social Affairs and Labour to follow up on reports on a continuous basis	



Proposed work plan for stepping up the process of preparing and dispatching the reports requested, while ensuring their consistency and compatibility with international standards and that they do not fail to comply therewith or fall short of them in the future

Activity	Tasks	Time frame
	✓ Seek technical, legal and specialist support from the ILO with a view to developing labour-related legislation and fostering its effective application in a manner conducive to adherence to international Conventions through modern, developed national laws and legislation that are in step with international advances	

Timor-Leste

Challenges faced by Timor-Leste

Timor-Leste has faced significant unforeseen challenges over the past reporting period, which have severely impacted our capacity to compile and submit the requested information:

- COVID-19 pandemic: the global COVID-19 pandemic placed an immense strain on our national resources and administrative capacity. The Government was fully mobilized to address the public health crisis, implement containment measures and mitigate the socio-economic impact across all sectors. This necessitated a reprioritization of tasks and reallocation of personnel, which unfortunately affected our ability to dedicate sufficient resources to international reporting obligations.
- Devastating floods in April 2021: in April 2021, Timor-Leste experienced unprecedented major flooding and landslides that affected all 13 municipalities. This natural disaster caused widespread destruction, displacement and significant disruption to infrastructure and public services. Our immediate focus shifted to humanitarian response, disaster relief and initial recovery efforts. The aftermath of these floods continued to demand considerable attention and resources, diverting personnel from regular duties, including report preparation.

Bureaucratic process through ILO Jakarta

Furthermore, a procedural challenge adds to the complexity and time required for our submissions. The current requirement for Timor-Leste to channel all communications and reporting through the ILO Jakarta office often makes the process more time-consuming. This additional layer of bureaucracy can sometimes delay the transmission and receipt of documents, impacting our ability to meet strict deadlines, especially when compounded by the aforementioned crises.

Commitment to future reporting

We understand the importance of timely reporting to the ILO and remain committed to upholding our obligations as a Member State. We are actively working to overcome these challenges and improve our internal mechanisms for data collection and report preparation. We are currently in the process of completing this report and anticipate its submission once finished.

We kindly request your understanding and flexibility given the extraordinary circumstances Timor-Leste has faced. We are prepared to discuss how we can best provide the outstanding information and ensure more timely submissions in the future. Additionally, we



would like to formally request future assistance from the ILO regarding capacity-building for reporting.

United Arab Emirates

The Government wishes to express its full cooperation with the Committee and reiterates its commitment to fulfilling its obligations under the ILO Constitution, including the submission of instruments to the competent authorities, and the timely submission of reports on ratified Conventions. The Government would also like to take this opportunity to provide the following clarifications.

The process of ratification of international Conventions in the United Arab Emirates requires submission to the Permanent Committee on Conventions, established under the Cabinet of Ministers pursuant to Cabinet Decision No. (24/2W) of 2021. This Committee is mandated to examine all international Conventions that the State may consider becoming a party to or ratifying, in order to assess their alignment with national legislative frameworks and strategic objectives, and to issue its recommendations for the relevant authorities to take appropriate decisions and actions accordingly.

In this regard, the Government would like to inform the esteemed Committee, that the Conventions listed in the relevant report were submitted to the Permanent Committee's fifth meeting held on 22 October 2024. After a comprehensive examination of the Conventions and a comparison with the current national legislative framework, the Permanent Committee decided to defer ratification of these Conventions at the present time. The Permanent Committee reaffirmed the State's continued commitment to reviewing its national legislation and policies in light of all relevant international Conventions, and to working towards alignment between national legislation and international standards, in a manner that serves national interests and supports progress toward the achievement of the Sustainable Development Goals.

We appreciate the opportunity to provide context and reaffirm our ongoing efforts to enhance compliance with international labour standards and reporting obligations.

Viet Nam

In paragraph 74 of the Report of the Committee of Experts, Viet Nam was named for failing to provide responses to the comments of the Committee of Experts regarding the implementation of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Viet Nam has always complied with its obligations as an ILO member. This is the first time Viet Nam has been named for the late submission of a report on the implementation of ratified Conventions. The delay was attributed to the following reasons:

- (i) The Committee of Experts' questions and comments were extensive and required a comprehensive response. Some requests involved statistical data up to the end of 2024. Therefore, to ensure the quality of the report, the process of internal consultation, feedback and finalization took longer than expected. During 2024-25, the Ministry of Home Affairs (which was the Ministry of Labour, Invalids and Social Affairs before 1 March 2025) undertook the following tasks to prepare detailed responses to the Committee's comments:
 - submitted proposals to the Ministry for approval of steps to develop the report;



- drafted detailed content and sought written input from relevant ministries, sectors and agencies through four rounds of requests:
 - Official Letter No. 3122/BLĐTBXH-VPC dated 16 July 2024, sent to agencies requesting information for the reports;
 - Official Letter No. 813/CV-VPC dated 16 July 2024, sent to units within the Ministry requesting information for two reports;
 - Official Letter No. 197/CV-VPC dated 13 February 2025, seeking second-round input on the two draft reports and requesting updates and additional information;
 - Official Letter No. 1905/BNV-PC dated 29 April 2025, sent to relevant ministries and agencies requesting feedback on the two draft reports.

However, as of 20 May 2025, several key ministries and sectors had yet to respond to the 29 April 2025 request from the Ministry of Home Affairs seeking feedback on the draft reports concerning the implementation of Conventions Nos 100 and 111 in Viet Nam.

- (ii) In 2024–25, the Government implemented a restructuring process to streamline the government apparatus. This process resulted in organizational and personnel changes, affecting the contact points responsible for the relevant tasks in various ministries and sectors.

Given the above context, the preparation of the periodic reports on the implementation of Conventions Nos 100 and 111 in 2024 was significantly impacted in terms of gathering practical information and data from the relevant ministries, sectors and agencies.

Currently, the Ministry of Home Affairs is conducting the final round of consultations with relevant ministries and agencies before finalizing, translating into English and submitting the report to the ILO.

C. Discussion by the Committee

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

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

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



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

To take account of recent developments since the meeting of the Committee of Experts, updated information on the countries concerned was provided to the Committee in document CAN/D/SF, which was made available on 2 June 2025. This document takes into account the fact that some governments have submitted the required information and reports since then and have therefore been removed from the list. Part B of the Document also compiles the written information received from governments with respect to these failures.

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

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

I am now going to open the discussion by inviting the two Vice-Chairpersons to make their introductory statements.

Worker members – Respect for reporting obligations is vitally important to the smooth functioning of our Organization. It is with good reason that these obligations are set out in the ILO Constitution.

The work of the ILO, and more particularly that of our Committee, is based on the reports provided by the Member States, and also on the observations submitted by trade unions and employers' organizations. Failure to meet these obligations seriously disrupts the proper functioning of the ILO's many areas of work, meaning that the ILO is not in a position to fully assess the implementation of these instruments in the Member States and to provide the latter with the necessary support. Ensuring the effective implementation of ILO instruments means ensuring respect for the dignity and rights that workers must derive from ILO instruments.

It is essential to remind the Member States concerned of the fundamental nature of these obligations and to urge them to make every effort to comply with them as soon as possible, with the assistance of the ILO where necessary. A significant number of Member States have been invited to provide us with written explanations regarding serious breaches of reporting



obligations and other standards-related obligations. This reflects the scale of the work that remains to be done.

With regard to the number of reports submitted, we note a slight decline compared to last year. On the other hand, we note an improvement in the timeliness of report submissions. We can only encourage Member States to reinforce this trend. We know that late submissions of reports have a significant impact on the proper functioning of the Committee of Experts. The regular submission of reports is essential to the dialogue that must take place between the ILO and Member States.

A number of Member States have failed to submit the reports required under article 22 of the Constitution for more than two years: 14 Member States were in this situation at the time of publication of the Committee of Experts' report. One Member State, Papua New Guinea, has since regularized the situation, and we thank them for doing so.

Responses to observations or requests made by the ILO supervisory bodies are essential to continuing the dialogue between the ILO and its Member States. Unfortunately, some Member States fail to follow up on these observations or requests. At the time of publication of the report, 14 Member States had not responded to most, if not all, of the observations and direct requests made.

Responding to the issues raised by the ILO supervisory bodies is essential and testifies to the value that the ILO constituents attach to dialogue with them. In the meantime, 15 Member States have regularized the situation. We encourage them to continue along this path and invite other Member States to do the same, if necessary by having recourse to technical assistance from the ILO.

The urgent appeals procedure established by the Committee of Experts in collaboration with the Office has proved its worth in recent years. This initiative contributes decisively to improving Member States' compliance with their reporting obligations. The procedure allows for a substantive examination of a case on the basis of publicly available information. This sends a clear message that failure to report cannot under any circumstances be a loophole for avoiding monitoring of compliance with ILO instruments in the country concerned, particularly with regard to Member States that deliberately do not play by the rules.

This year, 17 Member States are the subject of an urgent appeal for failing to report for more than three years. We invite these Member States to respond favourably and as soon as possible to the appeal launched by the Committee of Experts. Two Member States, Iraq and Papua New Guinea, have since regularized their situation, and we thank them for doing so.

General Surveys also depend on reports from Member States. It is vital that all Member States contribute to these Surveys, which allow the ILO to identify possible areas of action. However, we regret that, at the time of publication of the Committee of Experts' report, 21 countries had not submitted any report for the purposes of a General Survey in the last five years. Seven Member States have since done so, and we thank them for that.

The submission of instruments adopted by the ILO to the competent authorities is also a fundamental obligation in that it enhances the ILO's standard-setting activities in Member States. And yet we note that, at the time of the report's publication, no fewer than 26 Member States had failed to submit the instruments adopted by the ILO at the seven previous sessions of the Conference to their competent authorities. We welcome, however, the subsequent regularization of that situation by Zambia and Oman, for which we are grateful.



It is positive to note that, for a number of years, an obligation that goes to the very core of the ILO has been respected by all Member States: namely, the obligation to indicate the representative employers' and workers' organizations to which copies of reports and information submitted to the ILO are communicated. Tripartism lies at the heart of the ILO's work. Although this formal obligation is universally respected, in many Member States there remains much to be done to ensure that genuine tripartite social dialogue is in place. We will have the opportunity to examine this over the course of our work.

The obligation for Member States to submit to the Committee of Experts a first report on the application of newly ratified Conventions is fundamental. First reports are vitally important since they are particularly detailed and give the ILO a comprehensive picture of a Convention's application in the countries concerned.

At the date of the report's publication, 11 Member States had not communicated a first report in at least two years. Although Sudan and Iraq appeared on that list, they have since submitted information to the ILO, and we thank them.

During this special sitting of our Committee, the 70 Member States in situations of serious failure were given the opportunity to submit written information in that regard. Just 17 took that opportunity; we thank them, but we regret that so few did so.

On the basis of the information compiled by the Office, it should be noted that between the highlighting of the Member States' serious failures in the Committee of Experts' report and the holding of this special sitting, 26 Member States have addressed all or part of their failures to fulfil reporting obligations. We encourage those Member States to pursue their efforts to comply fully with their obligations. There remain, however, many Member States that have yet to take specific steps in that direction. We hope to learn more, during this sitting, about the difficulties facing them and to hear firm commitments on their part with regard to their reporting obligations.

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

We note that the Committee of Experts has made 625 observations and 1,145 direct requests this year. This persistently high number of comments suggests that ratification may often not be taken seriously enough. It appears that ratification may on occasion be undertaken as a political statement or declaration of intent rather than what it really is, namely the conclusion of a treaty under international law containing legal obligations, all of which are to be complied with, including the associated reporting obligations.

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



We also observe that there has been a slight decrease in the number of reports received by the end of the session from 75.3 per cent of the total number of reports requested last year to 73.6 per cent this year. We also note the increase in the number of reports submitted after the 1 September deadline from 54.4 per cent last year to 57.6 per cent this year. We again ask governments to make every effort to provide their reports in a timely manner so that the supervisory bodies can perform their work efficiently and effectively.

The Employer members note with concern that 14 countries have not provided the reports due with respect to ratified Conventions for the past two or more years and this is respectfully not acceptable. We urge the governments concerned to supply all of their outstanding reports at the earliest opportunity.

If the reports cannot be submitted for reasons beyond the control of the government, we ask that the government informs the ILO of the relevant circumstances. In such cases we remind governments that they may also request the ILO's technical assistance in order to address the problem in a sustainable manner.

With respect to first reports on ratified Conventions, we note that six countries have failed to supply these reports for more than three years. We would like to stress that first reports are particularly important as they are meant to provide complete information about government action to implement the applicable ratified Convention. As such, first reports provide an indispensable baseline for an initial comprehensive assessment of compliance. We therefore call on the governments of those six countries to submit their overdue first reports to the ILO without further delay. Here too, the relevant governments are encouraged to request ILO technical assistance as required.

We further note with concern the number of Committee of Experts' comments, whether observations or direct requests, to which governments have not replied. More specifically according to the report there are 44 governments that have not provided responses this year. The Employers would like to understand the reasons for this lack of response. We speculate that the high rate of unresponsiveness by governments may be an indication that there are systemic challenges or barriers to reporting. However, without clarity from the relevant governments regarding the reasons for their unresponsiveness we are not in a position to either diagnose or recommend broader remedies for addressing these deficiencies.

We also note with regret that 21 countries have not provided reports on unratified Conventions and Recommendations requested under article 19 of the ILO constitution for the past five years. We suggest that the Office together with the governments work towards identifying the reasons for these reporting deficiencies and develop effective and appropriate remedies.

We further note that a number of countries appear on all non-compliance reporting lists, including those under article 22 and article 19 as well as the first reports. We encourage these countries in particular to request more comprehensive support from the Office if required.

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



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

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

We note that the social partners submitted 786 observations to the Committee of Experts this year, as compared to 1,276 last year. 179 of these were communicated by employers' organizations as compared to 221 last year and 607 of them by workers' organizations as compared to 1,055 last year. We regret the overall decrease in submissions and we trust that the Office will continue to provide technical assistance, including capacity-building, to social partners where needed to enable them to provide relevant comments to the work of the Committee of Experts.

On our end, we will continue our efforts to promote the active engagement of social partners in this function so that the monitoring of standards can truly be tripartite. To this end, the IOE is supporting employers' organizations in submitting up-to-date and relevant information to the Committee of Experts on the application of ratified Conventions in law and in practice in their respective countries.

The comments of employers' organizations are particularly critical for identifying where governments have failed to take into account the needs and realities of sustainable enterprises when implementing ratified Conventions and for making suggestions for improvement in this regard. We trust that the Experts in their assessments will give due consideration to the comments from employers' organizations, as well as any additional comments made by employers' representatives in the discussions in this Committee.

To conclude, in order to be effective, the Employer members believe that the ILO's regular supervisory system depends on government reports that contain complete and relevant information and which are sent regularly and on time. It is also critical to take note of additional comments from social partners as they provide key context. It is only with all these inputs that the supervisory bodies can properly assess the implementation of ILO standards.

Overall, the reduction in participation of the three constituents is unfortunate and we see significant room for improvement in the fulfilment of reporting obligations going forward. To that end, we support all efforts aimed at enabling the supervisory system to do its work more efficiently, including the streamlining of reporting and the extension of possibilities for e-reporting among others. We are optimistic that the new system being discussed, which was highlighted yesterday by the representative of the Secretary-General in her comments and her very enthusiastic call for participation, day or night, will be more efficient and effective.

Government representative, Saint Lucia – Saint Lucia is one of the small island developing States in the Caribbean and I am happy that we are here at this Conference to represent our nation. It is an appearance that we have not made in a long time, and I am here to apologize on behalf of my country. As you know, small island developing States have serious challenges with regard to the necessary resources to attend conferences. However, Saint Lucia has made the effort to participate in this Conference and to give an appropriate explanation



as to why we have not been reporting to this respected body of Workers', Employers' and Government groups.

We have been taking steps to address the issue of reporting to the ILO. So far, we have managed to get some of our personnel trained. In the coming months we should be in a position to submit some of our reports. We are also seeking support from the ILO subregional office in Trinidad and Tobago. Once their capacity has been strengthened, they will be in a better position to assist us.

Small island developing States have frequent changes in government and policies and that too could have contributed to the setback in reporting to the ILO. However, this year the Government has made ILO matters a priority issue and therefore we are here, fully constituted with representatives from the employers, the workers and the Government.

We are also due to ratify two additional ILO fundamental Conventions this week, that is the Minimum Age Convention, 1973 (No. 138), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

The Government is committed to fulfilling its reporting obligations to the ILO as soon as possible. In relation to reporting on ratified Conventions under article 22, the Government is pleased to report that measures are being taken to improve the issue of reporting. In 2024–25, officers from the Department of Labour participated in the International Training Centre of the ILO (ITCILO) course on Best Practice in Reporting in an effort to build capacity in that specific area. The intention is to assign an officer with the specific responsibility of preparing reports to the ILO. It is important to note that, in addition, a senior officer from the Department of Labour recently attended the ITCILO's International Labour Standards Academy to assist in strengthening national capacity to follow international labour standards procedures, including the discharge of reporting obligations under articles 19 and 22 of the ILO Constitution.

The Government is working closely with the ILO's Caribbean office, particularly the standards specialist, to fulfil its reporting obligations. In relation to article 19, reporting on unratified Conventions, the Government informs the ILO that it is devoted to taking all necessary action to submit reports under article 19 in a timely manner. With regard to the submission of instruments to the competent authorities, the Department of Labour will continue to consult with the ILO Caribbean office and take steps to address this issue as soon as possible.

Government representative, United Kingdom (British Virgin Islands) – The matters covered by the relevant Conventions are devolved to the Government of the British Virgin Islands which also takes responsibility for providing reports related to their implementation in law and practice. As a representative of the UK Government, I am reading this statement on their behalf.

The Government of the British Virgin Islands wishes to affirm its commitment to its reporting obligations under article 22 of the ILO Constitution. The Government has experienced resource and capacity issues in fulfilling its reporting obligations. The outstanding response to the Committee of Experts' comments in relation to the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) was submitted to the Office on 13 May.

The Government continues to work on its response to the Committee of Experts' comments on the Labour Clauses (Public Contracts) Convention, 1949 (No. 94) and the Migration for Employment Convention (Revised), 1949 (No. 97), and will submit these as soon as possible. The Government appreciates the Office's offer of technical assistance and will



consider this with a view to ensure timely and comprehensive reporting in the current and future years.

Employer members – We don't have any further comments.

Worker members – We know how important dialogue is between Member States and the ILO. The reporting obligations that we have discussed today enable the ILO to organize this dialogue. In joining the ILO, Member States have undertaken to comply with these obligations.

Even though we must find ways to simplify the reporting procedure and support Member States in complying with these obligations, we cannot consider them simply as administrative tasks. They are fundamental in that they stimulate dialogue between Member States and the ILO. They underpin the dynamics of tripartite social dialogue and the respect and promotion of international labour conventions. This is why Member States must commit themselves fully to these processes.

With this in mind, ensuring the effective application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) can contribute to greater compliance with reporting obligations. Member States that have not yet done so could envisage ratifying this Convention in order to improve compliance with reporting obligations.

We have taken note of the written information transmitted and of the difficulties encountered by certain Member States and are pleased to point out that these Member States generally request technical assistance from the ILO, which systematically responds favourably and with great efficiency.

The Office makes every effort to support Member States and also provides them with a number of tools. Examples of such tools include the Managing ILs Reporting website, and the online guide on established practices of the supervisory system. We can only encourage Member States to learn more about these tools, and invite the Office, and the experts, to make them as visible as possible.

The training of government officials responsible for preparing these reports is fundamental for ensuring compliance with reporting obligations. The International Training Centre in Turin is proving invaluable in this respect. Many Member States are satisfied with the training received from the Centre, which has resulted in better compliance with reporting obligations. The faultless technical assistance provided by the Office and the expertise of many standards specialists deployed in the field by the ILO are just as much a resource for Member States. It is vital for the Office to pursue its efforts in this regard and to strengthen the many resources already developed under the ILO programme and budget.

The Governing Body also laid the foundations for a reform of the manner in which reporting obligations could be met by Member States. This reform intends to facilitate the task for Member States without reducing the quality of the information submitted to the ILO.

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

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



difficulties encountered by certain Member States with regard to reporting should not discourage them from ratifying more Conventions.

We have taken good note of the commitments made by certain governments, and we hope that these will be followed by concrete action to ensure full compliance with their obligations. It is essential that all these governments, and particularly those which have not provided any information to the Committee, put an end to these serious breaches as soon as possible. Proactive support through the Office's technical assistance will remain essential to enable Member States to fully meet their standards-related obligations.

Conclusions of the Committee

Chairperson – As announced, I will now read out the draft conclusions on the cases of serious failure by Member States to comply with their reporting and other standards-related obligations.

The Committee takes note of the oral information and explanations provided during the present session by the representatives of the Governments of the *United Kingdom of Great Britain and Northern Ireland (British Virgin Islands)* and *Saint Lucia*, and the written information provided by the Governments of *Angola, Antigua and Barbuda, Bahrain, Belize, Comoros, Gambia, Grenada, Guinea, Israel, Lebanon, Liberia, Montenegro, Saint Kitts and Nevis, Saint Lucia, South Sudan, Syrian Arab Republic, Timor-Leste, United Arab Emirates* and *Viet Nam*. The Committee welcomes the fact that, in comparison with the previous year (eight countries), a higher number of countries (19 countries) have provided written information to the Committee.

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

However, the Committee regrets that the Governments of *Afghanistan, Barbados, Cook Islands, Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Guinea-Bissau, Haiti, Hungary, Kyrgyzstan, Libya, North Macedonia, Nigeria, Marshall Islands, Palau, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Solomon Islands, Somalia, Tonga, Tuvalu, Uganda, Vanuatu* and *Yemen* have not made statements or provided written information.

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

Concerning the failure to provide first reports for two or more years on the application of ratified Conventions, the Committee recalls the particular importance of the submission of the first report on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of *Antigua and Barbuda,*



Comoros, Djibouti, Marshall Islands, Saint Lucia, Somalia, Tonga, Tuvalu and Vanuatu will provide the first reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

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

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

Concerning the failure to provide information in response to comments made by the Committee of Experts, the Conference Committee emphasizes the fundamental importance of clear and complete information in response to the comments of the Committee of Experts in order to permit continued dialogue with the governments concerned. The Committee expresses the firm hope that the Governments of *Afghanistan, Antigua and Barbuda, Barbados, Belize, Burundi, Comoros, Congo, Cook Islands, Djibouti, Equatorial Guinea, Gambia, Guinea, Guinea-Bissau, Haiti, Israel, Liberia, Libya, Nigeria, Palau, Papua New Guinea, Saint Lucia, San Marino, Somalia, South Sudan, Syrian Arab Republic, Timor-Leste, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Viet Nam* and *Yemen* will provide the requested information in future, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to provide reports for the past five years on unratified Conventions and Recommendations, the Committee emphasizes the important that it attaches to the constitutional obligation to provide reports on unratified Conventions and Recommendations. The Committee expresses the firm hope that the Governments of *Barbados, Comoros, Djibouti, Dominica, Equatorial Guinea, Haiti, Kyrgyzstan, Marshall Islands, North Macedonia, Saint Lucia, San Marino, Syrian Arab Republic, Timor-Leste, Tuvalu* and *Uganda* will comply with their obligation to provide reports on unratified Conventions and Recommendations in future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to submit instruments to the competent authorities, the Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to the competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. The Committee expresses the firm hope that the Governments of *Bahrain, Belize, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab*



***Emirates, Vanuatu and Yemen* will comply with their obligation to submit Conventions, Recommendations and Protocols to the competent authorities in future. The Committee decides to note these cases in the corresponding paragraph of its General Report.**

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

The Committee welcomes the fact that all the Member States have indicated for the past three years the representative organizations of employers and workers to which copies of the reports and information provided to the Office have been communicated. The Committee expresses the firm hope that this is a sign that genuine tripartite social dialogue has been established in all ILO Member States. The Committee decides to note this positive development in the corresponding paragraph of the General Report and to encourage Member States to continue in this direction.

(The conclusions are adopted.)



III. Discussion of the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

Chairperson – Dear delegates, the last item on the agenda for this sitting is the discussion of the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART).

I invite Mr Frank Hagemann, Director of the Sectoral Policies Department, to present this report. Mr Hagemann, you have the floor.

Representative of the Secretary-General, Director of the Sectoral Policies Department – It is my pleasure to introduce to you the report of the 15th Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations Concerning Teaching Personnel – or, in short, the CEART – held at the ILO from 11 to 13 September 2024. As you will recall, the CEART was established in 1967 following the adoption by the ILO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) of the Recommendation concerning the Status of Teachers.

The CEART meets every three years to review major trends in education and teaching and to make relevant recommendations. It also reviews allegations brought by teachers' organizations regarding non-respect of the principles of the 1966 Recommendation and the 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel.

It should be noted that for the 15th Session we piloted a less costly hybrid approach, meeting several times virtually before a shortened face-to-face meeting in Geneva. The report of the 15th Session follows a number of significant developments in the area of teaching since the last meeting of the CEART in 2021.

In 2022, the United Nations (UN) Secretary-General convened the Transforming Education Summit, which had a dedicated track on the teaching profession led by the ILO and UNESCO. As a result of the Summit, the Secretary-General established a High-Level Panel on the Teaching Profession, co-chaired by the former Presidents of Estonia and Trinidad and Tobago and supported by a joint ILO/UNESCO secretariat, administered by the ILO.

The High-Level Panel released its recommendations in February 2024. Recommendation No. 53 of the High-Level Panel sets out that, and I quote, "the United Nations system should adopt an up-to-date international instrument, including a convention or a revision of existing instruments, on the teaching profession. Such an instrument should build on the principles set out in the ILO/UNESCO Recommendation concerning the Status of Teachers, the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) and other relevant standards and tools. The application of such an instrument should be monitored through a strengthened mandate for the Joint ILO/UNESCO Committee of Experts on the application of the Recommendations concerning Teaching Personnel or a similar body."

In March 2024, the Executive Board of UNESCO authorized the UNESCO Director-General to prepare a preliminary study on the technical and legal aspects relating to the desirability of revising both Recommendations. Any final decision to revise the 1996 Recommendation will be taken by the UNESCO General Conference due to meet in November this year.

The ILO Governing Body in March this year, in this very room, decided to proceed with a revision of the 1966 ILO/UNESCO Recommendation and requested the ILO, together with the



secretariat of UNESCO to develop a joint procedural framework leading to the adoption of a revised recommendation concerning the status of teachers. That revised recommendation would provide for adequate participation for the ILO, or rather the framework would require adequate participation for ILO constituents, and the proposal would be submitted to the 355th Session of the Governing Body in November 2025. The modalities of adopting such a joint instrument are under discussion.

At this time, it is envisaged to convene an expert group to draft the revised instrument which will include experts from labour ministries and employers' and workers' organizations.

A special governmental conference will be convened, possibly in late 2027, to adopt the instrument. Discussions are ongoing on how to ensure tripartite representation at this meeting in line with ILO and UNESCO governance principles.

The report of the 15th Session of the Joint Committee is situated in this very context. The CEART examined the Recommendations of the High-Level Panel on the Teaching Profession in light of a possible revision of the 1966 and 1997 Recommendations and outlined a number of topics which could be examined if a decision was made to revise the Recommendations.

As you can see in the report, the CEART examined a range of topics not addressed in the 1996 Recommendation. These include, first, technology, artificial intelligence (AI) and teaching. AI will have an enormous impact on education. It can promote collaboration, simplify administrative tasks and support the development of new pedagogical tools. It can also pose challenges to academic integrity, equality, human rights and data protection in the context of education. Second, developing teacher leadership. Teacher leadership has emerged as an important means of professional development for teachers. This includes both teachers taking on school leadership roles and leadership positions within the profession. Third, induction, collaboration and mentorship. Teaching is viewed as a collaborative profession which is reinforced through induction and mentorship by experienced teachers and strong systems for reflective and reflexive practice. These approaches are vital for creating support systems to address teacher attrition. Fourth, equity, diversity and inclusion. Achieving greater equality in education also means promoting diversity and inclusion in the teaching workforce. This includes not only addressing gender equality, but also attracting other marginalized and vulnerable groups to the profession, such as persons with disabilities and ethnic and linguistic minorities. Fifth, teaching and crisis-affected countries. According to the Inter-Agency Network for Education in Emergencies, between 2015 and 2019 there were more than 11,000 attacks on schools worldwide, harming over 22,000 students and teachers in close to 100 countries. A total of 29 per cent of the world's primary and secondary school-age population lived in crisis-affected countries, accounting for half of the world's out-of-school primary and secondary school-age children and young people. Teachers working in such situations require appropriate training and psychological and psychosocial support, and refugee teachers have specific needs. The report also contains recommendations regarding allegations brought by teachers' organizations regarding non-respect of the principles of the 1966 and 1997 Recommendations.

The 15th Session examined a case regarding long hours of work for teachers. The next meeting of the Joint Committee is scheduled to take place in 2028. It may occur after the adoption of a revised recommendation. This may be the occasion to review the mandate of the Joint Committee and its contribution to the improvement of teachers' conditions.

Worker members – The CEART report clearly reaffirms what we have always known: teachers are the cornerstone of quality education; a trusted, respected, well-supported and fairly compensated teaching workforce is essential to delivering equitable, high-quality



education for all. Yet for decades, teachers and their unions have been sounding the alarm. The education workforce remains chronically undervalued, overworked and underpaid. The status of teachers continues to lag behind that of other professions despite the vital role they play in shaping societies. Now more than ever, we must urgently invest in the teaching profession and uphold the rights of teachers.

The CEART's report highlights a grave reality: a global shortage of 44 million teachers in primary and secondary education and over 6 million in early childhood education. This crisis threatens both the quality of education and broader social progress. The most severe shortages are found in Africa and disproportionately affect the most marginalized communities. In response, in February 2024 the UN Secretary-General convened a High-Level Panel on the Teaching Profession to identify solutions. The Panel rightly identified key causes of the global teacher shortage: namely, uncompetitive salaries, poor working conditions, erosion of labour rights, diminishing professional autonomy and limited opportunities for growth and development.

Lower pay is widely recognized by unions across all regions as the single most significant factor driving teacher shortages. Nearly half of all countries pay primary school teachers less than similarly qualified professionals in other sectors. In early childhood education, salaries remain even lower, reflecting a long-lasting undervaluation of this crucial stage of learning.

Vocational education is similarly neglected, with fewer than 17 per cent of vocational teachers reporting fair compensation. In higher education, pay freezes and benefits cuts are common. There are accessibility and recruitment challenges in a sector already marked by inequality and precarious employment. Within the profession, women remain over-represented in teaching positions at lower levels of education and under-represented at upper levels of education, leading to a significant gender pay gap. Budget cuts lead to uncompetitive salaries and worsening working conditions which ultimately harm the quality of public education. The Joint Committee further emphasizes in its report that, over time, teaching has become viewed as a job of last resort due to a number of considerations, including low salaries, which erode the prestige and attractiveness of the teaching profession.

In this respect we recall that the 1966 and 1997 Recommendations state that salaries should compare favourably with salaries paid in other occupations requiring similar or equivalent qualifications and should be adequate to ensure a reasonable standard of living for teachers and their families.

While salaries are critical, they are not the sole concern in the sector. The proliferation of temporary, short-term and part-time contracts, once confined to higher education, has spread to early childhood and basic education. Precarity undermines teachers' well-being, limits their access to collective bargaining and denies them essential social protections. We are also witnessing an erosion of professional autonomy and academic freedom even in countries that consider themselves democratic. This trend is often linked to broader democratic backsliding and the rise of authoritarian and far-right ideologies.

We also note the global decline of the teaching profession both in status and dignity due to challenges in attracting and retaining skilled teachers and to the rise of a public discourse that holds teachers responsible for educational shortcomings. Unsurprisingly, teachers today also face a mental health and safety crisis. Job dissatisfaction, poor work-life balance and stress are rampant. Women and marginalized teachers are disproportionately affected.



In 2023, Education International found that over a third of educators frequently experience anxiety, depression or despair. Violence and harassment are widespread. In early childhood education, one in three teachers reported being assaulted at work in the past year.

In Canada alone, over 14,000 violent incidents against education support personnel were recorded in 2024. Several education unions identify specific instances of violence, harassment and discrimination against LGBTI+ people and their allies in schools. These conditions are pushing teachers away from the profession. And, alarmingly, these are not temporary issues. They are entrenched.

The Joint Committee also alerts us to the difficulties faced by teachers in contexts of crisis and emergency, highlighting the safety and security risks for teachers, including violence, harassment and intimidation. The Joint Committee underscores the need to specifically address the physical, emotional and psychosocial needs of teachers in humanitarian and crisis settings. It also emphasizes the need for equitable and predictable compensation.

The Worker members recall that in contexts of crisis and emergency, teachers are critical to preserving children's right to education.

We echo the call of the Joint Committee to revise the 1966 and 1997 Recommendations by incorporating the findings of the 2024 UN High-Level Panel, which stressed the need for targeted support for teachers in emergency settings, including increased funding and robust payroll systems to ensure timely and adequate compensation.

The introduction of new digital technologies and AI in education poses significant challenges to teachers, as some teachers find themselves at risk of being replaced by technology and AI, while others' lives are negatively impacted by enhanced surveillance, increased workloads or the inability to disconnect.

As the Joint Committee notes, a revision of the 1966 and 1997 Recommendations must focus on respecting teachers' agency, autonomy, pedagogical choices and sensitivities in developing and deploying technologies in classrooms and place teachers at the core of technological innovation and implementation by recognizing that social dialogue is essential in technology selection, deployment and oversight.

The issues that I have just highlighted could be better addressed through genuine and timely consultation and negotiations with teachers and their representatives. However, there is a clear lack of social dialogue in the development of education policies and strategies and the improvement of teachers' working conditions.

According to a 2024 report by Education International that was submitted to the CEART, around 20 per cent of unions report that social dialogue mechanisms for pay, working time and job security are weak or inexistent. The report also exposes significant legal and practical barriers to teachers exercising their freedoms of expression and peaceful protest and their fundamental rights to form and join trade unions, to collectively bargain and to strike. These are serious violations of the fundamental rights of teaching personnel to collectively defend their interests. Increasingly, we see efforts to use the right to education as a justification to restrict labour rights. But let me be clear: teachers cannot safeguard the right to education if their own rights are denied.

Across Botswana, Bermuda, Senegal, Hungary, Zimbabwe, Canada, Niger, the Republic of Korea and now Argentina, with the recent unilateral cancellation of the national collective bargaining mechanism, teachers and their unions have and continue to push back against attacks on these rights.



The Worker members strongly reaffirm that robust social dialogue and effective collective bargaining are the only sustainable pathways to decent working conditions.

The Worker members welcome the Joint Committee's recommendations, which address teacher salaries at all levels of education; uphold the principle of parity and inclusiveness in the teaching profession; ensure adequate social protection of teachers; implement urgent measures to ensure safety and security in schools and universities, particularly in emergency settings; and promote public recognition of the teaching profession. And many of those recommendations in particular promote humanity, dignity, quality, sustainability, equity, diversity and inclusivity within the teaching profession.

As the Joint Committee suggests, any revision of the 1966 and 1997 Recommendations must incorporate the clear policy recommendation of the UN High-Level Panel on the Teaching Profession.

The new standard must raise the global ambition for the teaching profession. Specifically, the revised recommendation should combat workforce inequalities, articulate an intersectional approach to discrimination and highlight the importance of inclusive, safe and non-discriminatory work environments for all teachers. It should recognize the challenges posed by the climate crisis and the digital transformation to working conditions and the professional autonomy and agency of teachers. Thirdly, it should acknowledge the crucial role and rights of early childhood education teachers.

The Worker members stand ready to support the revision process and to ensure that teachers' voices are heard, respected and reflected, working alongside governments and employers as equal partners, as is the way of this house.

The status and future of the teaching profession, and indeed the right to education itself, are at a crossroads. To address the global teacher shortage, we must strengthen global mechanisms to ensure that governments prioritize the protection of teachers' rights and elevate their status.

The rapidly changing world of work, as well as global demands for social justice, can only be met by education systems that are powered by well-trained, well-paid and well-supported teachers and education workers.

Employer members – I would like to begin my statement by underscoring that teachers and education systems have been and continue to be fundamental, not only for the education of learners, but also for the creation of more inclusive and resilient societies. In order to take advantage of this relevance, education systems need to adapt to the new realities in the world of work and, at the same time, uphold the professionalism, status and dignity of teachers. This must be done by combining technological progress, support for teachers in crisis contexts and the promotion of social justice through teaching. The Employers are convinced of the relevance of this agenda and, in particular, of the link between innovation and the empowerment of teachers as elements that can mutually reinforce each other. Education is a vital tool for addressing the current and future demands of the labour market, and this is a prerequisite for the transition and requalification of individuals, to enable them to access relevant and up-to-date competencies that meet the needs of the labour market and thereby contribute to the sustainability of the productive system. In particular, the Employers' group welcomes the report of the Joint Committee and the statement delivered by the Director of the Sectoral Policies Department.

We highlight the relevance of the Joint Committee's recommendations to governments and employers' and workers' organizations, recalling that these recommendations must be



interpreted as legally non-binding. With regard to the major trends in education and teaching and the views of international organizations, we note the opinions compiled in the report and, in particular, we share the concern regarding the shortage of teachers, the exodus of qualified personnel and the struggle to attract new talent to the teaching community, as well as the lack of diversity in the profession and its causes. We are also concerned by the safety and health crisis faced by teachers, the lack of social dialogue and the erosion of trust in the teaching profession. The views on the challenges and opportunities presented by new technologies and the impact of digitalization on education, contained in paragraphs 15 and 26, are particularly relevant. We welcome these observations and consider that they need to be taken into account in the analysis on the use of AI. On the trends regarding the application of the 1966 and 1997 Recommendations and the status of teaching personnel, we wish to highlight the recommendations of the Joint Committee on advancing human-centred education technology. We also underscore in particular the focus on the emotional and social effects of technology on teachers and learners. The Employers agree with the view that technology, including AI, must be designed and implemented to empower teaching personnel instead of replacing them. Education systems must take advantage of technological tools to support teaching and learning. We endorse the efforts to integrate AI competency frameworks into training and professional development. This is consistent with our view that lifelong learning and the development of agile skills are crucial for adapting to the changing demands of the labour market. In this regard, we underscore the benefits of the transition from theoretical learning to more interactive learning models through technology. We need more modern learning environments which are dynamic and inclusive, and which promote both the development of emotional skills and the cognitive knowledge development of learners. The efficient use of technology can promote more participatory environments and better prepare learners for the collaborative and problem-solving tasks required by the world of work. We agree that AI can improve education ecosystems by enabling more personalized learning while reducing the administrative burden on teachers. In our opinion, technology should not be seen as an end in itself, rather its design and use must be guided by specific objectives established by educators in dialogue with the parties concerned. We welcome the recommendations in paragraphs 56 and 57.

Concerning paragraph 57(j), we reiterate the importance of prioritizing the ethical deployment of AI and other digital technologies in education. However, we consider that this should not overshadow the value of these innovations. It is important to adopt a balanced approach that addresses the ethical risks and, at the same time, enables technology to significantly contribute to improving educational outcomes, support for teachers and more agile and future-proof education systems. On leadership, status and dignity in the teaching profession and the link between teaching and social justice, we observe with concern the persistent shortage of teaching personnel and the consequences of this on the quality of education and the advancement of communities. We consider that it is of utmost importance to provide initial and ongoing training for educators. This is essential in order to provide them with the skills and competencies needed to address the rapid technological, environmental and social changes and to have the capacity required to perform leadership roles. We welcome the review of the outcomes of training programmes and formative assessment methods to ensure their relevance and effectiveness. We note and support the development of training programmes mentioned in paragraph 89(b), which help teachers acquire both the necessary skills and the strategies to promote social justice among learners. The Employers also note the recommended collaboration among governments and teacher education institutions to plan teacher education provisions based on projected needs, in order to address teacher shortages,



referred to in paragraph 89(c), which can help to create more attractive conditions for recruiting and retaining teaching personnel.

We wish to express our concern about the variety of risks faced by teachers to their physical well-being. Violence in the world of work is a serious issue for society as a whole, not only because it poses a moral problem, but also because it affects security, stability, public health and human rights. It also presents a serious labour issue as it affects labour relations, and the health, productivity and commitment of workers. Addressing violence in the workplace requires an integrated approach with joint responsibilities, where all stakeholders are involved in preventing and mitigating acts of violence in the workplace. In crisis contexts related to violent conflict, natural disasters and pandemics, we agree that it is necessary to have policies that address the specific context and provide adequate security for teachers working in these crisis situations. We are concerned by the substantial evidence indicating that, in crisis contexts, the 1966 and 1997 Recommendations have a limited application and are often ignored.

Lastly, with regard to the link between teachers and society, the Employers highlight the importance of their role in society and recognize the diversity of teaching contexts worldwide. Taking into account this diversity, we understand that it is necessary to foster the development of favourable environments and support for educators and teachers, including work-life balance, health services and equal remuneration. In conclusion, we trust that the Joint Committee will continue to work to promote the improvement of the working conditions of teaching personnel worldwide, in dialogue with employers' and workers' organizations.

Worker member, Norway – I am speaking on behalf of the Nordic Workers' group. We greatly appreciate the report, which provides a comprehensive overview of the global challenges facing the education sector, challenges that are also felt in the Nordic region. It is well recognized that we are facing a crisis in teacher recruitment, worsening working conditions and a lack of recognition and support for the teaching profession. I would like to highlight three key points.

First, the global teacher shortage demands strong policy responses. The report refers to a shortage of teachers at almost all levels of education. This crisis is not caused by a lack of qualified individuals, but by insufficient political and financial commitment to securing decent working conditions and opportunities for professional development. The report highlights the urgent need to improve teachers' working conditions, professional status and salaries, a need we strongly recognize. There is broad agreement that investing in education brings personal, social and economic returns, but no education system can succeed without qualified teachers at its core.

In my own country, Norway, around 20 per cent of those teaching in schools do not hold a recognized teaching qualification required for full certification. In early childhood education the shortage of qualified teachers has reached breaking point. Recruitment into the profession is at an all-time low.

Second key point: violence and harassment against teachers require urgent action. Teachers are increasingly exposed to violence and harassment. We are seeing this trend not only globally, but also in the Nordic countries, where reports of violence against teachers have risen significantly in recent years. An unsafe working environment undermines teachers' well-being, weakens recruitment and pushes teachers out of the profession. We support the report's recommendation to strengthen health and safety. No one should have to risk their health or safety to do their job.



Third key point: teachers' autonomy and freedom of expression must be protected. Teachers must have the professional freedom to exercise their pedagogical judgment. There were reports warning about de-professionalization, and the erosion of teachers' role in fostering critical thinking goes beyond the workplace. It concerns the very foundation of democracy.

Freedom of expression and academic freedom must extend to all teachers. Teachers play a vital role in preparing young people for democratic participation, tolerance and critical thinking. This weakens schools' contribution to an open and democratic society. Protecting teachers' autonomy is ultimately a democratic imperative. In conclusion, one of the most important aspects of the report is the recommendation to revise the 1966 and 1997 Recommendations.

We strongly support this initiative, and we emphasize the importance of ensuring that any revision guarantees decent pay and safe working conditions at all levels, safeguards freedom of expression, academic freedom and social dialogue and promotes the core values of human dignity, sustainability, quality, equality and inclusion.

Finally, the Nordic group would like to stress that the challenges facing the education sector have a clear gender dimension. Globally, women dominate early childhood and primary education, where pay and status are the lowest.

Worker member, New Zealand – I would like to introduce myself in te reo Māori, as has become common in New Zealand and in recognition of the huge contribution which te reo Māori has made towards our education, culture and practice in New Zealand.

Tēnā koutou katoa, Nō Ingarangi rāua ko Kōtīrana ōku tīpuna, Engari I tipu ake au ki Tāmaki Makaurau, Kei Porirua au e noho ana, He secretary au I te Kauae Kaimahi, Ko Peter Bridges rāua ko Judith Ansell ōku matua, Ko Melissa taku ingoa, Nō reira, tēnā koutou tēnā koutou tēnā koutou katoa. [English: Hello everyone, my ancestors are from England and Scotland, but I grew up in Auckland. I live in Porirua. I am a secretary at the Kauae Kaimahi. My parents are Peter Bridges and Judith Ansell. My name is Melissa. So, hello everyone!]

I am the Secretary of the New Zealand Council of Trade Unions Te Kauae Kaimahi, and it is an honour to be here today to address this Committee on behalf of New Zealand workers and, in particular, two of our affiliated unions: the New Zealand Educational Institute and the Post Primary Teachers' Association.

New Zealand has a proud history of public education. Unfortunately, I am here to share concerning developments in the New Zealand education system which threaten the strength of our system to highlight an example of a very deliberate effort to undermine the working conditions of teachers.

The Education and Training Bill 2024 introduced the establishment of charter schools in New Zealand, enabling the conversion of state schools to privately operated, publicly funded institutions.

Provisions of the Bill have significantly undermined the rights of education workers, including provisions to extinguish collective agreement coverage for employees of public schools that convert to charter school status, stripping these workers of redundancy rights and forcing them to be transferred to individual employment agreements with the new school operator. This erodes protections previously afforded to these workers and places them in a precarious employment situation. No doubt, this will further exacerbate the previously mentioned concerns around teacher retention.



Further, and most perniciously, the Bill introduced restrictions on unions representing employees of charter schools from initiating multi-employer collective bargaining with more than one charter school sponsor. This provision severely limits freedom of association and the ability to engage in collective bargaining. It is important to note here that in New Zealand, multi-employer collective bargaining is the closest we get to any form of industry bargaining.

The inclusion of these provisions in the Bill is a deliberate attempt to restrict the collective bargaining rights of charter school employees. Sector-specific carveouts of workers' rights such as this set a dangerous precedent for further erosion of these rights in other sectors should it suit the government of the day. This legislation places New Zealand out of alignment with its ILO obligations by creating a significant restriction on parties' ability to bargain freely.

New Zealand has ratified, and is therefore bound by, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This Convention obligates New Zealand to promote voluntary negotiation between employers' and workers' organizations, with a view to regulating terms and conditions of employment by means of collective agreements.

Additionally, the ILO Declaration on Fundamental Principles and Rights at Work obligates New Zealand to respect, promote and realize the principles concerning the fundamental rights which are the subject of ILO fundamental Conventions, including Convention No. 98.

The impact has been small so far, largely because the policy has been unpopular. Only a handful of charter schools have opened since the legislation was introduced, serving a little over 200 students. However, the potential for the impact to be greater remains. This entire exercise has eroded the rights of education workers at a substantial cost to the taxpayer. Per student funding is 46,500 New Zealand dollars, versus 9,000 New Zealand dollars in public schools. The average salary at the Charter School Agency is 144,720 New Zealand dollars, which makes it the fourth-highest average government agency salary.

Charter schools have been tried in New Zealand previously, proven largely unpopular and completely unnecessary, so they failed and were rightly done away with. We are hopeful that the current experiment, driven by ideology rather than evidence, sees a similar fate.

Worker member, Argentina – The CEART report makes it clear that respect for teachers' fundamental rights, including the right to strike, is an indisputable condition for quality education. The report highlights that, in many countries, teachers' rights are systematically violated. Teachers are deprived of social dialogue mechanisms, their right to protest is disregarded and their academic freedom is eroded. These principles, contained in the 1966 and 1997 Recommendations, are fundamental to ensuring decent working conditions and inclusive, equitable and transformative education. These are not only aspirational ideas; they are commitments taken on by States before the international community. Regrettably, in my country there is an attack on workers as part of an adjustment comprising thousands of dismissals and an attempt to dismantle a labour standards framework by issuing urgent decrees. And although some of these decrees have been declared unconstitutional by the courts, in hearings brought by the trade union confederations – the Confederation of Education Workers of Argentina, both Confederations of Workers of Argentina and the General Confederation of Labour – the Executive power has hit back with a new decree banning activities related to and the exercise of the right to strike, dismissing its constitutional status and the international Conventions ratified by the country. But despite the court rulings, the Government persists. Meanwhile, demonstrations, and I wish to denounce this here, are heavily repressed by the security forces as part of a broader policy of criminalizing social protest. The violent repression of the retirees who protest every Wednesday, with teachers among them, illustrates this. The aim is clear: to discipline and silence all forms of resistance.



I would also like to add that another recent decree directly attacks collective bargaining. It absolves the State of its responsibility to the joint negotiation board for education and transfers it to the Federal Council of Education and the teachers' unions, while the Secretariat for Education maintains the power to approve or reject such agreements for budgetary reasons. This action, far from being a simple administrative procedure, represents a direct attack on the right to collective bargaining as enshrined in Convention No. 98, the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Collective Bargaining Convention, 1981 (No. 154), and in the National Education Act. Teacher training, access to technology, data protection and action, the use of AI, the recognition of the teaching profession and decent wages are fundamental to an inclusive and quality education. This can only be achieved through social dialogue.

The 1966 and 1997 Recommendations and the Recommendations of the High-Level Panel are not outlandish or abstract texts. They are a road map for ensuring a fair, inclusive education system that observes rights and which must recognize the right to strike for teachers and workers in general. The failure to comply with these recommendations fundamentally undermines social dialogue and, as a consequence, democracy.

Social justice is not an aberration, as the current Argentine Government claims. It is a condition, sine qua non, together with education, peace, freedom and democracy, for building a world worth living in for everyone.

Worker member, Botswana – As the Botswana education sector trade unions we are pleased to have been afforded this opportunity to comment following a speech by the President of Education International on the status of education. Our speech focuses on the importance of, and the focus on, the status of education in Botswana.

As trade unions organizing in the education sector in Botswana, we regard education as a fundamental right and as the only tool that could transform the economic lives of children who come from disadvantaged communities.

We believe that for that reason, education should be accessible and that all countries across the world should relentlessly work towards ensuring that every person, regardless of gender, background or circumstance, has access to quality basic education.

We are strong advocates of a ten-year, continuous, uninterrupted basic education. We are, however, very worried that over the past three years now, the Government of Botswana has been talking about “education concessions”, a system in which Government endeavours to outsource the management, operation and financing of public education to private actors.

There is no doubt that this would be tantamount to privatizing education, resulting in education in Botswana becoming expensive and a privilege of those children from the economically able sector of society. This will obviously go against the UNESCO principle of education for all and an uninterrupted ten-year basic education for all.

This privatization of public education under the guise of a sophisticated phrase – “education concession” – is likely to negatively impact the freedom of association for education workers and their right to collective bargaining.

In Botswana the law does not adequately protect and safeguard the right of workers in the private sector to associate freely and bargain collectively without being intimidated. So any move to privatize public education will negate the freedom of association and the right to bargain of education workers in Botswana. The difficulty of organizing in the private education sector in Botswana is exacerbated by the prevalence of precarious employment contracts. This



is evidenced by a very low organized labour density in education in the private sector of Botswana.

We are afraid that this move by the Government will deal a denting blow on the ability of most education workers in Botswana to effectively bargain and conclude collective agreements.

Chairperson – I would like to draw your attention to the fact that the Government of Argentina has requested the right of reply in relation to the statement made by the Worker member of Argentina. I will grant this right at the end of this sitting, when we have reached the end of the list of speakers for this agenda item.

Worker member, Uruguay – We have analysed with interest the report of the Joint Committee, particularly in view of the expectations created in a number of our countries by the 59 recommendations of the UN Secretary-General's High-Level Panel on the Teaching Profession. On this occasion, we will address two of the topics contained in the report: teaching and social justice, and leadership, status and dignity in the teaching profession, placing this analysis in the context of the Latin American region.

Firstly, it is important in this house to begin by talking about social justice and the importance of the contributions that education can make to achieving it, recognizing the multidimensional nature of social justice in education. As workers, we understand that any reflections we make in this regard only make sense if we take into account the specific material reality surrounding us. Latin America is the most unequal region on the planet, where the concentration of wealth has a dehumanizing shadow side: major social sectors are condemned to poverty and marginalized, with a serious impact even on children, who are excluded from such basic rights as food, housing, health and education, among others. On the other hand, the region is dominated by restrictive fiscal policies, euphemistically called fiscal austerity, which are promoted by multilateral credit agencies, where governments cut resources or fail to invest what is necessary in strengthening public education systems that guarantee the human right to education. This situation is aggravated by the presence of an intense process of commodification and privatization of education, characterized by profit, which competes for public funds. This framework creates a critical structural situation, which places Latin America far from achieving the recommended minimum of 6 per cent of gross domestic product allocated to public education. In addition, there is the proliferation of educational policies defined and promoted by actors and institutions outside the region, which impose a pedagogical colonialism that blocks any prospect of internal and critical training for future generations, centred on the democratization of knowledge, with the significance that this has for cultural, scientific and democratic development and progress in terms of social justice – not only economic justice – for our peoples.

Secondly, the promotion of decent work in the education sector leads us to analyse two dimensions of the same issue: professional development for teachers and working conditions. From there, we can determine how both are impacting the critical situation of teacher shortages worldwide. There is a 13.5 million deficit in the number of teachers needed in Latin America to meet the requirements of primary and secondary education systems, with the combined difficulties of attracting new generations and retaining active teachers in the profession. There are many factors behind this reality, and the main elements are contained in the report we are analysing today, although there are others that should also be taken into account. Today, we would like to highlight how the teaching profession has lost prestige socially for the following reasons: the spread of a narrative that blames it for poor results; poor conditions of work and professional development for teachers; heavy bureaucratization of the



task; restrictions on academic freedom and subjection to standardization processes that strip teachers of their technical and pedagogical know-how, even subjecting them to control processes and punitive evaluations; low salaries and job insecurity; the exclusion of teachers from the development of public education policies, replacing them with external actors who proclaim themselves to be the only experts, who must define the education policy to be applied by teachers; new challenges to which we are subjected, for example, by AI, whose massive application without prior ethical and political debate appears more as a threat than an opportunity. This situation is the result of years of political decisions that have led us to this point. To this we must add that in our region, teachers' unions – the last barrier to progress for those who promote the privatization and commodification of education, as well as the withdrawal of the State from its obligation to guarantee the human right to education – are the targets of systematic attacks by governments, financial groups, religious groups, technology corporations, business groups, and owners of the mass media.

Consequently, in agreement with the report's concerns regarding inadequate salaries and other benefits, poor working conditions, restrictions on freedom of association and academic freedom, and declining public investment, it will be necessary to promote social dialogue, freedom of association and trade union freedom, the right to collective bargaining and job security, as these play an important role in sustaining the professional dignity of teachers. There is an urgent need to review the 1966 and 1997 Recommendations in the light of the recommendations of the UN Secretary General's High-Level Panel on the Teaching Profession.

Observer, Education International Latin America (EILA) – The struggle for teachers' dignity: a challenge and an opportunity for education in Latin America. I bring you greetings on behalf of workers, education workers, and the people of Latin America, and express our appreciation for your work in defence of the rights of workers throughout the world. I would like to take this opportunity to denounce the ongoing and systematic persecution by governments in Latin America of education trade unions, which reflects a disregard for trade unions, whose very purpose is to defend the labour rights of Latin Americans in general.

According to the Joint Committee's report, the teaching profession is key to social development. It faces challenges, however, such as excessive workloads, a lack of recognition and precarious conditions, affecting well-being and motivation. The Joint Committee's report underscores the need for policies that recognize teachers as key actors in transforming both education and society and for the integration of technology into education with the participation of teachers in both its design and implementation.

EILA has emphasized the need for teacher participation in AI. The Joint Committee report, along with the Recommendations of the High-Level Panel on the Teaching Profession, reaffirms that strengthening the profession – in terms of working conditions, emotional well-being and professional development – is only possible if an institutional environment is ensured that respects and promotes the participation of teachers in education policymaking. This requires three fundamental pillars: freedom of association, the right to collective bargaining and the right to strike. In this context, I would like to highlight the following cases:

- Guatemala: According to the latest complaints from the Education Workers' Union of Guatemala, the Guatemalan Government has mounted a campaign to criminalize and prosecute union leaders, including through challenges in the courts to the collective agreement in force and political discourse that endangers the physical and moral integrity of trade union leaders.



- Argentina: The Confederation of Education Workers of Argentina has reported to the ILO (Case No. 3485) a series of retrogressive measures introduced by the Government that gravely violate freedom of association.
- Ecuador: The National Union of Educators continues to face serious violations of freedom of association following its administrative dissolution in 2016.
- El Salvador: Workers have reported a serious deterioration in human and trade union rights in the education sector. We call on the ILO to investigate and monitor labour rights violations in Latin America and to take the necessary measures to ensure compliance with international labour standards.
- It is recommended that the State of Ecuador restore the legal status of the National Union of Workers.

The education workers of Latin America call on the ILO to uphold our rights and to promote social justice in the region, so that the education that we provide and the rights that we demand are truly guaranteed with dignity for all the peoples of Latin America.

Employer members – The Employer members reiterate the fundamental importance we place on education and teaching staff, not only for students’ continued education, but also for the sustainability of local and global communities. In this room, we have heard discussions on the challenges facing the teaching profession, particularly the increasing shortage of teachers, and the difficulty in attracting and retaining talent. We agree that it is vital to work on the root causes of these problems. From our perspective, it is crucial to work on the enormous potential in technology and AI to empower teachers, not to replace them. It is vital that education systems take advantage of these tools to support teaching and learning, and to promote the development of teachers’ technical and pedagogical skills, including the incorporation of AI skills frameworks in their continuous training. We advocate an ethical and balanced deployment of AI that addresses the risks without ignoring the value of these innovations. It is essential to invest in quality initial and ongoing training for educators, equipping them with the skills and competencies necessary to deal with technological and social changes, and enabling them to take on leadership roles. We believe that the policies must strengthen teachers’ professionalism, autonomy and dignity. In turn, it is necessary to strengthen social dialogue to generate specific policies to ensure the safety and support of teachers working in crisis situations, as the current recommendations have limited application in these areas. More than ever, it is important to develop training programmes that help educators acquire the skills and strategies to promote social justice among students, including the commitment to the democratic values that underpin progress, resilience and social peace. We reaffirm the need for appropriate prior consultation with the employers’ and workers’ organizations to ensure that education meets developments in production, and to address pedagogical and curricular innovation. We must promote interaction through ecosystems that link the world of education with the world of work. The Employer members are especially committed to the agenda on innovation and to linking innovation to teachers’ empowerment. Education is a crucial tool for addressing current and future demands of the world of work, and for people’s transition and requalification, allowing them to acquire up-to-date and relevant competencies. We underscore the discussions that have been held and reaffirm that education is the cornerstone of development, with the potential to improve the cultural, social and economic conditions of our nations. We trust that the Joint Committee will continue to work to push for the improvement of teachers’ working conditions worldwide.



Worker members – Thanks to all the speakers who took the floor for their invaluable inputs and insight. One thing is clear: our education systems must undergo meaningful transformation to equip students with the skills and capabilities they need to thrive in a rapidly changing world. They must be prepared to lead the next phase of the digital revolution, confront the consequences of the climate crisis and safeguard the future of our democracies.

This transformation is only possible through genuine social and policy dialogue between governments and education unions. It also requires bold investment in both the education workforce and public education systems. That means fully respecting teachers' labour rights – including the right to strike – and ensuring that their voices and expertise shape education policy.

It is essential to invest in the teaching profession by ensuring the material conditions of teachers and the provision of continual professional development.

We call on governments, in consultation with the social partners and particularly unions of teaching personnel, to:

- engage in social dialogue with the education authorities at all levels, particularly to advocate for the funding of public education, because we believe that public education is a public good that must be supported by the State;
- improve the status of the teaching profession and to make teaching and learning attractive;
- strengthen the professional autonomy of teachers and academics;
- focus education on the development of the whole person and instil competencies for life around the principles of inclusion, democracy, citizenship, critical thinking, collaboration and respect.

Because only a well-trained, well-paid, well-supported and respected education workforce can deliver this transformation in every classroom, for every student.

Chairperson – Let us now move on to the right of reply requested by the Government of Argentina in relation to the statement made by the Worker member of Argentina.

I now give the floor to His Excellency the Ambassador of Argentina so that he can exercise this right. The reply should be brief – not more than two minutes – and be in parliamentary language.

Government member, Argentina – On the basis of what has been said, there is a clear difference here between certain persons' perception and the current reality of the Republic of Argentina. The present Government has succeeded in reducing poverty by more than 20 percentage points, and it has substantially increased social programmes. For example, the universal child allowance has increased by almost 400 per cent in real terms, and the food benefit has increased by nearly 140 per cent. This is a country where, when the Government took office, 70 per cent of children in third grade were unable to solve basic mathematical problems and half of them did not understand what they were reading. For years there has been a deafening silence in response to this situation. We have listened to regurgitated versions of outdated, worn-out discourses which, as if they were some attempt at metonymy, aim to present an emblem of social justice as a synonym for social development. It grieves us to say that it was this supposedly laudable aim which sowed and nourished the seeds of decadence in Argentina.

The Government of Argentina is not prepared to grant endless licence to poverty. On the contrary, it is determined to part company with the approach which has kept many



governments shut away in their ivory towers encircled by reality. It is also breaking the habit of seeking to disguise perception as reality via a fraternal embrace. And the reality is that this current Argentine Government has reduced poverty, reduced inflation, increased real wages, has a fiscal surplus and, according to estimates of the Organisation for Economic Co-operation and Development, is projecting a 5.2 per cent growth in gross domestic product for this year – more than China, more than the United States of America and more than many European countries.

We are here once and for all to challenge a vague, tarnished narrative, confronting it with a cogent reality, without ambiguities, without enigmatic descriptions and without surreal flights of fancy. We are here to counteract a flowery narrative with pure reality.



IV. 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)

Written information provided by the Government

The Government of Belarus has already provided comprehensive information on several occasions with regard to the unfounded, politically motivated allegations levelled against it concerning non-compliance with the provisions of ILO Conventions on freedom of association, non-compliance with the recommendations of the 2004 Commission of Inquiry, and alleged harassment of trade union activists for peacefully carrying out their legitimate activities.

Taking into account that the “Belarusian issue” has once again been submitted for consideration to the Committee on the Application of Standards within the framework of the 113th Session of the International Labour Conference, the Government of Belarus is compelled to reiterate its position and provide comments on the actual state of affairs on the issues raised by the ILO bodies.

The ILO’s governing bodies continue to form their opinion of the situation solely on the basis of unsubstantiated statements and information from unconstructive and politically engaged biased actors and structures, acting in the interests of unfriendly countries in order to discredit Belarus and increase pressure on the Belarusian state. As a consequence, the conclusions and recommendations addressed to the Government of Belarus are based on unjustified allegations against the Belarusian authorities that have no factual basis.

In forming their position, the ILO’s bodies are incorrectly working on the basis of unreliable information that the protest activity in 2020 was allegedly a result of economic and/or social motives, was legitimate and peaceful in nature, and was aimed at protecting civil and trade union rights and freedoms. However, the events of 2020 were not related to the processes of social dialogue concerning labour and the realization of trade union rights and freedoms, objectively cannot serve as a basis for evaluating the situation with respect to the application 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), and should not be considered as part of the monitoring of their implementation.

The authors of the complaints deliberately “dragged” political issues into the ILO’s work without an objective basis for doing so. By linking unlawful protest actions, which had nothing to do with the realization of trade union rights and freedoms, as well as the unlawful activities of individual citizens, with matters that are regulated by the ILO’s Conventions, the complainants, as part of their ongoing attempts to “rock” the situation in the country, are seeking to place undue pressure on the Republic of Belarus through the ILO.

The Government of Belarus once again draws attention to the absurd nature of the statements that trade unions and citizens are allegedly persecuted for carrying out trade union activities and the lawful and peaceful realization of civil rights and freedoms.

Belarus has done everything necessary to ensure that trade unions can be freely established and can carry out their lawful activities without any outside interference or discrimination. Guarantees of trade union rights are enshrined in legislation and are implemented in practice.



Unlawful restrictions on the rights of trade unions and the creation of obstacles to the exercise of their powers are not permitted.

Citizens residing in Belarus freely and actively exercise their guaranteed right to organize in trade unions. In turn, trade unions, their leaders, members and activists may freely carry out their activities, aimed at upholding and protecting workers' labour and socio-economic rights and interests, improving the living standards and social security of citizens, including in the process of cooperating with the authorities within the framework of the social partnership system.

In addition, the competent authorities have full legal grounds for the prosecution of citizens whose actions are unlawful in nature.

Citizens who appear in the information provided by the illegitimate organization allegedly acting on behalf of the Belarusian Congress of Democratic Trade Unions (BKDP) have been perfectly legitimately prosecuted for specific illegal acts (or crimes), which were in no way related to the lawful and peaceful realization of trade union, civil or other rights and freedoms.

The Government has already repeatedly commented on the reasons for prosecuting the above-mentioned citizens: these people have been prosecuted for crimes related to extremism and terrorism (including gross violation of public order, resulting in the disruption of transport and the work of enterprises; violence against law enforcement officers; calls for action that would harm national security; incitement to national or social hostility and discord on the grounds of national and social affiliation; promotion of extremist activities; slander; damage to property in public places, etc.).

A number of citizens were members of the extremist group known as Rabochy Rukh/Extended Round Table, funded from abroad, which sought to involve employees from the country's state-owned industrial enterprises in radical politicized activities in order to obtain official information about their economic activities, bring manufacturing processes to a halt and increase sanctions pressure on Belarus.

Since the criminal prosecution of these individuals is unrelated to trade union activity, ongoing attempts by opponents of Belarus to manipulate this situation are extremely concerning.

The citizens mentioned in complaints made to the ILO have committed serious crimes against the interests of national security, society and the State, and they are serving lawful sentences. Any calls for all charges against them to be dropped, their immediate release, the full restoration of their rights, the provision of compensation and/or the reinstatement of their employment have no objective legal basis. Such calls essentially constitute interference in the country's internal affairs, or the open support of unlawful and extremist activities aimed at undermining the foundations of the stability of the Belarusian state.

For reference.

Questions surrounding the review of court sentences, contact with offenders and parole are solely for the law enforcement agencies and courts, interference in the activities of which is impermissible and punishable by law.

At the same time, article 60 of the Constitution guarantees every citizen protection of his or her rights and freedoms by a competent, independent and impartial court. Decisions and actions of state bodies and officials that infringe rights and freedoms may be appealed in court.



In Belarus, there is an independent, autonomous and unified system of general courts for the whole country with clear distinctions between courts and with simple and understandable procedures for the consideration of cases and the review of court decisions.

In accordance with article 110 of the Constitution, the most important principles of the judicial system in the country are the independence of judges in the administration of justice, their subordination solely to the law, and the fact that interference in the work of judges is not permitted.

The Government has repeatedly drawn ILO bodies' attention to the lack of contradiction between national law and practice and the provisions of ILO Conventions Nos 87 and 98.

Guarantees of trade union rights are enshrined in legislation (Trade Union Act of the Republic of Belarus) and implemented in practice.

Trade unions and their organizational structures can freely, without interference from any external entity, carry out their lawful activity, which is aimed at defending and protecting the labour and socio-economic rights and interests of workers, and improving the standard of living and social security of citizens, including in the process of collaboration with the authorities within the framework of the country's existing social partnership system.

Employers (associations thereof), state bodies, economic entities, public associations and officials are obliged to respect trade union rights. Unlawful restrictions on the rights of trade unions and the creation of obstacles to the full exercise of their powers are not permitted. Violation of the rights of trade unions or obstruction of their lawful activity is punishable by law.

In order to carry out their statutory tasks, trade unions have the right to organize and conduct, in accordance with legislation, rallies, street marches, demonstrations and other collective action to protect the interests of their members.

Moreover, the current arrangements for organizing and holding mass events in Belarus do not conflict with the principles of freedom of association and are fully consistent with the provisions of the International Covenant on Civil and Political Rights.

Legislation punishing breaches of the existing procedure that result in serious negative consequences aims to prevent unlawful, socially dangerous acts that pose a real threat to citizens' life and health. This legislation does not objectively constitute a deterrent for citizens and trade unions to exercise their right to freedom of lawful and peaceful assembly.

The provisions of the Mass Events Act do not contain any standards that prohibit citizens from exercising their right to lawful and peaceful assembly. The amendments to the Law targeted the organization, preparation and commission of acts that infringe on the State's independence, territorial integrity and sovereignty, the foundations of the constitutional order, and public safety through the organization of mass unrest, acts of vandalism involving damage to, or destruction of, property, the seizure of buildings and structures, and other acts that constitute gross violations of public order, or active participation in such acts.

The amendments made to the Criminal Code aim to ensure fairness, even-handedness, and uniform application of the criminal law in practice. The amendment of legislation on criminal responsibility does not seek to infringe citizens' and trade unions' lawful rights to organize and hold peaceful mass events in compliance with legal requirements, nor to impede the exercise of other rights and liberties guaranteed by the Constitution, national law and international obligations.



Improving legislation was a necessary step in aligning its provisions with the current situation and the serious challenges confronting the country in 2020 as a result of the unprecedented, planned attack on the State by unfriendly forces.

Trade unions have the right to organize and hold strikes in order to defend workers' legitimate interests. Political demands may not be made in strikes called by trade unions.

The arrangements for organizing and holding strikes set out in the legislation do not contradict international labour standards but allow citizens to exercise their right to hold lawful strikes in order to resolve collective labour disputes without any subsequent discrimination.

The prohibition on raising political demands during strikes is a widespread and justified international practice, as enterprises should not be manipulated or used to apply pressure to achieve purely political goals.

Limitations on the right to strike may be established by law to the extent necessary in the interests of national security, public order, public health, and the rights and freedoms of other persons.

It is prohibited to provide material assistance to people participating in strikes at the expense of political parties, movements, and other public associations, as well as foreign legal entities and individuals.

Coercion to participate in a strike or to refuse to participate in a strike is prohibited.

Trade unions, in accordance with their statutory goals and tasks, have the right to cooperate with trade unions in other countries and to join international and other trade union associations and organizations of their choice.

In these circumstances, the procedure for receiving foreign financial aid is unjustifiably linked in the ILO framework to Articles 5 and 6 of Convention No. 87. These Articles do not contain provisions on trade unions' right to unimpeded receipt of financial or other forms of assistance for political and campaigning work among the population.

The legislation in force in the country – Presidential Decree No. 3 of 25 May 2020 on foreign financial aid – does not prohibit trade unions from receiving foreign financial aid for generally useful, socially important goals, and the registration procedure is easy and quick to complete. There have been no instances of trade unions being denied, or being unable to register for, such aid.

The existing ban on receiving and using foreign financial aid for purposes involving political and campaigning work, which applies to all organizations without exception (not solely trade unions), is dictated by national security interests and is justified in the current situation.

It is obvious that the opportunity to sponsor mass events (or strikes) in the country could be used by outside forces to destabilize the socio-political and socio-economic situation in Belarus, which, in turn, would have an extremely negative impact on society and citizens' well-being.

In the context of the undue political and economic pressure exerted on Belarus, implementing the ILO bodies' requirements in terms of weakening state control over money received from abroad (that is to give external forces the opportunity to sponsor political events and processes in Belarus), exonerating trade unions and citizens from responsibility for gross violations of the law when holding mass events (that is to give them the right to break the law with impunity), and legalizing political strikes would strengthen destructive outside influence on the situation in the country.



Such demands and recommendations that are based on wrongful accusations against the Government are not in the national interests of the Republic of Belarus, do not serve the purpose of ensuring the well-being of its citizens, constitute interference in the internal affairs of a sovereign nation, are aimed at destroying the foundation of the stability of the Belarusian State, and, thus contravene the principles, goals and objectives of the ILO as an organization, which are focused on maintaining peace, cooperation and socio-economic development.

In view of the unfounded accusations against the Government of Belarus of ignoring the Commission of Inquiry's recommendations for more than 20 years, we note that detailed information on the implementation of the recommendations of the 2004 Commission of Inquiry which confirms the groundless and unlawful nature of the anti-Belarusian campaign launched within the ILO and the application of article 33 of the ILO Constitution to the country, has already been submitted to the International Labour Office repeatedly for the attention of the ILO bodies authorized to consider the matter.

The Government, in cooperation with social partners and the International Labour Office, has carried out a considerable amount of work, as a result of which the vast majority of the recommendations of the Commission of Inquiry, namely 10 out of 12 recommendations (Nos 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12) have been implemented. Recommendations Nos 9 and 10 have been partially implemented, to the extent that they do not contradict the national interests of the Republic of Belarus.

In this regard, the allegations that the Government of Belarus has not taken action to implement the Commission of Inquiry's recommendations and has completely failed to make progress in their implementation do not correspond to reality.

For reference.

With regard to recommendation No. 9, the country's procedure established for receiving foreign financial aid is incorrectly linked to Articles 5 and 6 of Convention No. 87. These Articles do not contain provisions on the right of trade unions and/or employers' associations to receive financial or other forms of aid for political and campaigning work (the organization of mass events or strikes, or the preparation and distribution of campaign materials, etc.). The existing ban on receiving and using foreign financial aid for purposes involving political and campaigning work, is dictated by national security interests.

With regard to recommendation No. 10, the freedom to hold mass events in Belarus that do not violate law and order or the rights of other citizens is guaranteed by the State. The established procedures for organizing and holding mass events in Belarus do not conflict with the principles of freedom of association and are fully consistent with the provisions of the International Covenant on Civil and Political Rights. The punishment provided for in legislation for organizers of mass events that cause substantial damage and harm to the rights or interests of citizens, organizations, or state or public interests is not an obstacle to the realization of the right to the freedom of genuinely lawful and peaceful assembly.

The Government is concerned regarding the ongoing unjustified and unlawful attempts to discredit within the framework of the ILO the national trade union centre of the country, the Federation of Trade Unions of Belarus (FPB), which brings together approximately 4 million citizens within its membership.

The Government condemns and categorically opposes unsubstantiated statements about the alleged control of the FPB by the authorities and the calls made within the ILO to limit the lawful participation of this trade union association of Belarus in the work of the International Labour Conference.



We consider such statements to be an assault on the lawful right of workers in Belarus to freedom of association.

The Government has already repeatedly had to refute inaccurate information that was shared to discredit the legitimate authorities and social partners, in particular the most representative workers' organization in the country, which is the FPB.

The Government understands the motives behind such activity from opponents of Belarus and expresses regret that there is a place for unprincipled political games within the framework of the ILO, which are completely unrelated to labour or to the realization of trade union rights.

In view of the above, we draw attention to the following facts confirming the legitimate status of the FPB as an independent and representative trade union association in Belarus.

Currently, the FPB is the only trade union association that is active across the whole territory of the Republic of Belarus.

According to its Charter, the FPB is a national trade union centre, a national independent voluntary association of national sectoral trade unions that are member organizations of the FPB, established to coordinate their activities to protect the labour, social and economic rights and interests of members of trade unions that are affiliated with the FPB.

Today, the FPB is the largest public organization in the country, bringing together the vast majority of workers in all sectors of the economy in all regions of the country.

According to information from the state registration authorities, the FPB currently comprises 15 sectoral trade unions at the national level (affiliated organizations), with a total membership of approximately 4 million people.

At the regional level, the activities of the trade unions affiliated to the FPB are coordinated by the organizational structures of the FPB – six regional and the city of Minsk trade union associations.

The organizational structure of the FPB affiliates includes: 89 regional (or city of Minsk) sectoral trade union organizations; five sectoral trade union organizations; 498 district or city organizations; 79 trade union organizations; and 23,959 primary trade union organizations.

Thus, the FPB is the most representative workers' organization in the country in terms of the number of trade union members, whose interests it represents.

With regard to the issue raised by opponents of the Republic of Belarus about the FPB's "authenticity" as a genuine trade union centre and its independence from state authorities, we note the following.

The FPB carries out its activities in accordance with the legislation in force in the country, international law and the Charter of the Federation of Trade Unions of Belarus.

The FPB is a legal entity, acquires civil rights and assumes civil obligations through its elected governing bodies, acting in accordance with the law and the Charter. The FPB's organizational structures are also vested with the rights of a legal entity.

The FPB and its organizational structures have their own names, seals, stamps, bank accounts, common set of symbols, estimates of income and expenditure, and stand-alone balance sheets.

The Charter clearly stipulates that the FPB is independent in its activities of state bodies and other organizations, political parties and other public associations.



The FPB independently develops and approves its Charter, determines its structure, elects its governing and supervisory bodies, organizes its own activity and manages its own staffing policy.

The FPB cooperates with other public associations to protect the labour and socio-economic rights and legitimate interests of trade union members while respecting each other's status and maintaining independence.

The FPB's independence is also confirmed by the basic principles of its organization and activities, among which should be noted: voluntary membership of, and withdrawal from, the FPB; equal rights and obligations of all member organizations, their organizational and financial independence; collegiality and transparency in the work of the elected bodies of the FPB, their regular reporting to the member organizations and Congress of the FPB; and participation of all affiliates in the formation of elected governing and audit bodies of the FPB through their election by the FPB Congress and Council from representatives recommended by trade unions and delegates of the FPB Congress and Council.

The governing bodies of the FPB are:

- FPB Congress (supreme body; held at least once every five years; convened by decision of the FPB Council);
- FPB Council (governing body between Congresses; meetings are held as necessary, but at least once a year; formed on the basis of proposals from member organizations, organizational structures of the FPB, delegates of the FPB Congress, the Presidium of the FPB Council, and elected by the FPB Congress);
- Presidium of the FPB Council (governing body between meetings of the FPB Council; organizes the implementation of the decisions of the FPB Congress, the FPB Council and the Presidium of the FPB Council; meetings are held as necessary, but at least once a month; it includes the FPB President, her/his deputies, Presidium members, and other invited persons; minutes of the meetings are available to all member organizations).

The FPB President, her/his deputies, the FPB Council, its Presidium and the FPB Audit Commission are elected at the FPB Congress.

The current FPB President, Yuri A. Senko, was elected at the extraordinary IX FPB Congress on 5 April 2024, and re-elected at the X FPB Congress on 31 January 2025.

The FPB's objectives include:

- improving the standard of living and material well-being of trade union members and their families;
- coordinating the activity of member organizations towards the protection of labour and socio-economic rights and lawful interests of members of trade unions belonging to the FPB;
- strengthening solidarity and unity of action across the trade union movement in the country;
- improving and developing the system of social partnership, the forms and methods of collaboration between trade unions (and their associations), employers (and their associations) and state administrative bodies.

In accordance with the Charter, the FPB's assets (monetary resources) are obtained from joining and membership fees, proceeds from entrepreneurial, educational, publishing and other activities, voluntary donations, and other receipts not prohibited by law.



The activity of the FPB is not financed or monitored by the Government of the Republic of Belarus.

Based on its goals and objectives, the FPB participates in social dialogue with employers' associations and the Government, protecting the rights and promoting the interests of workers when considering draft legislation on social and labour-related matters, and developing and implementing the general agreement between the Government of the Republic of Belarus and national employers' and trade union associations.

The FPB, its member organizations and organizational structure actively participate in collective bargaining processes.

As one of the three co-presidents of the National Council on Labour and Social Issues, the President of the FPB signs the general agreement on behalf of the workers.

As of 1 January 2025, 597 agreements (one general, 37 tariff and 559 local agreements) and 21,125 collective agreements have been concluded with the participation of the FPB, its member organizations and organizational structure, as a result of which workers are granted social and labour guarantees that are additional to those set out in legislation.

Thus, taking into account the FPB's legal and de facto status as a free and independent national trade union centre, operating autonomously, without any external interference, in accordance with existing legislation, international legal norms and ILO standards, it can be stated that currently, the FPB is the single most representative workers' organization in light of article 3(5) of the ILO Constitution.

The Government of Belarus insists that there are no grounds for ILO bodies to question the legitimacy, independence, and representative nature of the FPB.

Representatives of the FPB, as the most representative workers' organization in the country, are included in the tripartite delegations of the Republic of Belarus to the sessions of the International Labour Conference in full compliance with the ILO Constitution.

Attempts to discredit the FPB and remove its authority to represent the interests of the workers of Belarus within the ILO are, in fact, a violation of the right of workers in the country to the freedom of association, which is guaranteed by ILO Conventions Nos 87 and 98.

Taking into account the unfounded accusations of "favouritism" levelled at the Government of Belarus in relation to the FPB, we stress that, in full compliance with ILO policy, public administration bodies are making all necessary efforts to deepen social dialogue, and to maintain and improve the social partnership system established in the country.

The Government strives to ensure the most constructive interaction with all representative associations of employers and trade unions existing in the country in developing and implementing state socio-economic policy, focusing on the need to take into account the interests of various segments and groups of society and realizing the importance of creating conditions for peaceful, equitable negotiations to avoid confrontation and social conflict.

Constructive interaction between the Government and the FPB as a representative national trade union centre and an equal partner, understanding of the importance and approval of the FPB's activities in protecting the rights and interests of the country's workers, close cooperation and consultations on improving legislation and defining social, labour and economic policy should not be interpreted as "favouritism" or "being under control".



All accusations made against the Belarusian side about the alleged control of the FPB by the authorities are unsubstantiated, unfounded and based on distortion of the facts. At the same time, the statements made by the country's opponents are not supported by any irrefutable evidence, are biased and are aimed at discrediting the Government and the representative social partners within the ILO and other international organizations.

We believe that ILO bodies and Member States should not take into account information stuffing, unsubstantiated reports and distorted interpretations of the real state of affairs in the country.

As noted repeatedly earlier, negative assessments of the situation in Belarus are formed solely on the basis of unsubstantiated statements from unconstructive and politically engaged biased actors and organizations, acting in the interests of unfriendly countries, and, in effect, fulfilling a political order to discredit Belarus and increase pressure on the Belarusian state.

The main sources of unreliable information on Belarus in the ILO are people positioning themselves as representatives of the Belarusian Congress of Democratic Trade Unions (BKDP).

In this regard, we draw attention to the illegitimate status of that organization and its lack of links with the Republic of Belarus.

The activities of the BKDP and its member trade unions were terminated on the basis of decisions of the Supreme Court of the Republic of Belarus in accordance with article 5(2) of the Trade Union Act, which provides for the termination of the activity of trade unions when they violate the Constitution or any legislative act, causing harm to state or public interests.

During public court sessions on 12, 14 and 18 July 2022, it was confirmed that the leaders and members of these trade unions, in violation of the legislation and statutes of their organizations, took an active part in destructive activities, the aim of which was unconstitutional regime change in the country.

There was every legitimate reason to prosecute those persons who had violated the law and committed specific criminal offences.

In view of the fact that the International Trade Union Confederation, disputing the credentials of the delegates and advisers included in Belarus's tripartite delegation, tries to position the BKDP as the only trade union association that is "independent" and "really representing the interests of workers" in Belarus, we consider it necessary to draw attention to the following facts.

The body allegedly operating at the current time on behalf of the BKDP:

- has no links with Belarus or with the national trade union movement, and, accordingly, has no objective or up-to-date information about the situation in the country;
- does not operate within the territory of the country (its office and management are based abroad on a permanent basis);
- does not represent the interests of the workers of Belarus (the trade unions that are members of the BKDP have de facto and de jure terminated their work, do not have members and primary organizations in enterprises in the country, and consequently do not carry out trade union activities to protect labour and socio-economic rights and interests);
- is not registered in accordance with the established procedure and is illegal (the activity of unregistered associations in the territory of the country is prohibited);



- is financed using funds from organizations and bodies that are acting in the interests of foreign governments, which are pursuing unfriendly and discriminatory policies against Belarus, that is does not meet the criteria of independence.

In actual fact, today, under the banner of the BKDP, a destructive cell is operational, based in one of the countries of the European Union, which receives from that country support for promoting (under the guise of trade union activity) an anti-Belarusian agenda, using ILO tools and procedures.

Thus, the illegitimate structure operating under the name of the BKDP is not a workers' organization, has no connection with Belarus, does not meet the criteria of representativeness in light of article 2(5) of the ILO Constitution (it does not have the necessary membership, and is not free and independent). This structure should not be regarded as representative of the national trade union association for consultations when forming the country's tripartite delegation to attend sessions of the International Labour Conference.

The Government of Belarus insists that there were and are no grounds whatsoever for article 33 of the ILO Constitution to be applied to the country or the adoption at the 111th Session of the International Labour Conference in June 2023 of a resolution on Belarus calling, in effect, for the isolation of the Belarusian state.

National legislation and law enforcement practices do not contravene the obligations accepted by the Republic of Belarus to comply with ILO Conventions Nos 87 and 98. The situation with the implementation of the Commission of Inquiry's recommendations by Belarus has been progressing steadily. At the current time, the vast majority of recommendations (10 of 12) have been implemented by the Government. The Government has clearly followed the agreements reached and the plans developed jointly with the ILO. The ILO supervisory bodies have repeatedly noted with interest the measures taken by the Government, observing that progress has been made.

We are categorically opposed to the ILO's politically motivated anti-Belarusian resolution and the discriminatory recommendations to international structures and ILO Member States to review relations with Belarus.

We insist that the pressure on States and organizations that do not take steps to implement unjustified decisions against Belarus and its people is unacceptable.

We note that many ILO Member States are aware of the politicized nature of the anti-Belarusian campaign, and oppose the use of United Nations system platforms to bring undue pressure on sovereign States in order to interfere in their internal affairs.

We insist on the immediate curtailment of anti-Belarusian initiatives lobbied for by Western countries and structures under their control. The totally unjustified and unlawful decisions against Belarus should be revoked.

We call on the tripartite constituents and bodies of the ILO not to take any measures in the follow-up to the resolution on Belarus, which sets a dangerous precedent of exerting unlawful pressure on a country on the basis of false accusations, and to return to constructive dialogue and cooperation.

In doing so, at the same time, we are convinced that any conclusions and recommendations of the ILO's bodies should be based on the factual situation in the country, should not go beyond the mandate of the ILO and the areas of regulation covered by its Conventions, should not constitute interference in the internal affairs of a state and should not



deprive a country of its sovereign right to choose its political, economic, social and legal systems.

Discussion by the Committee

Chairperson – As you are aware, at its 111st Session in 2023, the International Labour Conference adopted a resolution on the measures recommended by the ILO Governing Body under article 33 of the Constitution on the subject of Belarus. By adopting this resolution, the Conference decided to hold at its future sessions a special sitting of the Committee on the Application of Standards for the purpose of discussing the application of 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) by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry, so long as Belarus has not been shown to have fulfilled its obligations. On the basis of this decision, this question was placed on the agenda of the Committee on the Application of Standards.

It is my honour to invite the distinguished representative of the Government of Belarus, the Deputy Minister for Labour and Social Protection, to take the floor.

Interpretation from Russian: **Government representative** – Recently, the discussion of the “Belarusian case” at the ILO has become routine and takes place several times a year: at the Conference, during sessions of the Governing Body, and so on. From meeting to meeting, the same conclusions are adopted regarding Belarus, and the same demands are put forward to the Government. However, these demands cannot be met because they are not based on the real state of affairs. They are not objective, they are unfair, and they go beyond the ILO mandate. I will focus on a number of such demands and our position.

The first is the demand for the immediate release and lifting of liability, unconditionally, for all persons who were convicted for allegedly carrying out legal trade union activities, according to the list of the Belarusian Congress of Democratic Trade Unions (BKDP). There are no provisions in Belarusian legislation that would authorize punishment for carrying out legal trade union activities. The Belarusian State, in every possible way, welcomes legal trade union activity and promotes its development through relevant legal norms, which grant trade unions broad powers to protect workers’ rights and participate in resolving the most important issues of socio-economic development.

As for the list of persons who allegedly suffered for exercising trade union rights, as we have already noted on numerous occasions, all of them were held accountable for specific criminal offences that have nothing whatsoever to do with legitimate trade union activity. These citizens participated in organizing and holding unauthorized mass events. They grossly violated public order, used violence against law enforcement officers, assisted in extremist activities and committed other illegal acts. The national competent authorities had every possible legal basis to hold these individuals accountable. Therefore, any statements about the immediate removal of charges against all lawbreakers are simply irresponsible.

Further, I wish to emphasize that Belarus is a State governed by the rule of law, in which the generally recognized principle of separation of powers is applied. All individuals mentioned by the ILO supervisory bodies have been subject to thorough investigation and objective judicial decisions. Any changes in these matters are possible only through judicial procedures. Otherwise, we would be talking about administrative interference in the activities of the courts and for us, this is categorically unacceptable.



The next important issue that I wish to clarify, as I am sure that it will be raised in the discussion today, is that of the measures that the Government of Belarus has taken to implement the recommendations of the Commission of Inquiry. I think that in the speeches of our opponents we will again hear statements to the effect that nothing has been done in accordance with the recommendations and that there is no visible progress. We categorically disagree with this.

Let me remind you that, after studying the recommendations of the Commission of Inquiry, the Government of Belarus informed the ILO Director-General that we would work on their implementation, taking into account, in doing so, the national interests of the Republic of Belarus. In this difficult situation, the Government of Belarus has made every effort to return relations with the ILO to their normal state of affairs.

We have never refused to cooperate. We responded positively to proposals from the ILO on organizing work on the recommendations, and tried to be as flexible and constructive as possible. As a result, concrete steps were taken in most of the areas outlined in the recommendations and significant results were achieved. In particular, measures have been taken to publish the recommendations in the media, simplify and streamline the procedure for registering trade unions, establish tripartite advisory councils, and work with judges and prosecutors. We also agreed to include a representative of the BKDP in the country's main tripartite body, the National Council on Labour and Social Issues.

At this point, I consider it necessary to clearly outline the position of the Government of Belarus in relation to the BKDP. This organization has never represented any significant trade union force; it has never had anything in common with the real trade union movement of Belarus. The issues of labour, social dialogue and collective bargaining were not within the sphere of interests of the BKDP. Under its banner, a handful of swindlers have united, conveniently occupying the niche for receiving Western injections of funds through grants, seminars and trips abroad. Given the pseudo-trade union nature and highly politicized focus of the BKDP's activities, it never had reasonable support among the workers of Belarus and it was not a representative organization.

In a country where trade unions unite more than 4 million people, the BKDP trade unions had a total of only a few thousand. It is obvious that by no objective criteria could the BKDP claim a place in the National Council – the national tripartite body – neither in terms of the number of its members nor in the content of its activities. Nonetheless, the ILO strongly recommended to the Government of Belarus to provide the BKDP with the opportunity to participate in the work of the National Council on Labour and Social Issues. Let me emphasize that we never had any illusions about the extremist sentiments of the BKDP leaders. However, we counted on the fact that the authority of the ILO would act as a restraining factor on them and would not allow them to cross the line of open anti-state and anti-constitutional action. But this did not happen.

The events of 2020 revealed the true nature of the BKDP and the trade unions that were part of it. These entities became headquarters for organizing extremist actions. Their leaders and activists grossly violated laws, and undertook actions directed against the interests of society and the State.

The illegal actions of the BKDP and its trade unions were confirmed by the Supreme Court of the Republic of Belarus in 2022, in full compliance with the law. That court made decisions to terminate their activities. Today, the BKDP and its entities do not operate in Belarus and do not represent the interests of the country's workers. They are, in legal terms in Belarus, illegitimate. Therefore, we strongly condemn any attempts to involve representatives of this



illegitimate organization in the process of dialogue on Belarus. Any dialogue and any cooperation can be successful only if there is goodwill on both sides.

However, unfortunately, we do not see the slightest sign that the Western countries and the leadership of the Workers' group, who are the main initiators of the anti-Belarusian action in the ILO, are ready to take a more balanced position and listen to the arguments put forward by the Government of Belarus.

On the contrary, they are constantly looking for additional measures of pressure on Belarus. At this moment, our national trade union centre, representing the interests of the country's workers, the Federation of Trade Unions of Belarus (FPB), has come under attack. A campaign to discredit the Federation as the most representative trade union association and a full-fledged social partner has been launched at the ILO. The ground is being systematically prepared for the adoption of a provocative decision regarding the FPB.

The Credentials Committee has been chosen as the instrument for implementing such provocative actions. Despite the information provided by the Government, which unconditionally confirms the status of the FPB as the most representative organization of workers in Belarus, the Credentials Committee expresses doubts regarding the legitimacy of inclusion of the FPB representatives in the tripartite delegation from Belarus. We express our strong objection against such a discriminatory approach.

The FPB is the largest and only trade union centre in the country. It includes 15 industry trade unions, the total number of which reaches 4 million people. This is 90 per cent of the workers of Belarus. The FPB is independent in its activities, independent from government bodies. It independently develops and approves its charter, elects governing bodies, and organizes its activities. The activities of the FPB are not financed or controlled by the Government of Belarus.

We strongly condemn the unfounded statements about the alleged control of the FPB by government bodies and the calls within the ILO to limit its legitimate participation in the work of the Conference.

What is the purpose of the International Trade Union Confederation (ITUC) in sending its unfounded protests to the Credentials Committee? The answer is simple: they want to deprive the workers of Belarus of the right to be represented at the largest annual ILO forum, and deprive the Government of the opportunity to form a national tripartite delegation. After all, apart from the FPB, there is no other representative trade union association in Belarus.

I would like to emphasize once again our firm position: there is no reason to question the legitimacy, independence and representative nature of the FPB. The inclusion of representatives of the FPB, as the most representative organization of workers in the country, within the tripartite delegation of Belarus to participate in the Conference, is carried out in full compliance with the ILO Constitution.

The Government of Belarus strongly demands that all provocative actions in this regard be stopped.

In 2023, the Western countries lobbied for the adoption of a resolution on article 33 of the ILO Constitution regarding Belarus. The authors of the resolution based it on measures that provide for sanctions and discrimination against our country. Two years after the adoption of the resolution, it can be said with complete and full confidence that it has not brought anything positive. Moreover, through the adoption of such resolutions of a sanctioning nature, which turn the ILO into a mechanism for putting pressure on undesirable countries, the very idea of



implementing article 33 has been discredited. And the Belarusian case unconditionally confirms this conclusion.

In Belarus, indicators in the area of freedom of association and social partnership, for instance trade union density and collective bargaining coverage, meet the highest standards – reaching 90 per cent. Perhaps only the Scandinavian countries can boast similar figures. Other European countries have much more modest indicators.

Against the backdrop of significant achievements by Belarus in the development of social partnership and tripartism, a logical question arises: How could it happen that a resolution was adopted in relation to Belarus under article 33 of the ILO Constitution, which, as we know, had only been applied once in the history of the ILO prior to our case?

The answer is obvious: the real state of affairs in Belarus could not be the basis for applying such an extreme measure against the country. The real reason is the policy of pressure and sanctions that the Western countries are pursuing against Belarus as punishment for its independent domestic and foreign policies. Therefore, our position regarding the resolution remains unchanged: it should be repealed as it is unfair and politically motivated.

The policy of unfounded pressure on Belarus, based on false accusations, within the framework of the ILO has been going on for many years now. In this regard, I wish to address the members of the Committee, who have a sense of justice and who understand the value of the fundamental principles of the ILO. Together we can change the situation. It is necessary at this session of the Conference to take steps in this direction. The unfair conclusions regarding Belarus should be rejected and the ILO supervisory bodies should be called upon to objectively and carefully consider the Government's information, abandoning the policy of double standards and discrimination. I call on all members of the Committee to take a principled position and to support the Republic of Belarus.

Worker members – This is the second time we are addressing the situation of Belarus within the framework of this special sitting of this Committee, following the article 33 resolution concerning Belarus of the 111th Session of the International Labour Conference. We express gratitude to the Secretariat of the Committee for ensuring that all relevant reports on this matter are readily accessible on the Committee's website.

We will rely on the facts, conclusions and recommendations in the 410th Report of the Committee on Freedom of Association, the discussions and decisions contained in the 349th, 350th, 352nd and 353rd Reports of the Governing Body, as well as the 2024 observations of the Committee of Experts. We will also be happy to know if there is an update regarding the appointment of a special envoy and the setting up of the working group of the ILO and other United Nations (UN) agencies and procedures.

We regret and are deeply concerned that the Government has done nothing to address the concerns raised in the discussion last year or implement the conclusions adopted. The Government continues to demonstrate a total disregard for this Committee, the ILO and the International Labour Conference. All recommendations and calls by the ILO supervisory bodies and the Governing Body for the implementation by Belarus of the article 33 measures have been consistently ignored. It cannot be the case that the Government of Belarus is right while all the ILO supervisory bodies and the UN human rights bodies are wrong. We must recall that this issue has occupied the attention of ILO supervisory bodies for the past 20 years.

As I speak – and as was the case last year – our colleague and ILO Governing Body member, Mr Aliaksandr Yarashuk, remains imprisoned in Mogilev under a strict regime. He is



entitled to only one visit and one parcel annually. His health is deteriorating. Mr Aliaksandr Kapshul is another detainee, serving a 15-year sentence for trade union activism and the defence of workers' rights. Ms Volha Brytsikava, leader of the Belarusian Independent Trade Union (BNP), is also imprisoned. On 28 June 2024, the Ministry of Internal Affairs included her on the "extremist" list by administrative order. In January 2025, the KGB escalated the designation, adding her to the "terrorist" list. The ILO reports referenced earlier list many other colleagues imprisoned for their trade union activities. From reports, the conditions of detention of trade unionists amount to torture: overcrowded cells, continuous lighting, lack of hygiene and no access to warm water.

At this very moment, the unilateral dissolution of the only independent trade union centre, the BKDP, remains in force. Their legitimate union activities have been labelled extremist. Forced into exile, the BKDP is now compelled to conduct trade union activities from abroad. Remaining members and workers are subject to intimidation and serious harassment.

Law enforcement and security agencies conduct raids against disloyal workers in private companies. For example, on 14 June 2024, in the Grodno Region, workers at a metalworking company were subjected to anti-extremist operation. Fully armed national security officers stormed the factory floor, forcibly detaining workers and subjected them to harsh treatment. Several of them were arrested and detained without clear charges. Shortly thereafter, a pro-government channel broadcasted confessions from detained workers, who were accused of associating with groups declared "extremist".

In July 2024, reports emerged that workers at two private companies producing optomechanical instruments faced routine surveillance, including polygraph tests, phone inspections, and coercive interrogations. Some were detained for days and subsequently dismissed.

In addition to these direct assaults on the independent trade union movement and its members, repressive legislative developments persist. The law on mass activities severely restricts public assemblies, including protests and demonstrations. Amendments to the Criminal Code impose harsher penalties, while the Labour Code remains unamended and non-compliant with ILO Conventions.

With the eradication of independent trade unions, the FPB dominates the industrial relations landscape. While the Government and the FPB claim it is the sole legitimate trade union body, numerous reports, including those from the Governing Body, Credentials Committee, this Committee and the Committee on Freedom of Association, seriously question this independence.

We assert that the FPB is not an independent trade union organization. State authorities, including the President of Belarus, have repeatedly expressed support for the FPB, displaying clear favouritism. Presidential Decree No. 46 of 2024 on the State Personnel Register of the Republic of Belarus, intended to enhance the efficiency of state bodies, includes the Chairperson of the FPB on the list of state officials. This register covers senior positions in state bodies and affiliated organizations, further underscoring the close relationship between the FPB and the Government.

The recommendations of the Commission of Inquiry and ILO supervisory bodies are unequivocal: under Conventions Nos 87 and 98, trade union independence means governments must not favour one union while systematically destroying another. It is worth noting that at no moment, since the recent development regarding the destruction of the independent trade unions and imprisonment of their leaders, has the FPB proposed



constructive dialogue with the Government as the way forward. The absence of such a call from the FPB speaks volumes about its independence.

The only way forward is for the Government to seek the support of the ILO to address these matters in the context of the article 33 measures in a spirit of dialogue.

Employer members – We have taken note of the oral and written information on this case provided by the Government of Belarus. We know that ILO Conventions Nos 87 and 98 were both ratified by Belarus in 1956. As a group, we would like to emphasize the importance of Member States' compliance with respect to all ratified Conventions, including Conventions Nos 87 and 98, which are two of the ten ILO core Conventions. As reflected by both the Government representative and the Workers' group, this case has a long-standing history in the ILO. The Committee of Experts has issued many observations since 1997, and the case has been dealt with in various ILO supervisory structures over the years. We note that the Government transmitted written information regarding the observations and recommendations of the ILO supervisory bodies on freedom of association issues and information on the implementation of the recommendations of the Commission of Inquiry. As the Government representative stated, the discussion of this case in the ILO has become, sadly, routine.

The Employer members would like to recall that in May 2024, a high-level round table on freedom of association in Belarus organized by the ILO took place, to reflect on how best to achieve implementation of the ILO resolution adopted by the International Labour Conference at its 111th Session, in 2023. Three UN Special Rapporteurs participated in the round table and reported on it. The ILO Governing Body has also dealt with this case several times. At its session in March 2024, the Governing Body once again urged the Government of Belarus to receive, as a matter of urgency, an ILO tripartite mission with a view to gathering information on the implementation of the recommendations, including a visit to the independent trade union leaders and activists in prison or detention.

In the 2024 conclusions, this Committee urged the Government to, among others, 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. Furthermore, this Committee urged the Government 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.

At the Governing Body session in March 2025, a decision concerning the follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the Constitution was taken. The Governing Body noted with deep regret that the Government once again provided no new information on the measures taken to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the Committee on Freedom of Association, the Committee of Experts and this Committee. The Governing Body once again 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 in the country, including a visit to trade unionists that are currently in prison or detention.



The Committee of Experts made the following key observations on Convention No. 87:

- They noted with deep regret that, since its 2023 report, the Government of Belarus has made no significant changes in law and practice that would affect the application of the Convention and once again merely reiterated the information it had previously provided. Once again, the Government of Belarus reiterated its belief that the Committee misunderstands and misinterprets the situation on the ground.
- The Committee of Experts firmly urged the Government to immediately release all trade union leaders and members arrested for participating in peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities, and to drop all related charges.
- With reference to the International Labour Conference conclusions and the decision of the Governing Body at its 352nd Session, the Committee requested the Government with the utmost urgency to accept: (i) 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 (ii) an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.
- The Committee of Experts also urged the Government to take measures to amend without further delay Decree No. 3 (on receiving and using foreign gratuitous aid), the Law on Mass Activities and the accompanying Regulation, as well as sections 342-2, 369, 369-1 and 369-3 of the Criminal Code providing for restrictions on mass events and associated penalties, to bring them into compliance with the Government's international obligations regarding freedom of association.
- Moreover, the Committee of Experts urged the Government to engage with the ILO with a view to fully implementing all outstanding recommendations of the ILO supervisory bodies without further delay. In this respect, the Committee of Experts urged the Government to receive, without further delay, an ILO tripartite mission with a view to assessing the situation, as requested by this Committee.

The Employer members would like to highlight that in line with Article 2 of Convention No. 87, freedom of association implies and requires that workers and employers must be able to decide freely, without State interference, whether to set up their own organizations. Article 3 of Convention No. 87 recognizes the right to organize their administration as constituting an important aspect of the activities of employers' and workers' organizations. According to Article 11, each ILO Member State in which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize.

We regret that the Government of Belarus continues to forcefully deny the concerns raised by this Committee and other ILO supervisory bodies. We further note that the Government views these concerns, and this process, as a politicized impediment to its legitimate interests to ensure its national security and in operating its judicial system.

To be clear, the Employer members do not wish to impede or interfere in the lawful and legitimate work of any sovereign State. Nevertheless, we share the Committee of Experts' concerns, and we believe it is important to reiterate its observation that the Government continues to refuse to share the judicial decisions relating to the imprisoned trade union leaders and workers, despite repeated requests. If these individuals were indeed arrested and



imprisoned for reasons unrelated to their lawful trade union activities, then the Government should at least be willing to demonstrate that that claim is consistent with their laws.

Taking into account all these developments, the Employer members express grave concern, in line with our statements in the various ILO supervisory bodies. We urge the Government to start engaging in a constructive dialogue with the ILO as a matter of urgency to improve the country's situation regarding freedom of association and the right to organize. The Employer members stand ready to constructively support this process. Also, the national employers of Belarus confirm their commitment to cooperation and interaction.

In conclusion, and based on the observations of the Committee of Experts, the Employer members recommend the Government to:

- (1) immediately take steps to release trade union leaders and members arrested for participating in peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities, and to drop all related charges.
- (2) 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.
- (3) take measures to amend, without further delay, the identified legal provisions to bring them into compliance with the Government's international obligations regarding freedom of association.
- (4) receive without further delay an ILO tripartite mission with a view to assessing the situation and to engage with the ILO with a view to fully implementing all outstanding recommendations of the ILO supervisory bodies.

Interpretation from Russian: Employer member, Belarus – The Confederation of Industry and Enterprise of the Republic of Belarus represents the enterprises and companies of various sectors in our country, representing more than 70 per cent of the employers in the country. The employers of Belarus are deeply concerned about the sanctions imposed on our social partners. However, we see an unfortunate tendency in the ILO where issues that should be contained in the Workers' group extend to all of the social partners, deflecting from more relevant topics for employers and business in general, and which are addressed in the agenda of the annual session of the Conference, including this one.

Resolving labour relations issues and ensuring a decent quality of life are a stimulus for global peace and stability. In this regard, multi-level dialogue within the ILO is something that is extremely important and that ILO Members strive for.

Our Confederation in Belarus, supported by the majority of our members, supports principles, such as the development of human potential by creating good conditions for work, continuous staff training and implementing social programmes for workers. Carrying out training programmes, and introducing into the workplace vocational and training policies, increase the level of involvement of workplace collectives and serves sustainable development, energy and resource efficiency, responsible production and consumption, and safety in industry, as well as environmental friendliness and many other advantages. This is work that we do in close cooperation with our social partners. Disputes are resolved on the basis of mutually recognized realistic obligations and good faith implementation. Successfully solving socially significant problems in workplace collectives in the country contributes to the development of a reputation for the employer as a responsible partner. Developing the



potential of our human resources and the creation of appropriate working conditions for employees are ongoing priorities for us and a matter of constant focus.

The employers of the Republic of Belarus are equal participants in all important discussions and are co-authors of the decisions taken on the basis of social partnerships. In many cases, on the basis of responsibility and mutual respect, our dialogue has led to the introduction of workplace safety measures and the strengthening of social equity. The employers of Belarus have repeatedly reaffirmed their ongoing commitment to the principles of the ILO.

The ILO platform is being used as an instrument of political pressure at the moment, which contradicts its fundamental principles and the goals of sustainable development, economic growth and technological progress. As we know, sanctions and restrictions have never, anywhere in the world, contributed to development goals, especially in the area of social and labour relations, which we supposedly “care so much about” at the ILO.

As you know, on 17 March this year, 2025, at the Governing Body session in this room the Employer spokesperson, Renata Hornung-Draus, indicated that the issue of Belarus in 2004 indeed remained on the table and cast doubt upon the ILO’s mandate to consider that, as do we.

In conclusion, I wish to assure you that the employers of Belarus will abide by our international obligations on the basis of mutual respect and fairness, in accordance with the fundamental principles of the ILO.

Interpretation from Russian: **Worker member, Belarus** – The FPB is the legitimate and authorized representative of workers in our country. With deep regret and disappointment we note the fact that, as every year goes by, consideration of the issue of Belarus in the ILO is becoming ever more absurd and politically motivated. Particular individuals and States are openly involved in distortion of information and playing fast and loose with the facts. All this is done with only one goal, namely increasing pressure on our country in the service of certain geopolitical interests. We would particularly like to emphasize that all of these unlawful activities merely serve to damage the rights of the workers of Belarus.

I will give you some concrete examples. Firstly, once again we hear unfounded allegations to the effect that in Belarus there is no progress whatsoever in implementing the recommendations of the Commission of Inquiry that were issued in 2004. This is absolutely not true. The Commission of Inquiry issued 12 recommendations, and each and every one of them has been worked on in detail. For instance, we have significantly streamlined the judicial procedure for the registration of trade unions. We have removed the requirement for at least 10 per cent of workers for the formation of a trade union. The Government of Belarus has repeatedly put forward evidence of the adoption of decisions to give effect to the recommendations. Further, I would like to remind you of the fact that even ILO bodies have officially recognized progress on this issue and have noted with interest and satisfaction certain steps taken by the Government of Belarus to give effect to the recommendations. That being so, statements to the effect that in Belarus there is no progress whatsoever on this issue are simply assertions that do not stand up to any criticism.

Secondly, representatives of a number of illegitimate entities are asserting with manic stubbornness that in Belarus, there is no freedom of association or collective bargaining. In that connection, I would like to state the following, bearing in mind that this has already been said.



In Belarus, we have 15 sectoral trade unions. Each of them has its own constitution and its own programme of activities, and independently establishes its interaction with social partners, including the decisions on tariff agreements. If we look at the sectoral trade unions, we see that more than 25,000 primary trade union organizations are involved and the absolute majority of them have concluded collective agreements. Therefore, at the initiative of trade unions in these local-level agreements, we see additional guarantees being provided to workers, significant additions to wages, protection from dismissal, additional leave and holidays, various forms of compensation, and so forth. Further, representatives of the national trade union and sectoral centres regularly monitor compliance in practice with labour legislation. Last year, thanks to the trade unions, we were able to identify 44,000 instances where labour legislation had been violated and to deal with those situations. We managed to reinstate scores of workers who had been unfairly dismissed. We were also able to return to trade unions unpaid monies that they were due. Each of these instances is genuine help and protection for workers.

Further, we regularly put forward proposals to improve our legislation, and our representatives are involved in a working group that is preparing amendments and additions to the Labour Code and the Code on Occupational Safety and Health. This gives us an opportunity in the discussion to put forward new norms in the interests of workers and to exclude any proposals that might work against the rights of workers and weaken their guarantees.

I would like to emphasize that the new guarantees that are adopted are not only applied to trade union members but to all workers. For instance, thanks to our federation, all workers in Belarus now have additional guarantees in terms of duration of contracts. Also, thanks to our work at a legislative level, we now have additional labour guarantees for young workers and older persons. All of this clearly demonstrates that in Belarus we do have the necessary conditions for the free operation of trade unions and for the conduct of collective negotiations and bargaining. The FPB is also independent in its activities and works genuinely to protect the interests of workers.

My third point, and I would like to draw this to the attention of everyone here, is that allegations are also levelled against Belarus due to the fact that in our country, people are supposed to be held accountable simply for taking part in peaceful protests in 2020. Let me present a very eloquent illustration as to what really happened at that time. Under the leadership of particular political forces, internet resources were created where the personal data – names, addresses, and so on – of those against attempts to violently overthrow the authorities were posted. Supporters of the so-called charges propagated and encouraged calls against these people and their minor children – literally to “hang them, kill them”. And these are the people who now, in the ILO, are apparently speaking for independent trade unions, people who carried out this criminal act. Is this supposed to be trade union work? This is not simply whipping up social division, it is internal terrorism and is the kind of threats and pressure that we encounter not only on the internet but also elsewhere. Representatives of our trade union organization have faced such pressure. Why does the ILO not say anything about this? Why are our rights not defended? Why are you ignoring what happened and the fact that the events of 2020 had nothing whatsoever to do with freedom of association, particularly bearing in mind the fact that ILO bodies have repeatedly stated that “trade union organizations should not engage in political activities that are abusive or go beyond their core functions, pursuing mainly political interests”.

In conclusion, I would like to make one more important point. For many years we have heard from those who are in favour of coercive measures against Belarus, including within the



work of the ILO, hearing that all of this is done supposedly in the interests of our country's workers. That is falsehood and cynicism of the highest order.

As a result of unlawful sanctions introduced by Western countries against our country, we have seen a threat to the employment and the income of workers in many enterprises in Belarus. In that situation, the Government, employers and the FPB have done their utmost to guarantee employment and wages for people. At the same time, as illegitimate entities abroad are claiming to be people who are defending the rights of workers, what is actually happening? What is actually happening is that here within the ILO, efforts are being made to extend the sanctions. On this instance of discrimination against workers in our country, we have sent an official complaint to the ILO, but our appeal has simply been ignored. This shows the extremely biased and unjust nature of the relations between ILO bodies and Belarus and our workers.

At the heart of the accusations against Belarus, we find blatant lies and slander. The FPB, has repeatedly put forward facts, figures and data to show that in our country, we do have the necessary conditions for the free and independent operation of trade unions and for collective bargaining. But as we see today, the honest, open and principled stances taken by the FPB are simply something that here in the ILO not everybody likes to hear about.

Once again, under pressure from representatives of a number of Western countries, we are being forced to be quiet so that workers in Belarus, those who are directly involved and who really see the situation from within, cannot get information to participants in this Conference. This is something that we see in the unlawful decision to deprive our trade unions from votes at this Conference, and we see ridiculous arguments being put forward.

For instance, one accusation relates to the experience of public service of the Chairperson of the FPB. I would like to point out that we have similar practices in many trade unions throughout the world. And the fact that this happens only emphasizes that in our country all citizens are equal and have the right to be elected to trade union office. Therefore, we insist that the decision concerning the follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 should be repealed. It is a decision that was taken on the basis of disinformation and of the imposition on participants in this Conference of a particular position taken by a number of Western countries. The ILO should not be a tool for underhand politicians. It should return to its initial functions to foster growth and well-being for all people, to defend the right to work and resolve real problems on the labour market.

Government member, Poland – I speak on behalf of the **EU and its Member States**. We deeply regret the continued violations and the persistent failure of the authorities of Belarus to comply with their obligations under ILO Conventions Nos 87 and 98. Although two years have passed since the adoption of the article 33 resolution, the authorities of Belarus have shown persistent disregard of the guidance, conclusions and recommendations of the 2004 Commission of Inquiry, the supervisory bodies and the Governing Body, and have refused to accept and implement them. Once again, we call on Belarus to take all the necessary measures to meet the obligations it committed itself to as a Member of the ILO and by voluntarily and willingly ratifying ILO fundamental Conventions.

We remain deeply concerned by the gross and deteriorating human rights situation in Belarus, including grave violations of labour rights, especially freedom of association and the right to collective bargaining. We strongly condemn the continuing persecution and intimidation campaigns against independent trade unionists, civil society organizations, democratic opposition forces, and all other segments of Belarusian society. We equally strongly condemn new forms of repression against them, such as trials in absentia,



expropriation, intimidation of whole families or children being removed from their families. The situation has further worsened since the Belarusian regime's involvement in Russia's war of aggression against Ukraine.

We strongly urge Belarus to receive as a matter of urgency an ILO tripartite mission to gather information on the implementation of the recommendations of the Commission of Inquiry and subsequent recommendations of ILO supervisory bodies. This mission must be enabled to visit the independent trade union leaders and activists in prison and detention.

Given the gravity of the situation, the European Union has imposed several rounds of sanctions, the latest on 27 March 2025, in the face of unprecedented level of human rights violations and in the context of the election of January 2025. The EU and its Member States deplore the dissolution of independent trade unions, which undermines the legitimacy of social dialogue institutions. We repeat our call to the authorities of Belarus to abandon their policy of destroying the Belarusian independent trade union movement. We echo the Committee on Freedom of Association's request to the authorities to take steps to review the situation of the dissolved trade unions so as to ensure that they may again function.

We deplore the fact that political prisoners remain incarcerated in appalling conditions and express grave concern over the cases of deaths in detention. We urge the authorities to stop the repression and to respect and protect human rights and call for the immediate and unconditional release of all political prisoners, and their full and effective rehabilitation, including trade unionists prosecuted for exercising peaceful and legitimate trade union activity. We are deeply concerned about a system of restrictions on the rights of those who have served their sentence, including limited freedom of movement, constant monitoring and frozen bank accounts.

We deplore the climate of state violence, intimidation and fear in Belarus, and the erosion of the rule of law exemplified by the complete lack of impartiality and independence of the judiciary. We note with concern the observations of a group of independent human rights experts of 22 January 2025 about the growing practice in Belarus of conducting trials in absentia and without basic trial guarantees leading to lengthy prison sentences, deprivation of property and housing, or even the death penalty. We echo the call of the Committee on Freedom of Association to implement recommendation No. 8 of the Commission of Inquiry in that regard.

Considering the repeated grave allegations concerning the nomination of the workers' delegation of Belarus to the Conference, we note with concern the conclusions of the Committee on Freedom of Association concerning strong dependence of the FPB upon the Belarusian authorities and increasing State control and interference in the activity of this organization. We closely monitor the Credential Committee's findings and we urge the authorities of Belarus to nominate non-Government delegates and advisers to the Conference in agreement with the most representative, genuine and independent workers' and employers' organizations.

We thank the Office for engaging with other UN human rights bodies to create a working group that coordinates action towards the implementation of the recommendations of the 2004 Commission of Inquiry and other supervisory bodies. We hope that the ILO Special Envoy will be appointed soon, and we encourage further coordinated efforts towards the full implementation of the Conference's resolution. We also urge Belarus to engage with the ILO Special Envoy, once established.



It has been more than 20 years since the Commission of Inquiry published its report and recommendations. Regrettably, they have not been implemented to date. In the last five years, the authorities have ceased meaningful cooperation with the ILO and have consistently reiterated the information already provided. We urge the authorities of Belarus to take concrete measures to give full effect to all the recommendations of the Commission of Inquiry and the subsequent requests of ILO supervisory bodies including to amend without further delay Decree No. 3 on receiving and using foreign gratuitous aid, the Law on Mass Activities, the Criminal Code and the Labour Code to bring them into compliance with the international obligations regarding freedom of association.

We reaffirm our strong support for the application of article 33 of the ILO Constitution and will take measures in line with the resolution of the 2023 Conference as needed. The EU and its Member States are committed to working with the ILO and its constituents to secure compliance by the authorities of Belarus with the Commission of Inquiry's recommendations.

Government member, Denmark – I speak on behalf of the following 34 Governments: **Albania, Austria, Belgium, Bulgaria, Colombia, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine,** and my own country, **Denmark.**

The Committee is meeting today again to carry out a responsibility entrusted to us in the resolution of the Conference of 2023 concerning the measures under article 33 of the ILO Constitution regarding Belarus. Two years have passed since the adoption of the resolution, and more than two decades since the Commission of Inquiry issued its report and recommendations to ensure observance by Belarus of the ILO Conventions Nos 87 and 98. Yet, regrettably, Belarusian authorities have systematically violated their commitments under the ILO fundamental Conventions, and the situation on the ground continues to deteriorate. This year's report of the Committee of Experts paints yet again a deeply troubling picture of persistent and systemic violations of the ILO fundamental Conventions by the Belarusian authorities. Our Governments note with serious concern that no substantial changes in either legislation or practice have been reported. Instead, despite clear evidence of systematic repression against independent trade unions, their leaders and members, the alarming and deteriorating human rights situation, the systematic shrinking of any civic space, and strong and consistent condemnation from the ILO constituents, the Belarusian authorities maintain that the situation in the country has been misunderstood and misinterpreted. We are particularly concerned with the continued reports from the BKDP, UN Special Rapporteurs, and others, of mass repression against independent trade unions, criminal action taken against workers and their families for exercising their fundamental labour rights, and the judicial harassment of trade union members, including arrests, prosecution and imprisonment. The Belarusian authorities have deliberately dismantled independent civil society, including depriving workers of the ability to organize and advocate for their rights. We further condemn the growing practice of trials in absentia and without basic fair trial guarantees, and demand an immediate halt to such trials as well as full access to legal representation and transparent judicial proceedings.

The reports of politically motivated actions against independent businesses and their workers in Belarus, including arbitrary inspections, raids, searches, administrative fines or closures, are a matter of grave concern. We deeply deplore the climate of State violence, intimidation and fear against peacefully protesting workers in Belarus.



We strongly denounce the Belarusian authorities' total disregard for international labour obligations. Belarus must halt the violations of its obligations without further delay and fully implement the guidance, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body.

To that end, we demand full transparency of law enforcement proceedings which bear the hallmarks of political cases. All trade union leaders and members arrested for their participation in peaceful industrial actions or protests in line with their legitimate right to freedom of association must be immediately and unconditionally released and all related charges must be dropped. Each instance of intimidation or physical violence must be investigated without delay through an independent judicial inquiry. The dissolved trade unions must be allowed to function and fully participate in national tripartite bodies. The rule of law must be upheld, a predictable and transparent business environment must be ensured, and all enterprises must be guaranteed the ability to operate free from political interference or retaliation. We urge the Belarusian authorities to accept, with the utmost urgency, an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention, as well as an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists. We call on Belarus to immediately and unconditionally cease its support of Russia's illegal war of aggression against Ukraine, which severely impacts Ukrainian lives and livelihoods, including workers, employers and their families.

We note with concern the repeated grave allegations regarding the close affiliation between the Belarusian authorities and the FPB, which has not shown to be a free, genuine and independent organization of workers. We urge the authorities to refrain from showing favouritism towards any particular trade union. Considering the need for permanent and continuous monitoring of the situation in Belarus, we encourage the ILO Director-General to appoint a Special Envoy in Belarus as soon as possible. It is also crucial that the Director-General further engages with other UN agencies, special procedures and 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.

To conclude, we reaffirm our strong support of the application of article 33 of the ILO Constitution and are committed to continuing to work with the ILO and its constituents to secure compliance by the authorities of Belarus with the Commission of Inquiry's recommendations. We will continue to support a special sitting of this Committee so long as Belarus has not been shown to have fulfilled its obligations under ILO Conventions Nos 87 and 98.

Government member, Canada – I am speaking on behalf of the Governments of **Australia, Japan, New Zealand** the **United Kingdom of Great Britain and Northern Ireland**, and my own country, **Canada**.

We thank the Committee of Experts for their most recent observation about the situation in Belarus. Echoing the Committee of Experts' deep regrets, we strongly deplore that Belarus has indicated that no significant change in law and practice has been implemented since 2023, despite multiple reports on the worsening of the human and labour rights situation in the country and numerous calls from this Organization to fully implement the recommendations of the ILO supervisory bodies. Persistent and widespread human rights and labour rights violations and abuses being perpetuated against workers and trade union and labour leaders



for exercising their fundamental rights at work are well documented by the BKDP, UN reporters and others.

We are deeply concerned by reports of more than 50 trade union and labour leaders still under criminal prosecution, either imprisoned or under a penalty of restriction of freedom, or released but not exonerated, the use of the judicial system to persecute trade union and labour leaders, as well as the growing practice of conducting trials in absentia without fair trial guarantees, the criminal sanctions including imprisonment for up to ten years for anyone associating with free and independent trade unions and the practice of mass detention of workers.

Notwithstanding such overwhelming evidence, the Belarusian authorities continue to systematically deny any violations of Conventions Nos 87 and 98, and maintain that the recommendations of the 2004 Commission of Inquiry have been implemented. For more than 20 years, the authorities of Belarus have repeatedly failed to protect workers' fundamental rights showing a complete and blatant disrespect for the ILO supervisory system at the expense of its workers. Once again, we urge the authorities in Belarus to fully comply with the recommendations of the Commission of Inquiry and 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, accept an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention, release all trade unionists imprisoned or criminalized for exercising their fundamental labour rights immediately and unconditionally, and stop widespread attacks against workers and their leaders, including mass detention and arbitrary dismissals.

We strongly believe that the resolution adopted by the Conference in 2023 under article 33 was the only remaining available option to urge the authorities of Belarus to fully comply with ILO fundamental principles and rights at work, their obligations freely agreed under the ILO Constitution and the findings of the ILO supervisory mechanism.

We reiterate our full support to the ILO supervisory system, including for the work of this tripartite Committee, which has for over 100 years been able to engage in a constructive dialogue to provide guidance toward the realization of the ILO mission, that is to promote social justice and fundamental principles and rights at work, which are essential to achieve a universal and lasting peace.

We urge the authorities of Belarus to respect the ILO supervisory system's expertise and impartiality and integrity, and to fully cooperate with the ILO to implement without any further delay all outstanding recommendations of the Commission of Inquiry and the ILO supervisory bodies. Finally, we encourage all ILO constituents to continue taking all possible measures in accordance with the resolution of the 2023 Conference, with a view to bringing Belarus into compliance with its obligations under the ILO Constitution and Conventions Nos 87 and 98.

Employer member, Canada – I am speaking as a representative of the Federally Regulated Employers – Transportation and Communications (FETCO), a Canadian employer's association, to express our deep concern regarding reports of the continued violations of the right of social partners to freely associate in Belarus.

The freedom to associate is a cornerstone of the work that we do at the ILO. Conventions Nos 87 and 98 establish the rights of workers and employers, without distinction, to establish and join organizations of their own choosing, free from interference and without prior authorization. These rights are essential for fostering balanced, constructive tripartite dialogue which, in turn, is critical for addressing economic and social challenges. The reported ongoing



restrictions and punitive measures against independent organizations and their members in Belarus represent a clear violation of these principles. As an employers' organization, we recognize that the ability of both workers and employers to organize and advocate for their interests is vital for maintaining industrial harmony and advancing mutual interests. We therefore urge the Government of Belarus to align its laws and practices with its international commitments by ensuring that both employers' and workers' organizations can operate freely and without fear of reprisal.

Interpretation from Chinese: **Worker member, China** – We have taken note of the statements made by all sides in this Committee. Our position is consistent. Sanctions are not the goal, rather, truly safeguarding the legitimate rights and interests of workers is our shared objective. To this end, we call for all concerns to be duly addressed, for strengthened consultation and dialogue, and for efforts to promote an early resolution of this case.

Government member, Pakistan – Pakistan acknowledges the commitment of the Government of Belarus to upholding international labour standards and its continued cooperation with the ILO. We believe dialogue and engagement are essential for addressing concerns and promoting labour rights. We take note of the measures undertaken by Belarus to implement the 2004 recommendations of the Commission of Inquiry. We further encourage the exploration of alternative mechanisms to address outstanding issues, rather than proceeding under article 33 of the ILO Constitution. Pakistan underscores the importance of upholding the principles of national sovereignty and advocates for dialogue and cooperation as the preferred means of resolving differences within the ILO framework.

Worker member, Brazil – I will begin my statement by expressing our deep regret concerning the repeated failure by the Government of Belarus to comply with the obligations under Conventions Nos 87 and 98. For over two decades, we have observed non-compliance with the recommendations of the ILO Commission of Inquiry. And now, we are witnessing the blatant transgression of the last resort invoked by the ILO in response to persistent violations: the application of article 33 of the ILO Constitution. The forced dissolution of all independent trade unions in Belarus has de facto eliminated freedom of association and labour relations.

The report submitted in July 2024 by the Special Rapporteur on the situation of human rights in Belarus, Anis Marin, has increased our concern by highlighting that the “level of engagement, which has never been satisfactory, has significantly deteriorated over the years following the human rights crisis unfolding in the context of the 2020 presidential elections”. Regarding freedom of association, the report underscores that, in 2022, Belarus reintroduced section 193-1 into the Criminal Code to criminalize the organization of and participation in unregistered associations, indicating that, today, registration procedures are more restrictive than ever.

There can be no genuine social dialogue if the Government is liquidating all independent trade unions and imprisoning their members.

In this context, any official figure related to collective agreements, labour disputes, or trade union membership has no legal or democratic legitimacy as it excludes a significant proportion of workers by failing to recognize independent trade unions. These data do not reflect free labour relations but rather the outcome of coercion and repression.

I wish to draw particular attention to the abusive effects of the collective agreements concluded by trade unions recognized by the Government. Collective bargaining exclusively benefits those persons affiliated with pro-government trade unions, therefore depriving members of independent trade unions of bonuses, medical insurance and pensions. This



discriminatory practice has been institutionalized since 2020 through coordinated reviews of collective agreements in major enterprises such as the Minsk Electrotechnical Plant.

Through the forced and illegal liquidation of all independent trade unions and the de facto impossibility of creating new ones, any worker who is not a member of an official trade union is completely excluded from the collective bargaining process, and is left without any representation, voice or protection.

The international community cannot remain silent before this systemic repression. The erosion of trade union rights in Belarus is not only a national crisis but is a direct challenge to international labour standards and the ILO fundamental principles.

Government member, Cuba – We thank the Government of Belarus for the information presented today.

We can see that the Government has implemented most of the recommendations of the Commission of Inquiry, confirming the authorities' will and efforts to implement, to the extent possible, those recommendations within the existing legal framework. Belarus is demonstrating, once again, a willingness to engage in respectful dialogue and constructive cooperation with the ILO. Cuba welcomes these positive actions, which must be recognized by the Organization.

Member States' sovereignty and self-determination must always be respected. It is on this basis that a government can honour its commitments and make progress in cooperation efforts. It is imperative that the supervisory bodies of the ILO consider the information submitted by governments impartially, objectively and in strict adherence with their mandates. It is concerning that the responses sent to the supervisory bodies by some governments are not evaluated on an equal footing with the allegations made by the social partners.

The dividing line between legitimate trade union interests and issues of a political nature seems to be all too frequently irrelevant to the supervisory bodies of the ILO. There is a need to, as a matter of priority, bring clarity to these processes, which are marked by selectivity, politicization, partiality and double standards that harm the Organization's standing and credibility.

The implementation of a plan of action for any country that contains elements outside the mandate of the ILO is unacceptable for Cuba. This Committee cannot be a tool for coercing States. The principles of impartiality and objectiveness must always be respected. Cuba rejects and will continue to oppose draft resolutions, mandates and recommendations that are selective, interfering or politicized that run counter to the ILO's mandate and purpose. We will consistently defend approaches based on cooperation and constructive and respectful assistance, and we will always oppose punitive and coercive approaches. Confrontational, politically motivated mandates and mechanisms imposed against the will of the States concerned, as in this case of Belarus, are fruitless, ineffective and destined to fail.

The ILO and its supervisory bodies continue to urge Member States to provide information on the adoption of coercive measures against Belarus. Unilateral coercive measures are unacceptable and must be abolished. As well as contravening international law, they undermine economic development and social justice, worsen the situation of workers and increase unemployment and poverty among the most vulnerable.

Cuba has defended, and will continue to defend, tripartite dialogue and consensus-seeking as principles that are fundamental and vital to the ILO's effective fulfilment of its important mandate and its responsibilities.



Government member, Islamic Republic of Iran – The Islamic Republic of Iran acknowledges Belarus’s continued engagement with the ILO and its long-standing membership, having ratified 51 ILO Conventions, including fundamental ones. We recognize the constructive efforts outlined by Belarus to address labour matters through its tripartite mechanisms, including the National Council on Labour and Social Issues for the improvement of legislation in the social and labour sphere. We note Belarus’ significant efforts in establishing technical cooperation projects, conducting legislative reforms to strengthen social dialogue, and enhancing trade union rights through joint initiatives with the ILO. We are confident that the ILO will continue to focus on its core mandate in a manner that prevents politization regarding Member States’ cases, including Belarus.

We call upon this Committee to recognize Belarus’s legitimate implementation efforts and genuine commitment to international obligations, and to focus on constructive dialogue based on technical cooperation. We urge the ILO to prioritize technical assistance and constructive cooperation, ensuring that the Organization’s actions align with its constitutional mandate and respect the sovereignty of Member States. Only through genuine tripartite dialogue, mutual respect and adherence to the ILO’s fundamental principles can we fulfil our mandate of promoting social justice and decent work for all. The ILO’s strength lies in facilitating cooperation and technical expertise. In conclusion, we support continued engagement between Belarus and the ILO, grounded in mutual respect. We encourage all parties to resolve outstanding issues through constructive dialogue and technical cooperation.

Government member, Azerbaijan – The delegation of the Republic of Azerbaijan commends the Government’s efforts to promote a consistent policy of raising the income level of the population and providing social guarantees for the most vulnerable groups of people. Information provided by the Government confirms that it prioritizes the development of social and labour issues in accordance with the generally accepted international standards and Conventions of the ILO. The Government demonstrates its readiness to cooperate with the ILO in areas related to the mandate of this organization. For this reason, my delegation will not be able to support the conclusions of the Committee regarding Belarus.

Worker member, Denmark – I speak on behalf of the Nordic workers and the workers of Spain. Freedom of association and the right to organize is, in many ways, the foundation of a democratic society – a society based on dialogue with the goal of growth for all its members. It is imperative for freedom as well as for stability and for peace. Unfortunately, in Belarus, and in far too many regimes alike, it is not a freedom for the people but a threat for the Government. If freedom of association were ever to be achieved, the regimes’ terrifying and destructive hold over its people would be disrupted. Because of this, the State does not allow genuine unions to exist. If you are a trade union independent from the State, such as Solidarnast or the Belarusian Radio and Electronic Industry Workers’ Union, the KGB will label you as an extremist formation. For such unions, the consequences are serious: liquidation of the organization and the jailing of the people involved.

From then on, simply “liking” these unions on social media can be deemed a criminal extremist offence and you risk dismissal, arrest and interrogation. Since 2020, 22,500 such “extremist offences” have been recorded simply for union-related activity. This is a systematic criminalization of trade union activity, meant to keep the people and the workforce subservient and afraid. While free trade unionists face systematic oppression, the state-led, so-called “unions” have free tax exemptions aplenty. They are legally allowed to grant discriminatory benefits through faux collective agreements to those who sell their souls, become members and thereby enablers of the State’s actions. Let us all remember though, that for the people of Belarus there are no alternatives. Even since article 33 was invoked in 2023, nothing has



happened. Belarus has shown no respect for its international obligations. Belarus refuses to change. If Belarus is ever to have true social progress and be a trustworthy state, it must change.

The case of Belarus serves as a reminder for us all that true freedom of association is something that must be fought for, with full solidarity. With Belarus's stranglehold on its people, the international community must keep up the pressure, with all means available, for social justice, peace and stability, and for our brothers and sisters in Belarus.

Government member, Lao People's Democratic Republic – At the outset, the Lao People's Democratic Republic takes note of the 410th Report on the Freedom of Association, and other documents by this Committee, and sincerely thanks Belarus for the comprehensive updates on the current ILO-related cooperation and work in Belarus. My delegation commends Belarus for the continued efforts in fulfilling its obligations under the ILO Conventions and mechanisms, including implementation of the decisions and recommendations adopted during the Governing Body sessions, this Committee and other related conferences. In this regard, we would like to recognize ongoing efforts and significant progress made by the Belarusian Government, which include: first, the promotion of the full employment of the population; second, the consistent policy of raising the population's income level and providing social guarantees for the most vulnerable categories; third, the Government's engagement with ILO social partners to implement the recommendations of the Commission of Inquiry; and fourth, the awareness-raising campaigns on ILO work and initiatives carried out nationwide.

We recognize the importance of tripartite participation in the ILO's work in the decision-making process and consider that tripartite representation must be designated by the country concerned. Regarding the ILO action plan and the proposed appointment of an ILO Special Envoy "to supervise all activities related to ensuring prompt and effective implementation of the recommendations of the Commission of Inquiry", as well as the ILO action plan or technical assistance, we are of the view that the activities should be based on the request of the country concerned. For that reason, my delegation is not in a position to support the draft decision.

Worker member, Germany – I am speaking on behalf of the German trade unions and Swiss workers align themselves with the statement. I would like to draw your attention to the inhumane and degrading prison conditions faced by political prisoners in Belarus, many of whom are trade union leaders, activists and members. These are people who have dared to exercise the fundamental right to freedom of association which is enshrined in Convention No. 87. They are now behind bars for doing just that. In Belarusian colonies and prisons, political prisoners are labelled extremists and marked with yellow tags. This marks them as enemies of the State. They are subjected to increased surveillance, restrictions on correspondence, isolation and psychological pressure. They are held in harsh conditions: overcrowded cells, absence of medical care, food shortages, denial of family visits and, in some cases, solitary confinement. In the detention centres, they are prohibited from taking advantage of educational opportunities, and participating in sports and cultural events. Many are forced to work, even in hazardous activities, for example, dismantling cables containing heavy metals without any protective equipment. This is a direct violation of the Forced Labour Convention, 1930 (No. 29), as well as the Occupational Safety and Health Convention, 1981 (No. 155), and yet these practices continue.

We have testimonies from former political prisoners who are only released after serving their full sentence. Not only are they forced to work in hazardous conditions, they also work with almost no pay, often less than €1 a month. They have absolutely no choice in the tasks that they are given. Let us be clear, this is retribution for political opinions. It is an instrument



to suppress and intimidate trade unions, and any dissenting opinion. Female prisoners, including mothers of young children, are also subjected to repression. They have been sentenced to five years or more and throughout this time, they have been denied the right to see their children. This is systematic state-sponsored cruelty against people who dare to speak their minds, yet the Belarusian Government continues to deny the existence of repression.

We call on the ILO and its Members to confirm the findings of the Commission of Inquiry to pursue the measures set out in article 33 of the Constitution, to demand access for independent monitoring of prisons and colonies, send medical personnel to prisons and colonies, urge the Belarusian Government to immediately and unconditionally release all political prisoners, and explicitly name forced labour as an instrument of political persecution. This is not just a Belarusian issue. It is a matter of principle for every worker and every trade union in the world. Let our voices in this chamber be louder than the silence imposed on our comrades behind bars.

Government member, Bolivarian Republic of Venezuela – The Government of the Bolivarian Republic of Venezuela welcomes the information provided by the Government of Belarus which demonstrates its commitment to the principles of constructive dialogue and mutual respect.

The Bolivarian Republic of Venezuela reaffirms that direct, genuine and unconditional social dialogue within the ILO is the best tool to strengthen cooperation and reach viable, sustainable agreements. On the other hand, political, media or institutional pressure, far from achieving specific aims for the benefit of workers, fosters increased tensions, confrontation and, ultimately, the unravelling of conflicts; this is, in short, the failing of diplomacy and negotiation.

Any attempt to influence international cooperation and the protection of labour rights for geopolitical purposes or with the aim of attacking state sovereignty or integrity must, therefore, be rejected. It is vitally important to recall in this Organization that any decision that affects a State must be taken in the spirit of constructive social dialogue, be based on verifiable facts and respect independence and national legislation. We therefore encourage all parties involved to act with objectivity and fairness, helping to strengthen cooperation and mutual respect.

The Bolivarian Republic of Venezuela firmly rejects the imposition of punitive measures, which are outside the mandate established by the ILO and have proven to be ineffective. Such an approach does not align with the Organization's functions or principles, and its adoption is inappropriate, in addition to setting a dangerous precedent. We therefore reiterate the importance of acting always in accordance with the principles of sovereignty, equality and non-interference, and we call for efforts to find avenues for dialogue and cooperation that strengthen peace, social justice and mutual respect in our multilateral system.

Worker member, United Kingdom of Great Britain and Northern Ireland – Imagine that by listening to this debate, you were committing a crime. Imagine that just by listening to most of the speeches from the workers' benches today, including this one, whether directly or through the sterling work of our superb interpreters, you were considered to be an extremist, regardless of what you did with the information I am sharing with you. But that is not far from the reality for trade union members in Belarus right now. In today's Belarus, it is not only dangerous to stand up for workers' rights, it is dangerous to even read that you have rights.

In March 2024, a court ruled that the materials, symbols and even the media resources of Solidarnast, a network of independent trade union activists, were "extremist". This was a logical



continuation of the repression aimed at completely excluding workers from the free information space. From that moment on, any interaction with independent trade unions became a crime. From reading union news – just to read it, not necessarily to act on it – to subscribing to an independent telegram channel, or liking or forwarding a post, you can be arrested, fired or sent to prison. Sometimes without the right to defence, and with a yellow label saying “extremist”. Workers can no longer freely receive information about their rights, about the situation in their workplaces or even the events of this Conference. The only authorized source of information is the pro-government FPB. Everything else is illegal.

As we have heard from 2020 to 2024, more than 22,500 so-called “offences of an extremist nature” were registered in the country. This term does not refer to terrorism or violence but to postings, subscriptions and interviews. People’s smartphones are checked directly at their workplaces – in factories, schools and offices. The Law on countering extremism has become an instrument of total intimidation. This is not a fight against extremism. This is a fight against the truth. This is a ban on the existence of an independent trade union movement.

In my intervention last year, I talked of how the free exchange of information is at the very core of trade unions’ ability to represent the interests of members, that workers’ rights cannot be achieved without the sharing of knowledge of what such rights are and the coordination of activities to defend them. Huge amounts of trade union time and resources go into communicating with members, with an increasing array of digital tools deployed to bring those members into the decision-making of our unions, as well as to make sure they know the law and practice of our labour rights. As democratic organizations, this is fundamental.

But today in Belarus, the right to freedom of information itself is under attack and with it, the right to freedom of association, freedom of expression and the basic dignity of working people. As internationalists, we defend the rights of our sister centre trade unionists just as we do our own, in the knowledge that to allow the abuse of rights somewhere, is to risk it happening anywhere. We will not allow this terrible situation to be considered normal and therefore call on all those concerned to protect the right of Belarusian workers to be informed, to express themselves and to organize in independent, democratic and communicative trade unions.

Worker member, Japan – Belarusian trade union activists are continuing to face harsh repression by the regime, both inside the country and in exile. Following are two of the most alarming and high-profile cases of the repression.

Leanid Sudalenka, a trade union lawyer and human rights defender, served three years in a Belarusian penal colony under Article 342 of the Criminal Code of Belarus on the organization and financing of protest. He was released on 21 July 2023 but due to ongoing political repression was forced to emigrate. From abroad, Leanid continued to inform the international community about the situation in Belarus, including the inhumane conditions in Belarusian prisons. As a result, on 1 November 2023, a new criminal case was opened against him. He was declared wanted, not only in Belarus, but also in the Russian Federation. On 17 June 2024, he was sentenced in absentia to five years in a high-security prison for repeated offences, along with a fine of approximately €8,000. On 1 March 2025, Belarusian security forces once again raided Leanid’s home. They also stormed the home of his 87-year-old mother, searching for him. As a result, the older woman suffered a heart attack and required urgent medical care. This represents not only the continued persecution of Leanid himself but also targeted psychological pressure on his family.

Maksim Pazniakou, acting President of the BKDP, was forced to flee Belarus in 2022 after serving one month of administrative detention and facing continued threats of persecution.



From abroad, he has continued his work with the BKDP and has kept the ILO informed about the situation in Belarus. He regularly speaks at ILO platforms, including sessions of the Governing Body and the Conference. For his active stance, a criminal case was opened against him in December 2024, and he was declared wanted in both Belarus and the Russian Federation. Police have repeatedly visited the home of his 75-year-old mother, conducting searches and interrogations. Other family members have also been subjected to pressure and questioning.

We call on the international community to strictly uphold the principle of non-refoulement, that is the non-return of Belarusian trade unionists and human rights defenders to a country where they face serious risk of persecution, ensure appropriate protection for the activists, as well as for their family members, provide support for their legal status, and facilitate access to residency and documentation in their host countries. Today, international solidarity is urgently needed to protect those who continue to fight for workers' rights under dictatorships.

Interpretation from Russian: Another Government representative – I would like to request that attention be given to the way in which some speakers are describing a sovereign country in the words that they are using. I would invite you to cut off those who use unacceptable language within the framework of the international system of the ILO.

Government member, Kazakhstan – Kazakhstan acknowledges the long-standing engagement of Belarus with the ILO, its expressed commitment to social and labour standards, and efforts to foster a tripartite partnership system. We also note the Government of Belarus's information on the steps taken to implement the Commission of Inquiry's recommendations, as well as its openness to dialogue with social partners and the ILO, evidenced by past cooperation with ILO missions and technical projects. Regarding the conclusions by ILO supervisory bodies on the importance of the full implementation of Conventions Nos 87 and 98, we believe it is key to enhancing constructive engagement between the Government and the ILO to address these matters in a collaborative manner.

Worker member, Poland – Two years ago, at the 111th Session of the Conference, we took the extraordinary step of invoking article 33 of the ILO Constitution in response to the grave and persistent violations of freedom of association in Belarus. Today, we must state clearly, the Belarusian authorities continue to ignore the recommendations of the Commission of Inquiry, as well as their obligations under Conventions Nos 87 and 98. The clearest example of this repression is the case of Aliaksandr Yarashuk, President of the BKDP, Vice-President of the ITUC, and a long-standing member of the ILO Governing Body. He was arrested on 19 April 2022 during coordinated raids against independent unions and, in December of that same year, sentenced to four years in prison for so-called "calls for restrictive measures", which, in reality was his public criticism of the Lukashenko regime and of this Organization. But Yarashuk is not alone. In January 2023, Hennadz Fiadynich and Vatslau Areshka were sentenced for the same reason to nine and eight years of penal colony, respectively. In total, at least 27 independent union leaders and activists are currently sentenced for their activity, and more than 70 individuals are recognized as political prisoners connected to the trade union movement. Any criticism of the Government or of State enterprises is criminalized and punished. We must therefore echo the question that has just been asked by the Worker member of the United Kingdom. Will everyone who speaks at this special sitting, or at other ILO or international events, have to fear arrest and imprisonment in Belarus, simply for defending freedom of association and criticizing authoritarian rule? Supporting freedom of association in Belarus is our duty; we must not fail.



Government member, Lebanon – Lebanon takes note of the report presented by the delegation of the Republic of Belarus, highlighting the significant progress made by the Government in implementing several recommendations and obligations arising from the ILO Conventions, particularly Convention No. 87 and Convention No. 98.

In a constructive spirit, we encourage the Government to continue aligning domestic legislation and policy frameworks with the provisions of these two Conventions. In this regard, continuous commitment to inclusive dialogue with social partners and the ILO is key for overcoming all the challenges. We firmly believe that fostering well-balanced mechanisms for the involvement of the tripartite partners in shaping and implementing social, economic and labour-related policies highly contributes to reinforcing trust and positively impacts the work environment. In conclusion, we wish the Republic of Belarus prosperity and a successful cooperation with the ILO.

Worker member, France – I am speaking on behalf of the French and Belgian workers. In 2025, the ITUC's Global Rights Index, concerning trade union rights and freedoms worldwide, once again classified Belarus among the ten worst countries for workers. The systematic violations of freedom of association are rooted in the brutal suppression of the public transport workers' strike in 1995. Three decades later, the trade union landscape has been devastated and the independent trade unions annihilated.

Deprived of the fundamental freedom to organize to defend their rights, workers are exposed to the arbitrariness of the public authorities. Today, the repression of Belarussian workers is only increasing.

Across all the country's public enterprises and administration, there is a service responsible for ideology that monitors the degree of workers' loyalty to the State. These structures are integrated into management and human resources departments. Workers suspected of political disloyalty are forced to make a public apology or are dismissed.

Raids by police and the security services on workplaces are frequent and are carried out in public and private enterprises and on foreign capital. The agents who carry out these arrests are armed and are usually in charge of fighting common law criminals. Workers can be targeted if they are subscribers of independent information channels, if they "like" a social media posting, if they appear in photos of the 2020 demonstrations, if they make donations to a civil society initiative, if they support human rights activists or if they support families of political prisoners. Yes, there is suppression and intimidation in workplaces.

All of the country's workers are subjected to coercive labour relations. Fixed-term contracts, which can only be unilaterally modified or broken by the employer, is the rule. Workers are constantly afraid of losing their jobs.

In a large public enterprise that produces nitrogen fertilizer, lie detectors are used systematically, to decide on both contract renewal and recruitment. There is also evidence that lie detectors are used in other State enterprises. Candidates for recruitment are obliged to provide recommendations from their previous employer. Loyalty is a key factor in recruitment decisions. There are unofficial lists of « disloyal » citizens who are refused a job.

The stalemate in which the system of work in Belarus is in demonstrates that freedom of association is a cornerstone of democracy, crucial in the defence of workers' fundamental rights.

Interpretation from Russian: **Government member, Russian Federation** – We share entirely the views expressed by the representative of the Government in its assessment of this



special sitting. We have to note that, over the last year, there has been zero constructive movement from the ILO regarding the Belarusian question. Once again, we would note the blatant politicized character of the resolution adopted by the 111th Session of the Conference on the use of article 33, and we have a similar view of the assessment made and decisions taken on the Belarusian question by the Governing Body on a regular basis. We would once again draw attention to the fact that, at all stages, the Government has shown a constructive approach to dialogue with the ILO. The Government has implemented the vast majority of the 12 recommendations of the Commission of Inquiry of 2004 and is also taking a number of measures in law and in practice to, for example, protect workers' rights, strengthen social dialogue, and liberalize the registration and regulation of trade union organizations.

However, these steps are being ignored by the supervisory mechanisms of the ILO when it comes to considering the Belarusian question in favour of a small group of countries and other interested parties who want to exert political pressure on Minsk. It is telling that the substantial share of accusations against Minsk, which are unfounded, relate to the alleged persecution of trade union activists. Once again, allow me to emphasize that these individuals have been tried by courts and found guilty of serious crimes.

In full accordance with the legislation of Belarus, we will not tire of pointing out that the fact that one belongs to a political movement – and the so-called independent trade unions of Belarus are political movements that have nothing to do with protecting workers' rights – does not give individuals a free pass, and demands for quashing or giving retrials to such individuals constitute interference in the internal affairs of the State and, furthermore, go well beyond the ILO mandate.

Allow me to conclude with a slightly rhetorical question. What are the results, after two years of a campaign of sanctions waged against Belarus, one element of which is today's special meeting? The answer is simple - none, if you do not include the discreditation and isolation of, and discrimination against Belarus, and the worsening of the situation of Belarusian workers and enterprises. We do not understand how these measures can be supported by supposedly right-thinking States. We call on those present to educate themselves on the facts on the ground. The Russian Federation fully rejects any measures against the Republic of Belarus that can be adopted at the conclusion of this special sitting. We would be compelled to call for a vote on any such decisions being considered by the Committee.

Worker member, Canada – Thank you for the opportunity to speak on behalf of the Canadian Labour Congress and workers in Canada. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the most representative trade union federation in the United States of America, also joins this statement.

In Belarus, the release of political prisoners does not mean restoration of rights or rehabilitation. On the contrary, systemic persecution continues even after prison. Former detainees remain under so-called "preventative supervision," which restricts their movement, prohibits attendance at public events, and obliges them to report to the police weekly. In some cases, they cannot even leave their place of residence without special permission. All of them are included on official lists of "extremists" – and in some cases, even "terrorists." This is not just a label, it has serious consequences: frozen bank accounts, bans on employment, exclusion from education, and widespread fear and stigma.

Trade union activists released from prison are still unable to return to their professional life. Their diplomas, employment records, pension, and healthcare rights are often inaccessible. Social stigma and pressure from law enforcement persist.



We must stress that this is not about isolated incidents, but about a policy of continued punishment beyond prison walls. It is a form of control, intimidation, and exclusion, without trial, without appeal, and without the right to forget. We call on the ILO and its Member States to: reaffirm the need for full legal and social rehabilitation of all trade union activists who have suffered repression; recognize the practice of “preventative supervision” and extremist labelling as a form of administrative persecution; continue to demand not only the release, but the full restoration of rights for everyone punished for their trade union or civic engagement. Without rehabilitation, there is no freedom. Without restoration of rights, there is no justice.

Government member, Algeria – We have listened closely to the statement by the Government of Belarus, in which it indicated that it gives full attention to the observations and recommendations of the ILO supervisory bodies. The Algerian delegation welcomes the significant measures taken by the Government of Belarus. We feel that the situation is positive, particularly given the efforts made to facilitate the registration of trade unions and the necessary steps envisaged to protect trade union rights and combat all forms of anti-union discrimination. Algeria encourages the Government to continue its efforts and its technical cooperation with the Office. Hence, my country strongly advocates maintaining an open dialogue between Belarus and the competent ILO bodies, to achieve mutual understanding and to resolve the concerns expressed in a spirit of collaboration and mutual respect.

Worker member, South Africa – I deliver this statement on behalf of the Congress of South African Trade Unions (COSATU) to express our deep concern at the continuing systematic violation of trade union rights in Belarus, particularly the arbitrary detention and punitive treatment of independent unionists.

Since 2020, Belarusian authorities have pursued a deliberate strategy to dismantle independent trade unions. Today, at least 27 trade unionists remain in prison on politically motivated charges, including Aliaksander Yarashuk, President of the BKDP. The conditions of these unionists have worsened. Mr Yarashuk has been transferred to a high security prison, and he is now denied visitation and severely restricted in his communications. Alarming, detained union leaders are now being labelled as “terrorists” under domestic law, blocking material support and threatening their survival in detention. The case of lawyer and unionist, Ales Bialiatski, further highlights this repression.

The UN Working Group on Arbitrary Detention recently declared his detention arbitrary and unlawful. His forced transfer from the Russian Federation and 15-year sentence mirrors this wider pattern of abuse. This campaign now targets not only prominent leaders but also local activists. They face harsher prison regimes, total denial of visits and reprisals against any expression of solidarity. What we are witnessing is not isolated abuse. It is a systematic attempt to extinguish the right to independent association in Belarus. We call upon the ILO to intensify scrutiny and mobilize all available mechanisms to protect Belarusian workers, unionists and their institutions.

Interpretation from Chinese: **Government member, China** – We thank the Government representative of Belarus for the introduction. The Government has taken practical measures to simplify union registration procedures, conduct international labour standards training and create a favourable environment for social partners to exercise their legal rights freely. The unemployment rate in Belarus has decreased and the social security system has improved. This should be recognized and valued by this Committee.

The Government values the fulfilment of its obligations, addressed the recommendations of the Committee of Inquiry and maintains constructive dialogue and cooperation with the social partners and the ILO. Out of the recommendations of the Committee of Inquiry, most



have been implemented. This reflects its efforts and active stance. China's position on the case of Belarus is consistent. As a specialized UN agency, the ILO adheres to the belief that social justice is the foundation for lasting peace. To achieve this, the ILO should adhere to the purposes and principles of the UN Charter, provide a platform for dialogue and cooperation on the basis of respect for the sovereignty of Member States, rather than confrontation and division. We should be vigilant about some countries and forces that politicize labour issues, and use them to interfere in the internal affairs of other countries for their own geopolitical purposes, which will damage the credibility of the ILO. Article 33 of the Constitution is the most severe measure of the ILO and the refusal of Member States to accept recommendations is the prerequisite. We firmly oppose the arbitrary expansion and misuse of such a measure, and oppose sanctions against countries that are serious about fulfilment. Sanctions have already and will continue to impact economic and social aspects of the country and infringe on the rights of workers and employees, which is not in line with the mandate of the ILO.

Equality before the law is a basic principle of the rule of law and no one should have privileges beyond the law. Illegal acts should be punished according to the law.

We urge this Committee and ILO tripartite constituents to respect the sovereignty of Belarus, look at the social and labour situation comprehensively, listen to its introduction and commitments, review its information fairly and equally and evaluate the situation in a realistic manner to avoid the misuse of such a resolution which means that the case of Belarus remains indefinitely in our discussions. We encourage the Office to communicate and exchange in depth with the Government to provide more technical support, help the Government to better implement Conventions, protect the rights and interests of workers and employers, and promote the economic and social development of the country.

Worker member, Philippines – Today, I rise to speak for those who cannot, for the brave members of the BKDP, dissolved by the Belarusian authorities along with every single independent union under its wing. Since 2022, the regime in Belarus has done the unthinkable, it has erased independent trade unionism. Offices locked, assets seized, and unionists thrown behind bars. Their “crime”? Daring to stand up for workers. Some are now serving sentences of 7, 9, even 15 years, not for violence, not for corruption, but for trade union work. This is not merely a breach of Convention No. 87. This is the total annihilation of freedom of association. Today in Belarus: Forming or registering an independent union? Impossible. Conducting union activity? Prosecuted. Workers pressured to join state-run “zombie” unions that speak for no one but the regime. Hundreds of activists have lost their jobs, many languish in prison, and others live in exile or under constant watch, knowing a knock on the door can come any day.

We thank the ILO for invoking article 33, a rare and necessary step, and for the Commission of Inquiry's findings. Yet the Belarusian regime continues to shrug it all off, pretending no repression exists. Our message today is clear and unwavering: recognize that freedom of association in Belarus lies in ruins; demand the immediate, unconditional release of jailed unionists; reject any puppet “workers’ representatives” created by the authorities; maintain unrelenting pressure until genuine, independent unions can rise again. Let us not kid ourselves: this is not some “internal matter”. If union rights can be crushed in one country with impunity, then the entire global house of labour is on shaky ground. An injury to one is an injury to all.

Observer, International Trade Union Confederation (ITUC) – I address you today not only as a representative of **workers** from **Myanmar**, but also as someone who shares the same painful reality as the workers in Belarus.



This year, our country, Myanmar, like Belarus before it, was placed under the article 33 procedure of the ILO Constitution. This is a historic and rare measure, but for us it is not just a legal procedure. It is the recognition of a shameful and intolerable truth: fundamental labour rights are being violated in our countries. In Myanmar, labour activists continue to be arrested, tortured and even killed. Our people face forced labour, violent mobilization and daily terror. We have no freedom of speech, no right to organize, not even the right to live in dignity. And yet the workers are resisting.

The situation in Belarus is just as grim. Today, independent trade unions are banned and their leaders are behind bars. Thousands have been forced to flee the country or remain silent. Trade union organizations have been classified as “extremist”, not because they use violence, but because they give workers a voice and defend their interests, not those of the ruling elite. In both countries, the dictators fear the same thing: organized workers who know their rights and are not afraid to fight for them. This is why government terror against its own people has become commonplace in Belarus and Myanmar. The article 33 process is not a solution to the problem, nor is it the end, but only the beginning of real action. Let us prove together that this is not a formal procedure, but something that violators of international norms should fear.

Support – morally and politically – the free trade union movement in Belarus, both within the country and in exile. Workers pay the highest price every day. Do not leave them to fight this battle alone.

Government member, Zimbabwe – The discussion in the special sitting on Belarus has been on the table for quite a long time in the ILO. The Government of Zimbabwe has followed the discussions and takes note of the submissions by the Republic of Belarus. In particular, we welcome the clarity provided on the intention of its legislative amendments and implementation of the recommendations of the Commission of Inquiry. Belarus continues to demonstrate commitment towards fulfilling its obligations on ratified Conventions and continues to submit progress reports to the ILO.

We also take note of Belarus’s submission concerning the FPB as an autonomous and bona fide trade union and all the other issues that have been said about trade unions in that country. Zimbabwe reiterates that social dialogue is a critical ingredient for fostering sustainable economic and social development and promoting decent work. Hence, the Government should allow the unions to come together in an appropriate and progressive manner that allows for peaceful co-existence and the development of their country.

Zimbabwe is, however, very concerned about the continued use of illegal unilateral coercive measures, which continue to be compounded by the negative impact of regional geopolitical tensions. These continue to militate against Belarus’ ability to deliver on its mandate to promote and protect the rights of its workers and employers. Unilateral coercive measures impact the full enjoyment of labour rights.

In the same vein, it is our considered view that the ILO supervisory structures should remain objective and neutral, and aim to promote constructive dialogue without pursuing political agendas that hinder the participation of Belarus as a Member State of the ILO. It is of concern to expect Belarus to deliver on its mandate of promoting decent work and social justice in the world of work in an environment that does not promote the same.

We therefore call upon this Committee in its conclusions to consider resumption of ILO cooperation with Belarusian tripartite partners on a pragmatic, non-political basis to allow constructive social dialogue.



Worker member, Morocco – We are deeply concerned by the rapid deterioration of the safety and health conditions of incarcerated trade unionists in Belarus. The conditions in the detention centres in Belarus are inhumane. The prisons are heavily overpopulated, poorly ventilated, and without provision of adequate food and drinking water. People with chronic diseases are often left without essential care, which puts their lives in immediate danger. There are significant restrictions on the provision of medications to prisoners by their families and friends.

We would like to draw your attention to the urgent and critical humanitarian situation of two trade unionists in particular:

- Vatslau Areshka, aged 70, a long-term activist of the Belarusian Union of Radio and Electronics Workers (REP) and editor of its newsletter, was sentenced to eight years in prison in 2023. Since being imprisoned, Mr Areshka's health has deteriorated alarmingly. Today, he is almost blind and almost unable to walk, as a direct consequence of the harsh prison conditions and the refusal of medical assistance.
- Hennadz Fiadynich, aged 67, the Vice-Chairperson of the REP, was sentenced to nine years in prison in 2023. He has a serious heart condition and diabetes, and has only one kidney. Despite these medical conditions that threaten his life, he is also detained with reinforced security restrictions, and does not receive the medical care he urgently needs.

The two men are detained in conditions equivalent to a slow execution. We call on the international community to act as a matter of urgency. We urge the ILO, the governments, workers and employers to use all available mechanisms to demand that the Belarussian Government saves these trade unionists. We also demand the Belarussian Government to comply with the Office's request to give immediate and unobstructed access to independent medical care for all detained trade unionists, and we call for the unconditional release of all persons imprisoned for their peaceful trade union activities. Their health – and their lives – cannot wait. They are dying in the name of freedom of association, for all of us, right now.

Interpretation from Russian: **Government member, Turkmenistan** – Turkmenistan welcomes the distinguished delegation of the Republic of Belarus and expresses its gratitude for the detailed information provided on the current situation relating to the implementation of Conventions Nos 87 and 98.

I would like to take this opportunity to share our positive experience of cooperation with the ILO. In particular, this applies to the adoption of the successive road maps between the Government of Turkmenistan and the ILO. In particular, this includes the conduct of review missions, the stepping up of tripartite interaction and coordinated work on the reform of labour legislation. Complementing this cooperation, Turkmenistan is also developing partnerships with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC), which is contributing to broadening the participation of national social partners and strengthening the capacity for social dialogue in the country.

It should be noted that the case of Turkmenistan has been repeatedly examined within the ILO's supervisory mechanisms, including in the Committee.

In this regard, it was precisely the constructive dialogue, mutual respect for respective positions and the rejection of pressure that became the key factors in achieving positive results. This approach has strengthened trust and opened the way to practical cooperation. This is an experience that demonstrates just how productive cooperation between a State and the Organization can be. It shows how the ILO can support States in implementing



recommendations and how governments can demonstrate their willingness for open and responsible cooperation.

We acknowledge the efforts of the Government in ensuring full employment, occupational safety, the creation of decent working conditions and the observance of fundamental rights. Turkmenistan reaffirms its readiness to share its positive practices in order to contribute to effective and results-oriented dialogue.

In conclusion, we wish the Government a successful discussion.

Worker member, Italy – I have the honour to speak on behalf of the Italian Confederation of Workers' Trade Unions (CISL) and I would like to inform this Committee that our organization has always been very committed to the legitimate BKDP, and is bewildered by the detention of 27 trade union leaders and more than 1,400 activists and exponents of democratic civil society in Belarus. There is no one better than the present international trade union community to say who is the true, autonomous, legitimate and representative trade union organization in Belarus. Finally, let me say that we are close to and in solidarity with the "diaspora" of Belarusian citizens who have found refuge in our country to avoid imprisonment and repression of every democratic right.

We are profoundly convinced that article 33 must be applied because we observe an entire society under checkmate in Belarus. There is neither the slightest element of legal certainty nor the slightest respect for social dialogue, so the future of the country is uncertain. There is no official recognition of the election of the current Government, which is also involved in supporting the Russian Federation's military aggression against Ukraine.

The pressure on the Government must be strong and authoritative. We have seen the analysis published on the repression of businesses in Belarus. We would like to point out that, in Italy, we have asked both the Government and the employers' organizations to share these concerns, these analyses, and to work together to intervene with every means of international pressure to change the situation and restore democracy.

Furthermore, we are monitoring our country's companies operating on Belarusian territory and we have also asked the organizations of Italian employers to exert pressure so that these companies leave the country and do not become accomplices to the brutal system of repression of every right and every democratic principle.

In the light of what is happening in Belarus, we are convinced that, in all countries, social actors, employers and workers must play an important role together in isolating the Government and reaffirming the fundamental workers' rights and principles upon which this Organization, the ILO, is based.

As Italian trade unions, we strongly support the call for Belarus to receive an ILO mission and to demonstrate how, in light of the current repression of workers and employers, it is complying with its obligations under Conventions Nos 87 and 98. Belarus is an overwhelming example of the importance of the role of this Committee and its authoritative role in enforcing article 33 and sanctioning the Government.

Government member, France – France aligns itself with the statement by the European Union and with the statement by a like-minded group read out by Denmark.

France is particularly concerned about the persistence of shortcomings in the application of fundamental Conventions Nos 87 and 98 by the Government of Belarus. The lack of progress is documented in observations by the Committee of Experts, the Committee on Freedom of Association, this Committee, and by UN Special Rapporteurs and trade unionists in exile. Those



who participated in the side event organized by the permanent representations of France, Germany, the Netherlands and Poland on 4 June also heard this first-hand from victims and leading observers of the situation.

Specifically, the observations in the Committee of Experts' report, which serve as the basis of our discussions today, are particularly disappointing: the Belarusian Government itself has acknowledged that since its 2023 report, no notable changes have been made that would affect the application of Convention No. 87.

Yet, as noted by the Committee of Experts, violations of freedom of association and civil liberties have worsened. Even as we speak, trade union leaders and trade unionists are being held in dire conditions. While the authorities reiterate that these prison sentences punish unlawful acts, no copies of the relevant judicial decisions have been provided, despite express and repeated requests. However, the publicizing of judicial decisions lies at the heart of the right to a fair hearing, and the absence thereof contributes to maintaining a climate of insecurity and fear, which can affect the exercise of trade union rights.

Similarly, there has not been any progress on any of the six points raised by the Commission of Inquiry in 2004, even though they relate to the very foundations of freedom of association.

We therefore urge the Belarusian authorities to commit, with ILO assistance, to adopt all measures guaranteeing the right to a fair hearing, such as independent and impartial investigations into allegations against trade union representatives, as well as the rights to form workers' organizations, to demonstrate, to strike, and consult truly representative workers' and employers' organizations.

This is a matter of respecting the commitments made by Belarus upon joining the ILO, which implies recognizing both the legitimacy of its supervisory mechanism and the need to comply with the obligations arising from the ratification of its Conventions.

Worker member, Ukraine – On behalf of the Federation of Trade Unions of Ukraine (FPU), I make this intervention to the special sitting on Belarus.

In July 2022, the Supreme Court of Belarus ordered the dissolution of the BKDP and its affiliated organizations: the BNP (established in 1991), the Belarusian Radio and Electronic Industry Workers' Union (REP, with a 34-year history), the Free Trade Union of Belarus (SPB, established in 1991), and the Free Trade Union of Metalworkers (SPM, established in 1995). Concurrently, the Government designated the REP as an "extremist organization", effectively outlawing union activities after arresting independent trade unions leaders and activists earlier in the year and declaring them "extremists".

Between March and August 2023, the Supreme Court of Belarus dismissed three complaints filed by independent trade unions, challenging the July 2022 liquidation decisions. As a result, the forced dissolution of these trade unions rendered them incapable of legally appealing the decisions.

Ongoing repression has created a climate of fear, discouraging workers from forming new independent trade unions. The UN Special Rapporteur on the human rights situation in Belarus, Anaïs Marin, highlighted, during the high-level roundtable of 2024 and in her Report from 9 May 2024, that, in 2022, enterprises without trade unions were instructed by the Government to establish them. In such an environment, existing and newly created organizations under the legal name "unions" remain under state control and lack independence. Consequently, the FPB cannot be considered as an independent representative



body of workers. The new Special Rapporteur on the human rights situation in Belarus reiterates the recommendations made in the reports of his predecessor, Anaïs Marin.

Given the current circumstances, where workers are systematically denied the right to freely establish and join trade unions of their choice, and in the absence of effective legal protections for freedom of association, it is imperative that the ILO take urgent action. The ILO must promptly implement its action plan and develop further measures in line with the resolution adopted by the Governing Body under article 33 of the ILO Constitution concerning the situation in Belarus.

Interpretation from Arabic: **Government member, Egypt** – We have before us the situation of Belarus. We have studied all the reports presented by the Office. We have read the documents sent by Belarus concerning the application of the resolutions previously adopted by the Office and the Governing Body.

We would like to underscore the necessity that all countries comply with their obligations. Efforts should be strengthened with regard to the application of international standards. The ILO should also help these countries to apply them, and improve such application. It is its duty as a UN agency in charge of work-related issues and as part of its tripartite mission.

The delegation of Egypt calls for the continuation of the positive dialogue between the two parties in order to apply the recommendations of the Commission of Inquiry and the implementation of all the Conventions, especially Convention No. 87 and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Interpretation from Arabic: **Government member, Sudan** – We have listened to the statements of the Government of Belarus and we support what has been said. We do not think the sanctions are helpful. They only serve to politicize the work of the Organization. We believe that the duty of the Organization is to provide technical assistance within the framework of a dialogue and positive cooperation to achieve the best results possible.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – This year marks a quarter of a century since the first violations of trade union rights in Belarus were reported to the ILO. It began with government interference in union affairs, pressure on delegates and elected union leaders, and targeted attacks on local unions and their representatives.

Year after year, this pressure intensified and ultimately led to mass arrests. Independent unions in Belarus have been dismantled, their offices raided, and their leaders imprisoned – including Aliaksandr Yarashuk, a member of the ILO Governing Body. He is no longer able to address this Committee and to respond to the Government— an absence that contradicts the spirit of this forum as a high-level platform for social dialogue. His absence is actually self-speaking on the situation in the country.

There was hope that the application of article 33 of the ILO Constitution would help resolve the deadlock. However, even this measure has failed to prompt the Belarusian Government to reverse its repressive policies towards freedom of association.

For years, ILO supervisory bodies have documented persistent and systematic violations of trade union rights in Belarus. We have heard government statements, reviewed expert reports, issued conclusions, and adopted recommendations.

For years, the case of Belarus has become emblematic – not only of a blatant refusal to uphold the ILO's fundamental principles, but also of a prolonged delay in restoring justice. This



delay puts the credibility of the ILO at stake. When violations are this grave and extensively documented, an endless circle of observations is not enough.

We deeply regret that we are observing once again the unchanged position of the Government, and we call on the ILO to take meaningful and decisive action, including further development of the enforcement mechanisms in line with article 33, to ensure the compliance of Belarus with the fundamental ILO Conventions.

Again, we also urge the Government to immediately release Aliaksandr Yarashuk and all detained trade unionists, and to fully restore the right to freedom of association – as it is obliged to do under Conventions Nos 87 and 98.

Observer, IndustriALL Global Union – I am speaking here on behalf of 50 million members of IndustriALL Global Union. Although we have had many sessions on Belarus in this house, like the one that we are holding today, the repression and criminalization of democratic unionism in the country continue to an alarming degree, and all free and democratic unions, the national centres, the BKDP and industrial affiliates, such as the PMB, BNP and REP, have been dissolved through so-called judicial process based on groundless claims.

As there is no separation of powers in the country, there is no fair trial and rule of law, and it is obvious that the dissolution of trade unions was carried out in line with political decisions. It is not us making the matter politicized, as is being claimed; the Government itself is politicizing it by putting forward political arguments regarding the concrete violations of fundamental workers' rights.

In addition to dismantling organized labour, the Government continues to carry out relentless persecution of union members and activists, and many leaders of our affiliates have been imprisoned on politically motivated charges, demonstrating a blatant disregard for fundamental rights and freedoms.

Today, even here at this meeting, we have heard direct blatant accusations against our fellow trade union comrades, which we strongly condemn and refute. Our imprisoned comrades love their country much more than those accusing them, even during this session. Trade unionism is not a crime but putting genuine trade unionists in prison, and preventing them from performing their duties, constitute the real crime. Poor health conditions, psychological pressure and various kinds of mistreatment have been reported.

We wish to call attention to the unjust imprisonment of Henadz Fiadynich and Vatslau Areshka, leaders of IndustriALL affiliate REP, sentenced to nine and eight years, respectively. Both are suffering from deteriorating health. In addition, at least five female trade union leaders and activists remain imprisoned in Belarus under brutal and inhumane conditions, sentenced to between two and 11 years for their peaceful protests.

Among them is Volha Brytsikava, Chairperson of Belarusian Independent Trade Union of Miners and Chemical Workers, affiliated with IndustriALL, who was targeted for her anti-war stance and relentless commitment to defending workers' rights.

Following repeated arrests and highly politicized trials, she was sentenced to five years in prison. Her whereabouts are unknown. Her case, along with those of Hanna Ablab, Hanna Karneyenka and Alena Nazarava, highlight the regime's ruthless crackdown on independent trade unions. These women have endured relentless abuse, including solitary confinement in freezing cells, prolonged isolation from their children and systematic torture for the slightest acts of defiance.



The Government must immediately end this cruel treatment, abolish forced labour in correctional institutions, and remove all obstacles to freedom of association, allowing workers to form and join unions without fear of persecution.

*Interpretation from Russian: **Observer, International Trade Union Confederation, (ITUC)***
– I am the acting Chairperson of the BKDP. I am addressing you on behalf of workers who right now are under the yoke of repression in Belarus.

In 2022, the authorities in Belarus, by force, put an end to the BKDP and all of its organizations and, since then, workers in Belarus have been deprived of their right to freely create independent organizations or to join them. Today workers are obliged to be part of a state organization that calls itself the FPB, and they have to do that in order to avoid repression, to keep their jobs, and to have the possibility of feeding their families. All of this is confirmed by the Special Rapporteur on the situation of human rights in Belarus, the UN group of independent experts, as well as international human rights and Belarusian organizations.

Two years ago, a resolution was adopted referring to the application of article 33 with reference to Belarus for violation of the right to freedom of association and non-compliance with the recommendations of the Commission of Inquiry. However, the Government has continued to ignore the recommendations of the Commission, this Committee's conclusions and decisions by the Governing Body and the Conference. The Government of Belarus is jeopardizing the whole supervisory system, accusing the ILO of partiality and going beyond its mandate. It is clearly an issue that Belarus is politicizing in order to avoid discussion of repression and violation of freedom of association.

This is an absolutely not a constructive position. It is not acceptable. Despite the unfounded accusations levelled against us by the Government, we once again call on the Government to refrain from this dead-end approach of opposition and confrontation, and to begin, not with words, but with deeds, to comply with the ILO Declaration on Fundamental Principles and Rights at Work.

The ILO is a unique organization. It can and should become a platform for serious and fair dialogue on Belarus's exit from the socio-political crisis and international isolation. The voluntary release of all trade union leaders and activists, without exception, from detention by the Belarusian authorities and recognition of the mandate of the Special Envoy of the Director-General could be the start of such a dialogue.

Chairperson – Before giving the floor to the Government of Belarus, the Office would like to provide a response to the question posed by the Workers' group, and I invite the representative of the Secretary-General, Ms Corinne Vargha, to provide this response.

Representative of the Secretary-General – In the initial statement of the Worker Vice-Chairperson, there was a question to the Office about the follow-up to the November 2024 Governing Body decision in respect of two issues, the first one being the Special Envoy, and the second one being the establishment of a working group between the ILO and other UN institutions to improve the coordination and impact of our action.

In respect of the Special Envoy, I am pleased to inform you that at the next session of the ILO Governing Body on 14 June, straight after the Conference, there will be formal notification for approval by the Governing Body of the appointment of the Special Envoy. The Director-General was able to identify a person who has his full trust in terms of their ability to engage constructively with the Government of Belarus. So for those interested and who would be attending, the reference to the Governing Body paper is GB.354/INS/11. It should be up early next week.



In respect of the question concerning the establishment of a working group of the ILO and other UN institutions to coordinate and bolster joint action, I am also pleased to report that while we had good coordination but not in any institutional manner, we have now established formally a Joint Working Group between the ILO and the Office of the High Commissioner to precisely follow up on the Governing Body decision.

Interpretation from Russian: Government representative – First and foremost, I wish to express heartfelt thanks to all those who participated in the discussion and supported Belarus. Distinguished friends, your bold and honest position on the issue of Belarus is clear evidence of the fact that there are healthy forces within the ILO, and they are numerous, who are ready despite pressure and threats to defend the fundamental principles in the work of this Organization, to fight for justice and to ensure that we can abolish any practice of double standards.

Now, as for those who have spoken against Belarus, here is the first thing that I would like to note: all of these statements are based on only one source, information that has come from representatives of the former BKDP, and this is something that no longer exists. It no longer operates because of its anti-constitutional and extremist actions. People who were part of this are now abroad and therefore they are being funded by Western countries who have an unfriendly policy towards Belarus.

The ILO supervisory bodies receive information from this source and consider it to be a reliable source as to information on what is going on in Belarus, and that is extremely naive and, more to the point, it is very harmful and counterproductive.

After all, it is clear to everyone that representatives of the BKDP are ready to fabricate any kind of complaint, accusations, anything because in fact their strings are being pulled by representatives of the EU, and they do that because they want to receive Western money. The information therefore is simply falsehood, and it is playing fast and loose with the facts. It is fabrication and this means that we end up with the Committee of Experts making absurd allegations about an atmosphere of violence and fear within Belarus.

Anyone who has been to Belarus could certainly tell you that it is a place where you have peace and security that reigns, and you can feel that wherever you go in our country. You feel friendship, you feel hospitality, and that in fact is something that has always been noted by the ILO experts when they have come to visit.

Today we have heard what our opponents have said. They have tried to call into question the colossal amount of work done by the Government of Belarus with its social partners in seeking to give effect to the recommendations of the Commission of Inquiry, and I note that detailed information about the implementation of those recommendations of the Commission of Inquiry has been repeatedly submitted to the supervisory bodies of the ILO.

Belarus has indeed done serious work, and as a result of that work most of the recommendations – and there were 12 of them – have indeed been implemented. Ten of the 12 have been fully implemented, and the other two have also been implemented to the extent that they do not run counter to the national interests of Belarus. All of this has been done in close cooperation with the ILO, including on the basis of joint plans of action and joint work programmes. All of the programmes have been commended by the relevant supervisory bodies of the ILO.

So let me be absolutely clear, if we think back to 2009, here it was noted that indeed there had been progress within Belarus in terms of giving effect to the recommendations of the Commission of Inquiry, and we also had a direct contacts mission that came to Minsk in 2014



and that also commended the work of the tripartite bodies and social partnership within our country.

As a result of its work, we prepared a proposal for a whole package of measures that would take us forward in further improving the way that we work with our social partners, developing our collective bargaining process, and also mechanisms for resolving labour disputes. All of these proposals were worked out by the Government with its social partners and the ILO, and they were all successful.

Then in 2015, to implement the second recommendation, we made changes to our legislation by abolishing the requirement for at least a 10 per cent threshold to establish a trade union, and when we did that it was noted in the Committee of Experts' report with interest.

All of these positive steps were taken by the Government of Belarus, and all of this meant that in 2017 for the first time Belarus was not included in the shortlist of the Committee, and consideration of issues relating to Convention No. 87 was in fact simply put within the regular reporting cycle.

Clearly, these changes in the approach to considering the issue of Belarus within the platform would not have been possible unless serious steps forward had been taken by the Government and unless there had been a positive view of those steps from the supervisory bodies.

Sadly, following the political events of 2020, what happened was that the relationship between Belarus and the ILO was virtually frozen, and that was not our wish. Repeatedly we have referred to the situation and to what happened after the presidential elections in 2020. I do not think that I need to go through all the details of that again.

I just wish, once again, to emphasize that all of the action taken by the Belarusian authorities was intended to keep constitutional order in the country, to guarantee security and to protect the lives of our citizens. The ILO standards were not violated in that process.

The Republic of Belarus is a fully-fledged Member of the ILO. We regularly pay our contributions. We send tripartite delegations for participation. Despite all of the efforts taken to discriminate against us, we now find ourselves in a situation where we are not getting any expert help from this Organization, any expert assistance.

In fact, we now see that the resolution on article 33 adopted at the 111th Session of the Conference two years ago is the most obvious and discriminatory decision against Belarus.

The Western countries who were behind that in fact could not say that there had been any instance where we had failed to cooperate. However, they simply wanted to cooperate with us no longer, but just to introduce restrictions and freeze the way in which we work together.

We have to recognize that the resolution is one of the most unsuccessful and erroneous documents ever adopted in the whole history of this Organization. The policy of isolation, a blockade on possible cooperation, unilateral coercive sanctions; all of this is simply a dead end. Ultimately, it will only undermine the authority of the ILO and the fundamental principles and rights on which this Organization is based. We believe that the discriminatory resolution adopted under article 33 must be immediately repealed.

Despite the fact that cooperation between the ILO and Belarus is de facto frozen at present, there is still the potential, an opportunity, for such cooperation. The system of social partnership within our country does work and function in a normal and proper way. Regularly,



we have meetings of our National Council on Labour and Social Issues, and at that Council we discuss the most important issues relating to the socioeconomic development of our country.

In January this year we had a meeting of this National Council when we signed a new general agreement involving the Government and employers' and workers' organizations for 2025–27.

As regards some direct issues that relate to the implementation of the recommendations of the Commission of Inquiry, here we have created a National Tripartite Council. At this Council, together with experts from the ILO, we crafted approaches that will allow us to improve the way in which we resolve issues collectively. Unfortunately, we have not been able to conclude the work that we were doing on tariff and local agreements, but we stand ready to renew our cooperation in that respect also.

In recent years we have seen that opponents of Belarus within the ILO have succeeded in ensuring that politicized decisions are unfairly taken against Belarus and our people. The ILO is a very special organization, which focuses on a very unique and constructive form of interaction. The ILO has to be in favour of dialogue and cooperation. That is what it stands for.

We in Belarus, for our part, are interested in finding points of convergence and moving forward in terms of constructive dialogue with the ILO in the interests of Belarusian society and our people. If that is to happen, then the ILO bodies must be interested in playing fairly. They must recognize the realities of the world in which we live today and listen to what we are saying, as well as taking into account our own national interests. We will not allow anyone to interfere in our internal affairs under any pretext.

Having any kind of policy that is against the stable development of Belarus, well-being and welfare of our people is something we will not accept. We want to have agreement within our society. We want to have an unshakable respect for our State and its independence and sovereignty, and we will not accept anything else. Anti-Belarus activity in the ILO and decisions lead to a dead end. And the repeal of those decisions, a move away from the unfair discriminatory policy pursued against Belarus, is something that could be the start of rebuilding trust and confidence and moving towards joint work in the interests of the progressive development of all spheres of industry in our country. We call on all tripartite constituents to recognize that, to do that, and we also call upon the supervisory bodies. We are open to free dialogue on an equal footing.

Employer members – We would like to thank all of the various speakers who took the floor to share their interventions and the information that was provided, of which we have taken note. We reiterate that ILO Conventions Nos 87 and 98 are fundamental Conventions, which means that they require the special consideration of Governments, workers and employers.

The Employer members emphasize once again that we strongly condemn non-compliance with Conventions Nos 87 and 98 when they have been ratified. These Conventions contain critical guarantees for both workers and employers in respect of freedom of association and the right to organize. We urge the Government to start engaging, or if the Government believes that it is engaging, to continue engaging in a constructive dialogue with the ILO with no further delay, to improve the situation relating to freedom of association and the right to organize. The Employer members stand ready to constructively support this process.



To conclude, given the obvious divergent understanding regarding progress on the concerns raised by the various ILO supervisory bodies, we are confined, once again, to recommend that the Government:

- immediately take steps to release trade union leaders and members arrested for participating in peaceful assemblies or for exercising their civil liberties pursuant to their legitimate trade union activities and to drop all related charges;
- accept an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists and the ILO tripartite mission to assess the situation and visit trade unionists who are currently in prison or detention;
- take measures to amend without further delay several legal provisions in order to bring them in line with Conventions Nos 87 and 98;
- receive, without further delay, an ILO tripartite mission with a view to assessing the situation and engaging with the ILO with a view to implementing the recommendations of the ILO supervisory bodies.

Worker members – We thank all those who have taken the floor in this important and very lively discussion. At the same time, we are deeply concerned as we saw some officer of the FPB recording our colleague, Maksim Pazniakou, a representative of the ITUC when speaking. This is against the rules, and we assume that the Office is going to take action on that. We know the person who was recording, and we are ready to cooperate with the Office on follow-up.

The situation of Belarusian workers, both those inside the country and those forced into exile, remains deeply concerning with respect to the freedom of association and the right to collective bargaining as guaranteed under Conventions Nos 87 and 98.

In spite of the resolution adopted by the International Labour Conference at its 111th Session calling for compliance with these Conventions and the recommendations of the Commission of Inquiry, there has been no progress at all. The interventions today affirm the ongoing destruction of trade union independence in Belarus.

The Government of Belarus maintains the same position it has held since 2004, claiming full compliance despite overwhelming and consistent evidence, including from the ILO's own supervisory bodies, to the contrary.

We heard from colleagues that even the independent trade union centre operating from exile, the BKDP, has been designated an extremist and terrorist organization. Its leadership continues to be targeted by the authorities.

A particularly alarming development is the regulation that we heard about last year which allows for the forced removal of children from families where a parent is convicted of an offence linked to so-called extremist activities. As was said by my colleague who took the floor, the Acting Chairperson of the BKDP, Mr Maksim Pazniakou now faces charges that include facilitating extremist activities. His family, therefore, is under serious threat. We believe Maksim Pazniakou is being harassed solely due to his trade union activities.

We must emphasize that the body of evidence from the ILO supervisory mechanisms and the UN human rights system indicates clearly that the FPB is state controlled. This view is supported by the conclusions of the Credentials Committee of both the 2023 and 2024 International Labour Conferences. A resolution adopted by the European Parliament earlier



this year stated unequivocally that the FPB has long been embedded in the Lukashenko regime's government structure.

Let us recall paragraph 599 of the Commission of Inquiry report which states: "the Commission received a great deal of evidence in Minsk and during formal hearings in Geneva as to how government managers and directors have interfered in the free functioning of trade union organizations over a number of years." So as you can see, we are where we started, and it is evident that no progress has been made.

Just days ago, a group of UN independent experts expressed serious concern over the continued violations of freedom of association in Belarus. They called on the Government to fully cooperate with the Office of the UN High Commissioner for Human Rights, UN human rights mechanisms and the ILO and its supervisory bodies in order to uphold the rights of independent trade unionists. Their message was unequivocal: "Belarus must end the repression of independent trade unionists who are also recognized as human rights defenders. The country must immediately release all trade union leaders and members imprisoned for exercising their rights to freedom of expression, assembly and association and repeal laws and policies that obstruct the operations of independent trade unions." We echo this message: immediately release all trade union leaders and members who are imprisoned for their trade union activities.

As we also heard during the discussion today, the Government continues to pressure private enterprises to establish FPB-affiliated unions. This blatant interference violates both Convention No. 87 and Convention No. 98. It must be emphasized that the deterioration of respect for these obligations not only harms workers, but also creates a climate of fear and instability for employers, damaging the broader social and economic fabric of the country.

We therefore strongly urge the Government of Belarus to:

- accept the tripartite mission to assess the current situation and meet with the trade unionists affected by repression, including those still imprisoned;
- immediately allow an international humanitarian mission to ensure that independent medical professionals can visit detained trade unionists and assess their health;
- without delay, implement in law and practice the recommendations of the Commission of Inquiry and the ILO supervisory bodies;
- immediately cease interference in the formation and functioning of trade unions, particularly the practice of forcing the establishment of FPB-affiliated unions in private companies;
- refrain from threatening employers with liquidation if they do not establish pro-government trade unions and publicly affirm that the decision to establish or not to establish a trade union lies solely with workers and the employers for whom they work;
- amend all legislation that restricts the exercise of freedom of association, the right to collective bargaining and other civil liberties to bring it into full compliance with Conventions Nos 87 and 98.

We also want to see the full implementation of the non-refoulement provision in the resolution, as well as all other steps adopted by the Governing body, and urge all Member States of the ILO to fulfil their responsibility in this regard.



As a final point, we have just heard from the FPB that they are independent in their work. What the Convention expects is that they are independent in their decision-making and in controlling their own structures. And this is clearly not the case.

Finally, we call on the Government of Belarus to engage constructively with the ILO so that by the next session of this Committee we may finally see progress towards the full restoration of fundamental workers' rights in Belarus.

Chairperson – Distinguished delegates, I must remind you that it is strictly prohibited to film or to tweet during the discussions. I inform the Workers' group that the Office will follow up on their request in this regard.

Government member, Plurinational State of Bolivia – The Government member of the Plurinational State of Bolivia informs the Secretariat of the Committee that, as he was not able to register on the list of speakers, his country aligns itself with the statement made by the Government member of the Bolivarian Republic of Venezuela.

Conclusions of the Committee

The Committee held a second special sitting on Belarus at the 113th Session of the International Labour Conference 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 written and oral information submitted by the Government, and the discussion that followed.

The Committee again 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 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 deeply deplored the repression against independent trade unions and the imprisonment of trade unionists.

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.

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 and take appropriate measures to ensure that the Government cannot take advantage of such relations to perpetuate or extend the violations of workers' rights in respect of freedom of association and collective 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.

Regarding the continuing deterioration of freedom of association, the Committee deplored the continued interference of the Government in trade union activities. The Committee expressed serious doubts about the independence of the FPB and expected that, without further delay, the Government would work with the ILO to address those concerns and ensure that all trade unions, including independent trade unions such as the BKDP, can operate without any interference of the Government.

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 also took note of the latest report on the situation in Belarus to the 353rd of Governing Body Session, which noted with deep regret that the Government once again provided no new information on the measures taken to implement the recommendations of the Committee. It also further noted that the written information submitted to the Committee did not contain any new information in that regard.

After the discussion and noting that the Government had not provided any new information, the Committee was bound once again to repeat its call 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 urged in the strongest terms the Government to immediately release imprisoned trade unionists, drop any charges and quash any convictions brought against them related to their legitimate trade union activities.

The Committee also repeated its request to the Government to accept with the utmost urgency:

- 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 welcomed the appointment of a Special Envoy to Belarus mandated to interact with the Government and relevant UN agencies to ensure the full implementation of the recommendations of the Commission of Inquiry and urged the Government to engage constructively with him.

In line with the Conference resolution, the Committee welcomed the setting up of a working group of the ILO and other UN institutions 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 urged the Government to engage constructively with it. In this regard, the Committee welcomed the continuous monitoring of the situation by the Governing Body.

The Committee urged governments 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, and assist Belarusian citizens residing in their countries who may not have valid travel documents due to their inability to receive consular services to facilitate the issuance of tourist visas to Belarusian citizens persecuted for their trade union activities and their relatives, as appropriate.

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

Chairperson – Can I take it that the draft is adopted?

I note that the honourable representative of the Government of Belarus is requesting the floor. Madame Ambassador, you have the floor.

Government representative – The work of the Committee is governed by Part 4 of the Standing Orders of the International Labour Conference. The provisions of Part 4 of the Standing Orders apply to all Committees appointed by the Conference. Article 42 of the Standing Orders in particular provides that the Committee shall make every effort to reach a decision by consensus which is characterized by the absence of any objections raised by a Committee member as an obstacle to the decision in question. Thus, the absence of consensus is defined as an objection by one Committee member. In the event of an objection by more than one Committee member, the Officers cannot declare that there is a consensus.

The discussion on the Belarusian case, during the Committee's special sitting on 7 June 2025, clearly demonstrated the lack of consensus in asserting the policy of the Government of Belarus in the labour and social sphere in the country, as well as the lack of consensus on the measures recommended by the ILO to the Government of Belarus and other partners.

At least nearly 40 speakers gave a positive assessment of the national tripartite dialogue. More than a third in the dialogue noted Belarus's significant achievement in developing tripartite partnerships, and ensuring the rights and interests of workers. A number of delegates called on the Committee and the ILO to avoid politicization when interacting with the social partners of Belarus and to build bilateral engagement in a non-politicized manner within the ILO mandate.

The conclusions submitted for adoption by the Committee do not adequately reflect these aspects and mislead the Conference. On the contrary, this document does not even mention the existing tripartite dialogue in Belarus and does not call on the ILO to develop a dialogue with Belarus, focusing only on pressure on the Government. Moreover, the conclusions provide a twisting and biased assessment of the Federation of Trade Unions of Belarus (FPB), which represents 4 million or 90 per cent of Belarusian workers. The position of the Belarusian tripartite delegation, as well as the FPB's genuine role in the long-lasting promotion and protection of the workers' rights, are completely ignored.

At the same time, the demand for the immediate release of some imprisoned activists and for the dropping of all charges against them is nothing more than an interference in national



affairs. The Government repeatedly and in detail informed the ILO Member States that these persons have been convicted of offences against the law, in no way related to their legitimate trade union activities. We consider this to be a blatant manipulation in order to push for discriminatory decisions against Belarusian workers, employers and the State in the ILO.

Chairperson, given the obvious lack of consensus, the delegation of Belarus asks you to strictly follow the Standing Orders, and requests to put to a vote the Committee's conclusions on the special sitting on Belarus. We also ask Member States to vote against these non-consensual conclusions which do not reflect the position of many delegations, including the tripartite delegation of Belarus, and which infringe on the interests of Belarusian workers and employers.

Chairperson – Thank you Madame Ambassador. We have noted your observations which will of course be reflected in the Committee's records. I would like to evoke article 42 of the Standing Orders of the International Labour Conference. In accordance with this article, it falls upon me as Chairperson of the session and Chairperson of the Committee to make every effort to ensure that the Committee takes its decisions by consensus. Consensus is not a synonym for unanimity. As indicated in the Standing Orders, it is characterized by the absence of any objection presented by a member as an impediment to the adoption of the decision in question. That said, I am bound to recall that, since the Committee has been adopting the conclusions on individual cases, it has always, with maybe one exception, adopted its conclusions by consensus, with the differences in views systematically and fully reflected in its report. Given that the Government's position will also be fully reflected in the report, and in the light of the prevailing opinion expressed during the discussions, may I take it that the Committee is ready to adopt the conclusions shown on the screen?

I note that the honourable Ambassador has requested the floor.

Interpretation from Russian: **Government representative** – Thank you, Chairperson, for your efforts to achieve consensus. However, in the course of discussions, not only the delegation of Belarus, but various delegations, expressed their non-acceptance of the recommended measures and the politicized nature of such measures; and called for the non-politicization of cooperation with the Republic of Belarus. What we are seeing in the conclusions is in full contradiction with these views. The conclusions not only fail to take them into account but fully contradict them. Accordingly, Belarus requests that there be a vote on the conclusions on Belarus. All the interpretations of the absence of consensus, of correct or incorrect views, do not align with the clear formulation in the Standing Orders and the practice, not only in the ILO, but in international organizations in general. So, I would repeat my request that the conclusions be put to a vote.

Chairperson – I see that the delegation of the Russian Federation has requested the floor.

Interpretation from Russian: **Government member, Russian Federation** – The delegation of the Russian Federation fully shares the assessment expressed by the Republic of Belarus we have just heard. We support the request of the Republic of Belarus that the conclusions be put to a vote. And we would call on all delegations of good faith to vote against the conclusions.

Chairperson – I also see that the delegation of China has requested the floor.

Interpretation from Chinese: **Government member, China** – We note that the draft conclusions have a lot of politicized content. This is opposite to positive and constructive communication. It is obvious that we lack consensus on this case. The draft conclusions are not a balanced reflection on the perspectives of all the parties. China supports the request of Belarus for a vote.



Chairperson – I see that the delegation of Poland has requested the floor.

Government member, Poland – I speak on behalf of the **EU and its Member States**. We attach great importance to the conclusions of the Committee being adopted by consensus, in line with the long-established practice of this Committee. We would like to stress that, according to paragraph 42 of the Standing Orders of the Conference, the Committee shall make every effort to take its decisions by consensus. Furthermore, document D1 on the work of the Committee clearly states in paragraph 32 that the conclusions regarding individual cases should reflect consensus recommendations.

Divergent views may be recorded in the Committee's proceedings and those who disagree with the recommendations have the opportunity to express their views on the record, ensuring full transparency without undermining collective decision-making.

We therefore urge all delegations to uphold this principle and to allow the conclusions to be adopted by consensus without any action that would jeopardize independence and the critical role of this tripartite Committee in the ILO supervisory mechanism.

Chairperson – I see that the delegation of Canada has requested the floor.

Government member, Canada – I am speaking on behalf of the Governments of **Australia, Japan, the United Kingdom and Canada**. We must once again take the floor today to deplore that the vote is being called. Unfortunately, this vote is the second on the adoption of conclusions in the case of Belarus, breaking with the long-standing tradition of adopting conclusions by consensus in this Committee. We hold the work of the Committee in the highest regard. It is a critical element of one of the oldest and most well-respected supervisory systems in the world.

The Committee is a unique mechanism in the multilateral system, providing a platform for governments, workers and employers to share perspectives and guidance on how Member States might improve their efforts to comply with their obligations under international labour Conventions they have ratified. We condemn in the strongest terms the disruption of the well-established working methods of this Committee at the expense of improving implementation of international labour standards and protecting the rights of workers.

We call on those who support a vote to re-examine their recourse to voting here in this Committee and urge them to protect and respect our working methods, and the work jointly achieved by our social partners. We wish to emphasize that the vote today is yet another aberration, not a precedent. We call on all constituents of the ILO to respect the strong social dialogue that takes place in this Committee.

Chairperson – I also see that the delegation of Norway has requested the floor.

Government member, Norway – Norway supports the statement made by EU.

Chairperson – I give the floor back to the delegation of Belarus.

Interpretation from Russian: **Government representative** – We have heard the arguments against a vote being held in the Committee, but we would insist that a vote be held on this issue. It is clear to us that these conclusions have a political nature. The EU States, Canada and Norway were certainly behind the process of article 33 on Belarus. They call allegedly for the pursuit of constructive practices in the Committee. However, it is these countries that brought more than 17 packages of economic sanctions against Belarus, which harmed the interests of workers in our mining sector, in forestry and timber. These sanctions are blocking the provision in Belarus of medicines, and I could go on.



It is perhaps incorrect, almost indecent, to call for observance of the process when the measures that you have taken, in part within the ILO, are directed against the people and economy of Belarus. We therefore request a vote.

Chairperson – Thank you Madame Ambassador. Are there any more requests for the floor? I note that there are not. I invite the two Vice-Chairpersons to join me on the podium.

I inform delegations of the Committee that no consensus was reached on the adoption of the conclusions concerning the special sitting on Belarus. I have therefore decided, with the agreement of the two Vice-persons to proceed with a vote by show of hands. In order to prepare for this procedure, I propose a five-minute technical break.

I will now give the floor to the Secretariat to conduct the vote by show of hands.

(Vote by show of hands.)

Ladies and gentlemen, I will announce the results of the vote on the adoption of the conclusions for Belarus.

The votes cast were as follows:

For: 2,584 votes

Against: 72 votes

Abstentions: 112 votes

The required quorum having been attained, the conclusions for Belarus are adopted.

(The conclusions are adopted.)

I now give the floor to the representative of the Government of Belarus.

Interpretation from Russian: **Government representative** – We thank the Chair for closely following the procedure and for the efforts made to observe the approach reflected in the relevant provisions. We thank those delegations who supported our position and voted against, as well as those who abstained, because we understand the value of abstention and we understand the pressure being exerted on a range of governmental delegations. This decision against Belarus is a dead end, reflecting an unfair practice of pressure on the country. We call for a constructive spirit, which can become a basis and foundation of good trust and development. We call on the ILO, the Office and the tripartite constituents to open positive dialogue on an equal footing.



V. Information and discussion on the application of ratified Conventions (individual cases)

The Committee has adopted short, clear and straightforward conclusions. Conclusions identify what is expected from governments to apply ratified Conventions in a clear and unambiguous way. Conclusions reflect concrete steps to address compliance issues. Conclusions should be read with the full minutes of the discussion of an individual case. Conclusions do not repeat elements of the discussion or reiterate government declarations which can be found in the opening and closing of the discussion set out in the Record of Proceedings. The Committee has adopted conclusions on the basis of consensus. The Committee has only reached conclusions that fall within the scope of the Convention being examined. If the Workers, Employers and/or Governments had divergent views, this has been reflected in the Committee Record of Proceedings, not in the conclusions.

Afghanistan (ratification: 1969)

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

President – We now turn to the examination of the case of the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by Afghanistan.

I inform the Committee that, as of Wednesday 4 June, the date on which the Committee was scheduled to examine the case, Afghanistan has still not accredited a delegation to the 113th Session of the Conference. The Government has not responded to the reminders sent by the secretariat of the Committee, nor to those published in the Daily Conference Programme and on the Committee's web page.

As indicated in Part VII, paragraph 35, of document D.1 on the working methods of the Committee, 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. 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.

I will give the floor to the two spokespersons to make their remarks on this case, without opening the discussion.

Worker members – The Worker members regret that no delegation from Afghanistan has come forward. As a result, our Committee cannot proceed with the examination of the case in substance. We recall that the participation of governments in the Conference, and at our Committee when on the final list, is essential to the functioning of the ILO supervisory system.

We will therefore take this opportunity to reflect the seriousness and deep concern we have about the application of the Convention by the de facto authorities in Afghanistan, and with the confirmation of our employer counterparts, propose that the Office takes these mutual concerns, as also reflected in the observations of the Committee of Experts, as follow-up with the authorities.

If this case had been examined, Mr Maroof Qaderi, President of the National Union of Afghan Workers and Employees, would have told us about the severe discrimination against women and young girls in Afghanistan.

He would have told us that the Taliban have issued 50 restrictive decrees for women, prohibiting them from accessing public spaces, parks, and healthcare, as well as denying them



education and employment. That women workers are almost erased from the workplace and public space. That those who are still working are forced to receive lower wages and that this systematic discrimination completely violates women's rights and stands in stark opposition to the provisions of the Convention.

Mr Qaderi would also have told us that thousands of workers and employees have been illegally dismissed from various government departments and institutions based on their ethnicity, language, religion or nationality. That tens of thousands of people were dismissed without any humane consideration, in a blatant act of discrimination and in violation of human dignity.

He would have told us that workers in Afghanistan, women and ethnic or religious minority groups in particular, are suffering from livelihood crisis and economic rights violations, resulting for these groups in an alarming increase of child labour and in a dramatic rise in suicides, organ sales, forced marriages, severe hunger, and widespread malnutrition.

He would have told us that the right to freedom of association and civil liberties are non-existent under the Taliban and that trade unions in Afghanistan cannot perform their role or maintain operation.

Mr Qaderi would have told us that the Taliban have appointed someone as acting head of the National Union of Afghan Workers and Employees in violation of the union's statutes and the fundamental principles of freedom of association. He would have asked our Committee to reinstate the legitimate activities of his union, the National Union of Afghan Workers and Employees. He would have asked us to ensure that the rights of Afghan workers, especially those of women, ethnic and religious minorities protected under the Convention are respected in Afghanistan.

Finally, Mr Qaderi would have asked us to press the Taliban to immediately cease repression and violations of fundamental human and labour rights in Afghanistan.

This is what Mr Maroof Qaderi would have told us. But he could not. It could have been an opportunity to hear a powerful testimony of the gravity of the situation but it has become the symbol of what millions of women, girls and members of ethnic and religious minority groups have to face on a daily basis since 2021: exclusion and ostracization.

We had already addressed the gravity of the situation and the serious ongoing violations in Afghanistan in the discussion of the case in 2023. Our discussion had given rise to a strong reaction of our Committee since it had decided to include its conclusions in a special paragraph of its report. It is clear that no improvement has been noted since then and that the situation has deteriorated even further. We could have heard this deterioration through the testimony of Mr Qaderi but we can see it in the Committee of Experts' report that expresses its deep concern at the situation of violation of human rights and fundamental freedoms of women and girls in the country.

The Committee of Experts refers in this regard to reports of several UN bodies such as the Human Rights Council and the United Nations Committee on the Elimination of Discrimination against Women and to the report of the UN Secretary-General to the General assembly.

The Committee of Experts deeply deplored the adoption of the Law on the Promotion of Virtue and the Prevention of Vice which imposes gender-specific discriminatory measures, effectively excluding Afghan women and girls from public life and nullifying their rights to employment and occupation, thereby exacerbating the existing restrictions and discrimination they face. These grave violations of the basic human rights of the population will have an



immense and enduring transgenerational impact, in particular on women and girls, with each generation seeing fewer and fewer women with educational backgrounds enabling them to take up roles outside the home. The appalling levels of gender-based violence against women and the ban on women's education will perpetuate women's disempowerment with grave consequences for future generations. No society can prosper based on such blatant discrimination. It is difficult to see any prospects for development when half of the population is manifestly excluded from all life in society.

It is also difficult to conceive how the *de facto* authorities of Afghanistan can be reintegrated into the international community by having made discrimination against women and minority groups a trademark. Their absence today shows they seem unwilling to engage with the international community. Yet, and considering the gravity of the situation, the Workers' group thinks that it cannot be a valid reason for our Committee to not fully and extensively address the situation in the future.

For all these reasons, we call on our Committee to reiterate in the strongest possible terms the conclusions it adopted in 2023. We also join the Committee of Experts in recalling that the international community is not helpless and we invite the ILO and all its Member States to answer the call of Mr Qaderi, and of millions of Afghans, to use all available diplomatic levers to press the Taliban to immediately cease repression and violations of fundamental human rights in Afghanistan.

Employer members – The Employer members have serious concerns about Afghanistan's application of the provisions of the Convention. The employers echo the observations made by the Committee of Experts on the consistent and institutionalized violation of the human rights and fundamental freedoms of women and girls in Afghanistan.

This case is extremely serious. Since August 2021, the "*de facto*" authorities in Afghanistan have sought to, and by the assessment of several UN bodies, successfully erased Afghan women and girls from public life. Women and girls are banned from educational and training opportunities. Women and girls are prevented from achieving economic security because they are significantly restricted from pursuing work opportunities outside the home. Their freedom of movement has been severely restricted. They are subject to institutionalized violence. Women and girls have no meaningful access to justice and no resort to remedies for these fundamental violations. Since 2021, there has been an exponential deterioration in the situation of women and girls in this country, where the law violates their freedom and dignity, their economic security, and their equal protection under the law.

Instead of making progress on the serious observations of the Committee of Experts, Afghanistan's "*de facto*" authorities have failed to appear before this body and have failed to provide any information to respond to these issues.

I will first deal with background and context, and then examine the main issues.

Afghanistan ratified the Convention in 1969. The Committee of Experts has already commented on this case 25 times, almost every year for the last three decades. This is the fourth time the CAS has dealt with this particular case. It was previously discussed at the CAS in 1999, 2000, 2023 and again this year. The Convention concerns discrimination in employment and occupation and is one of the ILO's fundamental Conventions and, as such, must be the subject of special attention and priority monitoring. This fundamental Convention aims to guarantee human dignity and equal opportunities and treatment for all workers by prohibiting any discrimination based on, among other things, sex.



The conduct of Afghanistan with respect to the ILO's governance process is unacceptable. Since 1 July 2016, no written report has been submitted on the implementation of this fundamental Convention. Furthermore, the "de facto" authorities have not responded to the Committee of Experts' comments since 2019. On August 27, 2023, the "de facto" authorities announced that they would respond in 2024 to the recommendations made by our Committee in June 2023. Yet, no report has been provided to the ILO since then, despite this official undertaking. Finally, as I mentioned earlier, the "de facto" authorities have elected not to attend this Committee to provide any oral information to respond to the Committee's deep concerns regarding the application of the Convention in law and in practice.

Like the Committee of Experts, we are deeply concerned by this total lack of cooperation from the "de facto" authorities. This extremely serious case is marked by a double footnote. In the absence of information from the "de facto" authorities, the Committee of Experts has relied on the recurrent observations of several high-level United Nations human rights bodies to identify four issues.

The first issue concerns the severe restrictions imposed on women and girls with respect to their access to education, vocational training, and employment opportunities, as well as the absence of any access to justice, including any effective remedies for victims of violence against women. Countries that have ratified the Convention have undertaken to pursue a national policy of equality, with a view to eliminating all discrimination based on sex in employment and occupation. These countries must therefore repeal any legislative provision, administrative instruction or practice that is incompatible with a national equality policy. The "de facto" authorities must, therefore, take positive actions and measures to ensure that women have equal opportunity and treatment in relation to access to education, vocational training, and employment.

Rather than progressing towards equality and the elimination of discrimination, the situation for women is deteriorating year over year:

Since August 2021, the fundamental rights of women and girls have been effectively decimated through the promulgation of dozens of ordinances, decrees, and declarations:

- women can no longer move about freely;
- women are no longer allowed to work, including in the civil service with very minimal exceptions;
- girls no longer have access to secondary and higher education;
- the Ministry for Women's Affairs and the Human Rights Commission have been dissolved;
- the public prosecutor's offices and courts responsible for combating violence against women have closed down.

Since August 2024, a new law titled the Law on the Promotion of Virtue and the Prevention of Vice has institutionalized discriminatory measures to effectively exclude Afghan women and girls from the public arena, including from the educational system and the labour market.

In addition to these violations under the law, further violations exist in practice. Discrimination, harassment and violence against women are commonplace and go unpunished. Because they are forbidden to work and move freely, women have lost their ability to support themselves. This fundamentally affects their human dignity and will have disastrous repercussions not only for several generations of girls, but also for Afghan society. As a result



of this law, Afghan society is deprived of the economic, social, and political contributions of approximately half its population.

It is time for the fundamental rights of Afghan girls and women to be restored. We insist that the discriminatory policy of the “de facto” authorities be reversed without delay. All legislation and practices that discriminate against girls and women in employment and occupation must be eliminated. All harassment and violence targeting girls and women must be prevented and combated by ensuring access to justice and the availability of effective remedies.

The second issue concerns the non-conformity of the legislation on non-discrimination. Section 9 of the Labour Law, in both the private and public sectors, does not cover, in a sufficiently explicit and detailed fashion, all the grounds of prohibited discrimination. This legislative shortcoming has been mentioned for several years by the Committee of Experts, without Afghanistan communicating any improvement on this issue of non-compliance. We urge the “de facto” authorities to reconsider their position and finally bring national legislation in line with the Convention, so as to prohibit all direct and indirect discrimination.

The third issue concerns discrimination against girls and women with disabilities. Although section 15 of the Law of Rights and Benefits of Persons with Disabilities enshrines the principle of the equal right for persons with disabilities to participate in social, economic, and educational life, the UN Human Rights Council has noted with deep concern that women and girls with disabilities are often exposed to multiple, aggravated, or intersecting forms of discrimination or disadvantage. The Committee of Experts reiterated its request that specific measures be taken to facilitate access to education and occupation for persons with disabilities, including for girls and women, and to promote their employment opportunities in the private and public sectors. There is an urgent need for Afghan society to put an end, in law and in practice, to this intersectional discrimination.

The fourth issue concerns discrimination in access to justice and the absence of any effective remedies to violence against women and girls. The High Commissioner for Human Rights has noted that the legal and judicial systems since August 2021 have ceased to function. The Ministry of Women’s Affairs was closed. The Afghan Independent Human Rights Commission was dissolved. Further, specialized courts for the elimination of violence against women and public prosecutors’ offices have closed. Thereafter, the “de facto” authorities gradually set up a national judicial system and courts, which are now based on its interpretation of Sharia law. These changes to the judicial system do not guarantee respect for fundamental human rights and freedoms enshrined in customary international law and human rights instruments. Women and girls’ access to justice has been seriously compromised and they no longer have access to remedies that were previously available. We therefore urge that all necessary measures be taken to ensure access to justice in a non-discriminatory manner and ensure access to effective remedies.

We as the employer recognize the difficulty of issuing recommendations based on consensus to a country whose “de facto” authorities are absent from this Committee. Their absence today and their failure to provide information to this Committee seriously impedes our ability to exchange information on the violation of the Convention, as observed by the Committee of Experts. Given the seriousness of this violation we call on the “de facto” authorities – despite their repeated absence from and non-participation in the International Labour Conference – to provide full information on any progress made to end discrimination on basis of sex as well as a copy of any new legislation to bring national legislation in conformance with the Convention.



In addition, we insist that the protection of workers – both men and women – against discrimination in employment and occupation must be ensured in practice. No category or sector of workers should be excluded from this legal and judicial protection. We call for all necessary measures to be taken to define and expressly prohibit in law, direct and indirect discrimination based on sex. The “de facto” authorities should repeal any legal provisions that institutionalize discrimination on the basis of sex in all aspects of employment and occupation. We call for specific measures to facilitate access to education and vocational training for women and girls including those with disabilities and to promote equal employment opportunities in the private and public sectors.

Finally, we urge that all necessary measures be taken to ensure access to non-discriminatory justice mechanisms and effective remedies regarding discrimination on the basis of sex. In addition, the “de facto” authorities must work actively to prevent discrimination and in particular raise public awareness on the fundamental principles of equality and non-discrimination. There is a long way to go. Not only must the existing legal framework be fundamentally transformed but the legal framework must also be applied in a manner so that girls and women are effectively protected. Because of the extreme seriousness of this case the Employers are insisting that, as they did in 2023, a special paragraph on Afghanistan be added to the conclusions of our Committee’s work.

Plurinational State of Bolivia

Asbestos Convention, 1986 (No. 162) (ratification: 1990)

Safety and Health in Construction Convention, 1988 (No. 167)
(ratification: 2015)

Written information provided by the Government

The Government has provided the following written information, as well as a copy of the proposed tentative methodology for conducting training workshops on the safe use of asbestos and occupational safety for sectors exposed to asbestos.

The Plurinational State of Bolivia affirms that, in accordance with the Conventions, it has in place the General Act on Occupational Safety and Health, and Welfare, adopted by Legislative Decree No. 16998 of 2 August 1979, on occupational safety and health (OSH) management programmes, Technical Safety Standard (NTS), NTS 009/23, adopted by Ministerial Decision No. 992/23 of 9 June 2023, on OSH management programmes, and NTS 008/17, approved by Ministerial Decision No. 387/17 of 17 May 2017, which, although they are general, contribute to reducing the use of asbestos and to its elimination as, in order to comply with these standards, enterprises in various areas take measures to protect the safety of workers against exposure to agents harmful to their health.

Specifically with regard to Convention No. 162, technical point 5(b) of NTS 009/23 requires specific studies and/or monitoring, depending on the characteristics of the enterprise or workplace, with the results to be recorded in the hazard identification, risk assessment and control (IPER) matrix, in which asbestos is included under: “(ii) contaminating chemicals in the working environment (hazardous substances) and (vi) other studies that may be necessary”. Immediate action will also include the development of a training programme to raise awareness of the safe use of asbestos and occupational safety for sectors exposed to asbestos. The programme will be brought to the attention of the World Health Organization so that it



can contribute to its content through experts on the subjects on an inter-institutional basis with the Ministry of Health and Sports and other institutions to be identified.

Discussion by the Committee

Chairperson – I now have the honour of giving the floor to the distinguished representative of the Government of the Plurinational State of Bolivia, the Deputy Minister of Employment, the Public Service and Cooperatives.

Government representative – I would like to start by conveying greetings from the Plurinational State of Bolivia and the Ministry of Labour, Employment and Social Welfare to the Committee and all the delegations present, including Government, Worker and Employer members. It is appropriate to start by specifying that the Plurinational State of Bolivia reaffirms its commitment to the application of ILO Conventions. The Plurinational State of Bolivia, as a founder member of the ILO, has ratified 8 of the 10 fundamental Conventions and has ratified almost 50 Conventions in total, thereby demonstrating its clear commitment to international labour standards and their application from a position of sovereignty.

While the Plurinational State of Bolivia has ratified a significant number of ILO Conventions, it is important to bear in mind that the implementation and application of these Conventions may differ in practice. Despite the efforts made in relation to workers' rights, which have to be acknowledged, it is also important to review good practices and consider recommendations that can be applied to our situation with a view to optimizing the application of Conventions, always with respect for sovereignty in relation to decisions on the approach to economic development.

This may be the specific case of Conventions Nos 162 and 167, and we are coming before this Committee with a constructive attitude both to explain the efforts made in the Plurinational State of Bolivia for the application of these Conventions and to listen to recommendations that can help us to move forward within the framework of the decisions taken in our country.

In the report of the Committee of Experts, based on the reports provided by the Plurinational State of Bolivia on Conventions Nos 162 and 167, information is provided on the progress reported and the comments made as a background to the action that we are taking.

With reference to Articles 3 and 4 of Convention No. 162, on legislation and consultation, the progress consists of the adoption of Regulations on air pollution, which classify asbestos as a carcinogenic substance and include it on the list of hazardous pollutants to be considered in the preparation of air emission inventories. We are referring to the Regulations issued under the Bolivian Environment Act.

Moreover, the Environmental Regulations for the industrial manufacturing sector consider asbestos to be an extremely hazardous substance and include asbestos among the carcinogenic substances that have to be taken into consideration in the formulation of air emission inventories in the manufacturing sector. The Environmental Regulations for mining activities also provide that asbestos, in all its chemical forms, is considered to be a hazardous pathogenic substance.

In relation to these provisions, the Committee of Experts has requested more specific information from the Government of the Plurinational State of Bolivia with a view to preventing and controlling health hazards and holding consultations with the most representative organizations for the development of policies.



With reference to Articles 9, 10, 11 and 12 of Convention No. 162, in relation to legislative measures to prevent and control exposure to asbestos, including its replacement and prohibition, the Plurinational State of Bolivia has developed Technical Safety Standard No. 009/23, which in the IPER matrix identifies risks, measures and alternatives, with the requirement in all sectors of economic activity to identify hazardous substances or products, such as asbestos. Similarly, Ministerial Decision No. 387/17 on work in confined spaces in relation to exposure limits and the Environmental Regulations for the industrial manufacturing sector provide that the industry shall make efforts to replace or minimize the use of asbestos. Fine dust asbestos of less than 2.5 micrometres, including crocidolite, is considered a carcinogenic and extremely dangerous substance. Or, in other words, in the Regulations asbestos is identified as a hazardous substance.

In relation to Articles 9 and 10, respecting legislative control and prevention measures, the prohibition of crocidolite, or measures for the prohibition of crocidolite, and the prohibition of spraying in all industrial sectors, the observation made by the Committee of Experts is that, although there are provisions in certain clearly identified sectors, such as manufacturing, or provisions at different levels, greater specificity is required.

With reference to Article 15(3) of Convention No. 162 on the prevention or control of the release of asbestos dust and ensuring compliance with exposure limits, Ministerial Decision No 1444/23 has been issued adopting the General Regulations on Labour Inspection.

This is relevant progress because in the General Regulations on Labour Inspection advances have been made in the control and inspection of these occupational safety and health (OSH) issues, particularly with reference to the identification of hazardous substances through the technical standards that are adopted in each case.

The Environmental Regulations of the industrial manufacturing sector provide that processes that emit gasses, particulate matter and vapours are to be considered as priorities. Industry also has to comply with the permissible limits for pollutant emissions, which include fine dust asbestos, and self-monitoring has to be carried out at least annually of all the parameters that can be generated by their activities in the form of emissions.

In this case, the Committee of Experts requests measures to reduce exposure to asbestos to as low a level as is reasonably practicable in all sectors and industries, and not only in industry, and information on the specific measures adopted by the labour inspection services. In this context, the need for the information that is generated to be systematic and publicly available is considered to be of great relevance.

With reference to Article 16, on practical measures taken by the employer for the prevention and control of exposure, the General Regulations on Labour Inspection in relation to OSH technical inspections establish the requirement for inspectors to assess compliance with OSH standards.

The Environmental Regulations for the industrial manufacturing sector and the Environmental Regulations for mining activities establish requirements for prevention and control in relation to hazardous substances, which include asbestos.

In this case, the Committee of Experts requests the adoption of specific measures to ensure the employers are responsible for practical measures for the protection of workers from asbestos.

In relation to Article 20 on the keeping of records of the monitoring of the working environment, Technical Safety Standard No. 009/23 provides that, within the framework of the



submission of OSH plans, the employer shall conduct health surveys and/or monitoring, where appropriate, of chemical pollutants in the work environment and suspended particulate matter, which are valid for one year from the date of their formulation.

The Committee of Experts emphasizes that the records of the monitoring of the working environment and of the exposure of workers to asbestos must be kept for a period prescribed by the competent authority, and that the workers concerned, their representatives and the inspection services have access to the records

Moreover, workers and their representatives must have the right to request supervision of the working environment and to appeal to the competent authority concerning the results of the supervision, as set out in Article 20 of Convention No. 162.

With reference to Article 21, which refers to information on medical examinations and other means of maintaining income when assignment to work involving exposure to asbestos is inadvisable, the Committee of Experts calls for workers to be informed in an adequate and appropriate manner of the results of their medical examinations and to receive individual advice concerning their health. It also calls for other means of maintaining income and protection measures in specific branches of activity.

It is important to emphasize that, in each of these Articles which have been identified both in the comments made by the Committee of Experts and in the progress that has been made by the Government, it is necessary to bear in mind, as we indicated in our introduction, that each of these components has differing levels of applicability.

For example, finding alternative means of maintaining income depends on economic conditions and capacities, and cannot be seen as a requirement that applies to all countries equally. There are countries, including the Plurinational State of Bolivia, where, even though we have made much progress in overcoming unemployment, alternative means of maintaining income give rise to difficulties.

Accordingly, it has to be understood that, while each of these areas have been identified as being in need of action, and that it is necessary to move forward based on the recommendations made, the degree of implementation is subject to their differing characteristics.

It is also important to emphasize that the action taken at the enterprise level has been relevant in the implementation of measures for the replacement of asbestos as a material, particularly in construction.

There are enterprises that have certified in their own interests the replacement of 100 per cent of asbestos. Moreover, entrepreneurs have developed a series of mechanisms for educational purposes and awareness-raising and also, from their own perspective, for the implementation of action in relation to asbestos. They have implemented quality standards related to ISO which are, as you know, voluntary and are more related to the competitiveness of enterprises.

So what are the potential sectors in the Plurinational State of Bolivia?

First, construction. This is undoubtedly the most vulnerable sector. Asbestos was widely used in the construction of buildings. Uralite, a material composed of cement and asbestos, was very commonly used in roofing and other structures, such as water tanks which, as you will understand, can be highly dangerous. Exposure generally occurs for workers who handle materials containing asbestos, with the deterioration of materials and in maintenance and cleaning work.



And then, in the case of mining, the mining of asbestos in the Plurinational State of Bolivia is limited in view of the significant risks of exposure.

In the case of motor mechanics, workers are in contact with outdated systems, such as brakes and clutches that are imported, as they are not produced in the Plurinational State of Bolivia, and give rise to risks resulting from the use of asbestos.

Similarly, the population in general may be exposed to asbestos in houses and old buildings that include materials containing asbestos.

This is illustrative of the progress that has been made, as there is no longer any manufacture of asbestos materials in the Plurinational State of Bolivia. However, we are bound to acknowledge that it is necessary to supplement the information on the basis of which measures can be taken to update the measures adopted up to now, and as a basis for formulating policies to achieve compliance with the standards, including Convention No. 162, which have been ratified by the Plurinational State of Bolivia, such as the adoption of laws and rules at the various levels, as in some cases it may be possible to adopt or amend laws, and in other cases decrees, ministerial decisions and OHS technical safety standards.

So what action is being taken at the moment?

As I have said, it is difficult to take each of the comments and in each case enumerate action that is ready to be adopted.

So, what is it that we have identified for future action and what measures are being taken to address comprehensively the elements that we consider need to be updated?

I once again reiterate, also based on the comments made by the Committee of Experts, what is of interest to us is the theme of the protection of workers' rights and health, in recognition that the principal limitation in updating policies and laws on asbestos is the generation of information and capacities as a basis for formulating policies and legislative measures and for monitoring.

Multisectoral work has therefore been initiated in view of the involvement of sectors such as health, covering the impact of asbestos on health, the development of production and enterprise activities. The Ministry of the Environment, based on the agreements concluded on organic components and persistent materials, with particular reference to the National Occupational Health Institute, has a project under the Ministry of Health, which is an inter-institutional cooperation project with the Chrysotile Information Centre, SIC-ANDES of Peru, on training for the safe handling and appropriate management of chrysotile and asbestos, with the technical support of the International Chrysotile Association. During this phase, we will establish other cooperation mechanisms with other institutions and it will also be important to engage in exchanges of experience with countries. In other words, we would be very pleased to engage in the exchange of experience with other countries that have made significant progress in law and in policies, and particularly with the ILO Office in the Plurinational State of Bolivia, with which we have undertaken a series of proactive activities which have enabled us to address various subjects. It is through this commitment to intersectoral work that we think we can move forward in addressing each of the comments through the formulation of policies and provisions with a view to updating each of these elements.

Employer members – The case before the Committee concerns the application of Conventions Nos 162 and 167, ratified by the Plurinational State of Bolivia in 1990 and 2015, respectively. It is the first time that the application of these Conventions has been examined



by this Committee in relation to the Plurinational State of Bolivia, even though the Committee of Experts has made numerous observations since 2013, and most recently in 2024, 2023, 2021, 2019, 2018 and 2015.

We thank the Government of the Plurinational State of Bolivia for the written information provided, including the proposed methodology for conducting training workshops on the safe management of asbestos use and occupational safety, and we take note of its request to the Office for technical assistance in preparing article 22 reports.

However, the Employers would like to note that, although there is a commitment to promoting compliance with the provisions of these Conventions, in practice it is necessary to consider that the observations of the Committee of Experts in 2024 reiterate long-standing concerns about existing gaps in the national legislation. In this regard, we echo the concerns of the Committee of Experts and would like to make a few points.

First, with regard to the regulatory framework and specific measures for risk prevention and control, the Government has reported the existence of the General Act on Occupational Safety, Health and Welfare and a series of OSH technical standards, in addition to management programmes in this field.

However, the Committee of Experts has repeatedly pointed out that, although these general standards are in force, they lack the specific provisions necessary to give full effect to Conventions Nos 162 and 167 ratified by the Plurinational State of Bolivia.

Despite repeated requests by the Committee of Experts, the Government has not yet adopted the necessary measures to harmonize the legislation with the requirements of the ratified Conventions, particularly with regard to the prevention and control of health hazards due to occupational exposure to asbestos, and the protection of workers against such hazards.

This is with regard to Article 3 of Convention No. 162.

With regard to Articles 11 and 12 of Convention No. 162, there is a lack of specific measures prohibiting the use of crocidolite and the spraying of asbestos, as well as a lack of provisions requiring the demolition of plants or structures containing asbestos and its removal to be undertaken only by qualified employers or contractors (Article 17(1) of Convention No. 162).

It is essential to establish clear exposure limits and take measures to reduce exposure to the lowest possible level, in accordance with Article 15 of the Convention. Specific information is also needed on the provision of respiratory protective equipment and special protective clothing, in accordance with Article 15(4) of Convention No. 162.

The Employers express their commitment to a culture of risk prevention at the workplace and to the design of practical measures for the prevention and control of workers' exposure to asbestos and their protection.

In relation to Article 16 of Convention No. 162, we encourage the Government to work in consultation with the most representative employers' and workers' organizations to design a clear and specific regulatory framework.

Second, in relation to Article 12 of Convention No. 167, the Committee of Experts emphasizes that measures specifying the action to be taken in the event of an imminent and serious threat to workers' safety have yet to be adopted. We call on the Government to intensify its efforts to consult the social partners and agree on a regulatory framework that allows for immediate measures to be taken to stop operations and evacuate workers where there is an imminent and serious danger to their safety.



Third, it is therefore necessary to review the comments made by the Committee of Experts on tripartite consultation and the role of the social partners in the Conventions under examination.

The Committee of Experts has explicitly requested the Government to consult the most representative employers' and workers' organizations on the measures to be taken to give effect to the provisions of the Conventions.

Although the Government has mentioned the preparation of a training programme on the safe management of asbestos, which will be shared with the World Health Organization (WHO) and other institutions, there is no indication in the information provided that institutionalized and effective consultation forums have been created with representative employers' and workers' organizations for the design, implementation or review of the measures to be taken.

As social partners, employers' and workers' organizations have the capacity to provide a comprehensive and practical overview of risk factors, the application of new technologies and strategic skills, labour market challenges and the most effective tools for strengthening worker protection.

We therefore request the Government to make every effort to ensure the institutionalized and effective consultation of the social partners at all stages of the design, implementation, review and monitoring of OSH policies and measures, especially with regard to asbestos and construction. We request the provision of detailed information on the formulation of any specific policies on asbestos and construction.

Fourth, with regard to monitoring, information for workers and income maintenance, the Committee of Experts has expressed regret that the Government has not provided information on the application of Articles 20 and 21 of Convention No. 162. It is essential to take measures to ensure that records of the monitoring of the working environment and of workers' exposure to asbestos are kept for a prescribed period. Furthermore, in accordance with Article 20(3) and (4) of the Convention, it must be ensured that affected workers, their representatives and the inspection services have access to these records, as well as the possibility to request the monitoring of the working environment and to appeal to the competent authority regarding the results of such monitoring. The Committee of Experts also reiterated the need for workers to be informed in an adequate and appropriate manner of the results of their medical examinations and to receive individual advice concerning their health in relation to their work.

Finally, it does not appear from the information provided that specific measures have been taken to ensure that, where continued assignment to work involving exposure to asbestos is medically inadvisable, every effort is made, consistent with national conditions and practice, to ensure that the Government provides the workers concerned with other means of maintaining their income. We therefore call on the Government to provide detailed information on the measures taken or planned to implement these provisions.

In conclusion, the Employers wish to express their support for the approach adopted by the Committee of Experts in examining Conventions Nos 162 and 167 together. We reiterate our appreciation of the information provided to this Committee. We hope that the strong commitment expressed by the Government will be translated into concrete action aimed at improving the OSH of workers, especially with regard to exposure to asbestos and safety in construction.

Worker members – I would like to begin by reaffirming an essential principle of the ILO standards system. The ratification of an international labour Convention gives rise to a dual



legal and political responsibility for the Member State. It implies the obligation to both comply effectively with the substantive standards established in the instrument and to respect the commitments arising from the international supervisory mechanism, which is based on social dialogue and systematic information-sharing through the submission of periodic reports. These two dimensions are inseparable: without information there is no supervision and without supervision there is no guarantee of compliance, nor the possibility to redress shortcomings. The international standards system is based on good faith, but also on traceability. The provision of regular and full reports is not an accessory requirement, it is an essential pillar of the institutional model of this Organization.

The case of the Plurinational State of Bolivia reveals a worrying and ongoing omission with respect to these obligations. With regard to Convention No. 162, the Committee of Experts has reiterated that no information has been received since 2004 on the manner in which the country has implemented provisions to protect workers against exposure to asbestos. This administrative silence is all the more alarming considering the nature of the risk.

As the Committee of Experts has recalled, all forms of asbestos are classified as known human carcinogens and in 2006 the Conference adopted a resolution emphasizing that the elimination of the future use of asbestos and the proper management of asbestos currently in place are the most effective means to prevent diseases and deaths. The Plurinational State of Bolivia lacks specific legislation regulating asbestos in all sectors.

While there are environmental standards that recognize the extremely dangerous nature of this substance, they are limited to the industrial and mining sectors.

The Committee of Experts has highlighted the urgent need for the adoption of legislative measures in consultation with employers and workers, and for the effective application of Articles 9, 10, 11 and 12 of Convention No. 162, which require measures to control and prohibit the use of crocidolite and spraying.

Even more worrying, the Government has not provided information on the implementation of Article 16 of Convention No. 162, which establishes the obligation for employers to take practical measures for the prevention and control of exposure to asbestos. Nor has it established the right of workers to have access to the records of the monitoring of the working environment, or prescribed minimum periods for them to be kept, which is contrary to Article 20 of Convention No. 162.

These gaps include medical protection. The Committee of Experts has insisted that specific measures must be adopted to ensure that workers are informed in an adequate manner of the results of their medical examinations and are provided with alternative work when they cannot continue to carry out work involving exposure to asbestos, in accordance with Article 21 of the Convention. This reveals not only an administrative omission, but also a systematic and structural failure of compliance, which poses a risk to the lives and health of thousands of workers.

The situation does not improve when analysing Convention No. 167. The Plurinational State of Bolivia has also failed to provide recent reports on this instrument. The Committee of Experts has noted that the national legislation does not set out the requirement to stop the operation and evacuate workers in the event of imminent risk, as required by Article 12 of Convention No. 167. It should be recalled that Convention No. 167 protects one of the sectors with the highest rates of accidents. Failure to comply with the Convention makes it difficult to verify whether the Plurinational State of Bolivia is adopting preventive measures by training its workers and adequately monitoring the conditions of building works.



Conventions Nos 162 and 167, although technical, are part of the body of standards on OSH protection, which is a category recognized by the Conference as a fundamental right. These are not secondary obligations. They relate to the lives, health, and physical and moral safety of workers.

The Workers' group considers that this lack of sustained compliance not only affects Bolivian workers, but also weakens the multilateral standards system. The effectiveness of the system depends on the active and responsible participation of States. The technical, impartial and substantiated supervision carried out by the Committee of Experts cannot fulfil its function if it does not receive the minimum necessary input. This is not an isolated complaint, but rather a collective concern.

The reports to be provided by States are not procedural or symbolic gestures, but tools for the assessment of transparency and institutional co-responsibility. We therefore urge the Government to urgently reconsider its action, reinstate the mechanisms of institutional dialogue with this Organization and act with the due diligence required by the fundamental human rights of its workers.

Employer member, Plurinational State of Bolivia – We would like to thank the Government of the Plurinational State of Bolivia for its presentation on the use of asbestos in relation to Conventions Nos 162 and 167. We would also like to express our agreement with the statements made by the Employer and Worker spokespersons.

We would like to inform you that the Confederation of Private Employers of Bolivia (CEPB), together with the ILO, has carried out work on issues such as asbestos, its use, the danger it poses for health and the applicable rules in the case of the use of asbestos.

Among the safety considerations that were noted, it was concluded that there were permissible levels of exposure, ongoing monitoring that must be carried out continually, especially for people who use or are exposed to the use of this substance, the application of controls, and the protection of workers. Certain important recommendations were also made, such as measurements to be carried out for monitoring, the medical reports that must be drawn up for workers, especially those exposed to these substances, and training for those concerned. The recommendations to be taken into account include precautions when working with asbestos. As we have said, all of this is in accordance with Conventions Nos 162 and 167, as previous speakers have already explained.

In the case of the Plurinational State of Bolivia, I would also like to tell you that the most important issue from the enterprise perspective is the use of asbestos in roofing, which has already been voluntarily discontinued.

Worker member, Plurinational State of Bolivia – I am speaking on behalf the Bolivian Central of Workers, which represents all workers in the Plurinational State of Bolivia. Convention No. 162 has clearly shown us that the use of asbestos in industry, the automotive industry, construction and mining, is a hazard to health. Its microscopic and carcinogenic fibres, which mainly affect the lungs, have caused many workers to suffer from a very serious disease. We, as workers, therefore call for effect to be given to Convention No. 162 once and for all, and for the ILO to monitor the different aspects in this regard.

We recognize that the Plurinational State of Bolivia is undergoing a process of industrialization and, precisely because of this, some enterprises are moving away from the use of asbestos towards other similar materials in order to avoid the harm caused mainly to humans, as well as to other living beings.



We know that starting to replace chrysotile, amosite, crocidolite and actinolite, is not enough. We know perfectly well that the safety measures that, we, as workers, are demanding in areas such as health, permissible levels of exposure to these substances which are hazardous to health, the protection of workers, mainly through occupational safety, regular medical reports that unfortunately do not reach the beneficiaries, and the constant handling of all these materials, are directly related to, for example, Convention No. 167. And here we are talking about construction being linked to the hazards caused by asbestos.

In the Plurinational State of Bolivia, we have buildings with roofs that, to this day, are made of asbestos, as well as asbestos tanks and pipes. Enterprises constructing new buildings make use of our construction workers, who are bound to work with these harmful substances. However, something is missing here.

What is missing is precisely the occupational safety that many employers are failing to ensure, and when I say occupational safety, I am referring mainly to protection measures for workers, which must be provided to workers.

This necessarily implies a financial cost for employers. However, the fact is that we need, once and for all, to give effect to all the various Articles of the ILO Conventions that apply to us as workers in the Plurinational State of Bolivia.

We, as workers, demand compliance with these standards because, after all, these hazards do not only affect workers, but also inevitably their families. Most importantly, occupational safety must be genuine and ensured by the State. In this case, the relevant Ministry mandated by law must ensure strict and thorough monitoring. Thus, it may be possible to avoid the potentially harmful consequences for Bolivian families, and particularly for each and every worker.

We therefore respectfully request that the recommendations are binding on the Government and the private sector.

Government member, Peru – I have the honour to make this statement on behalf of a group of Latin American and Caribbean countries, namely **Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Panama, Paraguay, Peru** and **the Bolivarian Republic of Venezuela**. We welcome and appreciate the information provided by the Deputy Minister for Employment, the Civil Service and Cooperatives, on behalf of the Plurinational State of Bolivia, on the action taken for the application of Conventions Nos 162 and 167.

We express our appreciation of the efforts being made by the Plurinational State of Bolivia, including, as reported, the General Act on Occupational Safety, Health and Welfare, the adoption of regulations establishing asbestos as a carcinogenic and highly dangerous substance, and Ministerial Decision No. 992 of 2023, which approves the technical safety standard and regulates the mandatory submission of OSH management programmes and establishes guidelines and standards for OSH management.

We also appreciate the recommendations made by the Committee of Experts to the Plurinational State of Bolivia, which promotes the implementation of its regulations on the prevention and control of health hazards for workers and the reduction of exposure to asbestos, in coordination with the organizations concerned.

We therefore encourage the State to continue its efforts to implement Conventions Nos 162 and 167 and to take into account the recommendations of the Committee of Experts to strengthen its regulations so that they specifically regulate the use of asbestos.



The Latin America and Caribbean region has made significant progress in the application of Conventions Nos 162 and 167 and in the adoption of relevant measures to prevent, control and reduce the use of asbestos, and we therefore welcome the country's openness to developing regional cooperation projects for this purpose.

We encourage you to continue your approaches to specialized regional and international institutions and organizations to promote inter-institutional cooperation for training in the use of asbestos and the promotion of OSH.

Interpretation from Russian: **Government member, Belarus** – We are grateful to the delegation of the Plurinational State of Bolivia for the presentation of detailed information on the issue under consideration. We welcome what has been done by the Government at both legislative and practical levels, that is to say the measures that have been taken to protect the lawful rights and interests of workers who are exposed to the impact of asbestos in the course of work. We also commend the willingness shown to work on the issue of reducing the negative impact of asbestos with the World Health Organization. Taking into account what has been demonstrated by the Government, that is its commitment to fulfilling the obligations it has accepted within the framework of ratified Conventions, we call upon the ILO to give the country technical assistance for the attainment of these goals.

Worker member, Switzerland – This statement is supported by Australian workers. In 2022, the Conference decided by consensus to include the right to a safe and healthy working environment in the framework of fundamental principles and rights at work. All ILO Member States committed to promote safety and health as a fundamental right. This includes the obligation to share information on the risks of substances and their safe and proper use.

However, the inclusion of chrysotile asbestos in Annex III to the Rotterdam Convention, which allows the establishment of a prior informed consent procedure for the exchange of information on health hazards, has been blocked for nearly 20 years by a very small number of ILO Member States, which are also signatories to the Convention. I note that the Plurinational State of Bolivia is not among the countries blocking this measure, which would significantly strengthen the protection of workers exposed to this hazardous substance.

It should be recalled that each year around 1 million workers die from exposure to hazardous chemicals, including over 200,000 from asbestos-related diseases.

In the case of the Plurinational State of Bolivia, which is under examination here, the Committee of Experts notes in its report that neither the OSH management systems nor the related standards contain specific regulations on asbestos. It therefore requests the Government to ensure that national laws or regulations prescribe specific measures for the prevention and control of health hazards related to occupational exposure to asbestos in all sectors and industries. The Committee of Experts also requests the Government to ensure that employers are held responsible for the establishment and implementation of practical measures for the prevention and control of the exposure of workers to asbestos. We call on the Government of the Plurinational State of Bolivia to give effect to these recommendations of the Committee of Experts.

However, to prevent a small number of countries from undermining the decision taken by the Conference in 2022 to guarantee the right to a safe and healthy working environment as a fundamental right at work, it is essential for all ILO Member States that are also signatories to the Rotterdam Convention to work actively for a reform of that Convention, with a view to incorporating a prior informed consent procedure in order to guarantee the right to information on the risks of highly hazardous substances such as chrysotile asbestos. This



would constitute an important means for the Plurinational State of Bolivia, as well as for other States, to ensure compliance with ILO Conventions Nos 162 and 167.

Government member, Cuba – The delegation of Cuba acknowledges the significant progress made by the Plurinational State of Bolivia in the protection of the safety and health of its workers. The Plurinational State of Bolivia has demonstrated a firm commitment to social justice and decent work by implementing specific measures to strengthen its labour regulations and ensure decent and safe working conditions.

The ratification and implementation of Conventions Nos 162 and 167 reflect the will of the Plurinational State of Bolivia to align itself with international standards and make progress in the prevention of occupational risks.

Through the modernization of its legislation, rigorous monitoring of hazardous substances and specialized training, the Plurinational State of Bolivia is becoming a model in the region for occupational safety management. In compliance with the comments on Convention No. 167, the Plurinational State of Bolivia has adopted 15 technical safety standards which establish specific protocols for the construction sector. Among the most relevant are the standards on working at heights, handling ladders, the use of scaffolding, excavations and work in confined spaces, all with clear provisions to ensure the immediate evacuation of workers and stoppage of operations in the event of imminent risks.

The country has also strengthened its legal framework with Supreme Decree No. 2936 issuing regulations on the application of Convention No. 167 and requiring employers to take immediate action in the event of serious danger to the safety of workers.

Cuba welcomes this progress and reaffirms its support for international cooperation to continue strengthening OSH policies. Worker protection is a shared priority, and the path taken by the Plurinational State of Bolivia is an example of commitment to welfare and sustainable development.

Worker member, Honduras – I would like to recall that the Committee of Experts has made observations on these Conventions and, in accordance with the Preamble to the ILO Constitution, which provides that: "... whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by ... the protection of the worker against sickness, disease and injury arising out of this employment ...".

In view of the above, it should be recalled that, although the Plurinational State of Bolivia has general standards and regulations on OSH, they do not explicitly provide for the prevention or control of exposure to asbestos. Nor do they establish specific measures for the replacement or prohibition of this substance, or guarantee procedures that ensure that workers are properly examined, treated and informed about their state of health in relation to such exposure. All of this would be essential to ensure the full application of Convention No. 162.

The State must therefore adopt clear and effective measures to prevent, protect and control the health hazards due to occupational exposure to asbestos in all branches of industry, not just manufacturing. These measures include: a total or partial prohibition of the use of this substance in the various work activities or processes involving contact with it, and the implementation of effective controls to prevent or reduce the emission of asbestos dust into the air, ensuring compliance with exposure limits and seeking to reduce them.



It should be recalled that, since 2006, the Conference has recognized that all forms of asbestos, including chrysotile, are classified as extremely hazardous substances and therefore carcinogenic to humans, according to the International Agency for Research on Cancer (IARC). The Conference has expressed its deep concern at the risks faced by workers, not only in specific sectors, but also in activities such as asbestos removal, demolition, building maintenance, shipbreaking and waste handling. It has therefore urged States to adopt OSH measures for the effective protection of all exposed workers.

In accordance with the commitments assumed by the Plurinational State of Bolivia as a Member of the ILO, it is necessary for it to adopt and align its legislation through specific agreed provisions that are fully applicable in all sectors, based on effective consultations and genuine social dialogue with the actors involved. The objective is to effectively guarantee the safety and health of workers by ensuring their security and promoting dignity at work, starting with the effective deployment of labour inspection to monitor compliance by employers and thus prevent the health risks arising from occupational exposure to asbestos.

It is ten years since the Plurinational State of Bolivia ratified Convention No. 167 and it is unjustifiable that it has still not brought the national legislation into line with the text of the Convention. We therefore reiterate our demand for the Bolivian State to establish in its legislation the essential guarantees to ensure that workers in all sectors enjoy a safe and healthy working environment, thus ensuring the safety of workers, both under normal conditions and in situations that require the stoppage of an operation or the evacuation of workers in the event of an imminent and serious threat to their safety.

All these legislative measures must be reinforced by the strengthening of labour inspection systems, the provision to them of the financial and human resources necessary to ensure the monitoring and effective enforcement of prevention measures and safety standards, the provision of personal protective equipment and the existence of optimum conditions in workplaces.

In this regard, in order to give full expression to, and ensure compliance with these Conventions, it is essential to have the support of this Organization so that the necessary measures are adopted in Bolivian legislation to guarantee the fundamental right to OSH and, in particular, the protection of workers against occupational diseases.

Government member, Bolivarian Republic of Venezuela – The Government of the Bolivarian Republic of Venezuela aligns itself with the statement made by Peru on behalf of a group of Latin American and Caribbean countries and conveys its sincere thanks for the information provided by the Deputy Minister, Mr Gonzalo Zambrana, representative of the Government of the Plurinational State of Bolivia, with regard to the action taken for the application of Conventions Nos 162 and 167.

We recognize the progress made by the Plurinational State of Bolivia in regulating the use of asbestos based on national and international standards, and we highlight the country's commitment to protecting OSH in accordance with these Conventions. In this regard, we emphasize the importance of continuous training and the implementation of effective preventive measures to reduce the associated risks.

We emphasize the need to strengthen international cooperation so that the Plurinational State of Bolivia can consolidate and broaden existing action and standards, including environmental monitoring and the identification of hazardous substances.

In conclusion, we welcome the will of the Plurinational State of Bolivia to continue promoting a safe and responsible work environment in compliance with labour and human



rights, and we reiterate our support for the continued provision by the ILO of the necessary support for these efforts.

Government member, Honduras – Honduras welcomes and notes the information provided by the Plurinational State of Bolivia and the social partners relating to Conventions Nos 162 and 167.

According to our information, the construction sector represents 4 per cent of Gross Domestic Product in the economy of the Plurinational State of Bolivia and generates around 9 per cent of jobs in the country.

We consider that there has been some progress in the regulations on the safe use of asbestos which, through the General Act on Occupational Safety and Health, and Welfare, seek to guarantee adequate conditions of health, safety and well-being at work. The regulations require companies to adopt the necessary and obligatory measures for prevention and the protection of health in the event of exposure to hazardous substances at work.

Although we note the progress made, we are aware of the challenges, and particularly those related to the effective management of existing substances and awareness-raising among the social partners of the risks related to these substances in the construction sector.

We believe that it is important for the Plurinational State of Bolivia to be able to make progress in establishing public policies that promote the prevention of exposure, the strengthening of the regulations and the provision of adequate training to persons handling these substances.

We believe that, through technical assistance, the Office can play a decisive role in addressing these challenges.

It is vital to recognize the institutional efforts made, while making clear and verifiable recommendations that strengthen effective compliance with the Convention and help to continue the work that has been started.

We encourage the Plurinational State of Bolivia to continue making progress in identification, training, control measures, removal and environmental monitoring with the aim of ensuring that airborne asbestos fibre levels are within safe limits and that workers' health is not affected.

We recognize the will of the Plurinational State of Bolivia, as expressed in its 15 technical standards and their compliance with Convention No. 167, which demonstrates the commitment to give effect to the Conventions.

We believe that it is important to sustain this progress and protect workers' health at the workplace. Moreover, so that the Plurinational State of Bolivia knows that it is not alone, we suggest that the Office should provide it with technical assistance to strengthen inter-agency action so that the Plurinational State of Bolivia, while upholding sovereignty and through tripartite dialogue, can continue working for the good and the well-being of its people.

Government member, El Salvador – El Salvador aligns itself with the statement made by Peru and welcomes the information supplied by the Plurinational State of Bolivia on compliance with Conventions Nos 162 and 167. We recognize the progress described by the Plurinational State of Bolivia in the protection of workers' health and safety. We particularly welcome the implementation of Technical Safety Standard No. 09/23, which establishes guidance on OSH management, including specific provisions on hazardous chemicals such as asbestos. We also highlight the inclusion of asbestos in key sectoral regulations, thereby strengthening the existing normative framework for its regulation. We appreciate the



immediate action that is being taken, such the provision of specialized training for workers, the application of control measures and the safe removal of these substances by trained personnel.

We are convinced that constructive dialogue and the strengthening of institutional capacities are fundamental pillars for progress towards the objective of Conventions Nos 162 and 167.

We particularly recognize the action to be taken to prevent exposure, strengthen regulation and ensure adequate training for workers who handle these substances, particularly in the most vulnerable sectors.

We also emphasize that this action is being implemented in a coordinated manner with the participation of the main health, environmental and labour authorities, which, for El Salvador, is fundamental to ensuring their efficiency and integrity through an intersectoral approach.

Regarding Convention No. 167, El Salvador welcomes the information provided on the 15 technical safety standards adopted by the Plurinational State of Bolivia, particularly those covering the construction sector, such as the technical safety standards on work at heights and the OSH work plan.

In conclusion, we encourage the Government to continue making progress in harmonizing its national regulations with Conventions Nos 162 and 167, and to continue strengthening international cooperation with the aim of ensuring the review and continued improvement of compliance with both instruments.

Government representative – In the first place, I would like to supplement the report that I made by referring to Convention No. 167 in relation to the comment concerning the measures necessary to ensure that employers are required to stop the operation and, if necessary, evacuate workers where there is an imminent and serious danger to their safety. In this regard the Plurinational State of Bolivia now has 15 technical safety standards, of which the most specific for the construction sector refer to compliance with the comments relating to Convention No. 167.

In other words, these technical standards have been specifically developed on the basis of the provisions of Convention No. 167, which has been ratified by the Plurinational State of Bolivia. There are technical standards on work at heights, Technical Standard No. 4 on the handling of ladders, Technical Standard No. 5 on scaffolding, Technical Standard No. 6 on demolition work, Technical Standard No. 7 on excavation work, Technical Standard No. 8 on work in confined spaces and Technical Standard No. 9 on the OSH management programme in which, in various provisions under the procedures and protocols established in these technical standards, action protocols are set out which have to be followed by employers in the event of the existence of an imminent risk or emergency in the specific construction activity, specifying how to carry out the evacuation and the action to be taken in the event of the compulsory stoppage of operations in the sector.

I therefore repeat that these standards have been formulated on the basis of ILO Convention No. 167, which has been ratified by the Plurinational State of Bolivia.

The Plurinational State of Bolivia is a country which has demonstrated for the past 20 years its interest and will to improve the conditions of the people in general, and of workers in particular. In this regard, progress has been made in increasing wages. While there are other



countries where difficulties exist for wage increases, in the Plurinational State of Bolivia this has become a public policy which is adopted annually on behalf of the workers.

The single health system has been established in the Plurinational State of Bolivia, which ensures universal access for workers, whether they are employed or work on their own account.

This means that it absolutely cannot be claimed that the Plurinational State of Bolivia has not given effect to the rights of workers. Moreover, as indicated at the beginning of the discussion, the Plurinational State of Bolivia comes with a constructive attitude and the desire to demonstrate that, although there has been fundamental progress in relation to the rights of workers and the rights of persons in general, through access to a series of public policies, there are clearly other areas, as you have indicated, in which difficulties have been experienced in moving forward. When I referred to a constructive attitude, I meant that, although there have been limitations in recent years in compliance with Conventions Nos 162 and 167, I appreciate the views expressed by the Group of Latin American and Caribbean countries, Belarus, Cuba, the Bolivarian Republic of Venezuela, Honduras and El Salvador, which have understood the spirit and the efforts that have been made by the Plurinational State of Bolivia, and the constructive attitude to resolving matters going forward. They have also understood the information that we have provided, both in my intervention, and particularly in the reports that the Plurinational State of Bolivia provided in 2023. Nevertheless, nor can I overlook, because they are overshadowing the discussion, the comments that have been made, which are more of a punitive nature.

It is not true to say that the Plurinational State of Bolivia has not been in compliance for many years or that it has not provided reports since 2004, because the Plurinational State of Bolivia has presented a more detailed report on each of the matters raised in the document, which I have explained point by point. This therefore to a large extent explains why the measures to protect the rights of workers, in relation to the use of asbestos and with reference to workers in construction and the related hazards, do not necessarily need to be set out in a law. There can be lower ranking provisions, such as decrees and ministerial decisions, or the technical standards that we have formulated on the basis of Convention No. 167.

What I am therefore asking, through the Chair, is that those who have not had occasion to review the reports provided by the Plurinational State of Bolivia, which contain all the details and provide fuller explanations than I have been able to do, should consider that these are the factors that are enabling us to give effect to the commitment that we have now assumed. All the elements that I have described, related to multisectoral work, are the ones that we need to implement going forward to update our standards. The approach to these elements can also be observed in consultations, which is clearly an element that we consider relevant. Moreover, we value this effort and the offers made by certain countries to develop a discussion platform, as we recognize that it is necessary to obtain information in order to formulate the standards and policies that will enable us to give effect much more fully to Conventions Nos 162 and 167. In this regard, I also call on the ILO, and in particular I reaffirm the commitment of the Plurinational State of Bolivia to take action to address this as we have been doing, both at the institutional level and through coordination with the ILO.

In other words, we accept the comments that are contained in the ILO report and we hope that on this basis we will be able to make progress going forward through joint efforts with the ILO and other friendly countries.

Worker members – On behalf of the Worker members, I would like to thank the Government of the Plurinational State of Bolivia for its participation in this discussion and for



all its contributions, as well as the contributions of the governments, workers and employers' organizations here today. We particularly appreciate the effort to provide background information and the expressions of willingness to engage in dialogue.

This exchange, however brief, has highlighted the importance of strengthening mechanisms for tripartite consultation and social dialogue, which are fundamental pillars of the Organization's standards supervisory system. Even where there are differences of analysis or approach, we recognize that the commitment to technical and transparent discussion is the first step to overcoming challenges.

In this regard, we would like to reaffirm that the Workers' group is not seeking penalties or warnings, but effective compliance with the commitments made by States through the ratification of Conventions. Hence, we urge the Government to undertake a process of legislative and administrative reforms in order to comply with the obligations of Conventions Nos 162 and 167.

Both instruments, as already said, are part of the body of standards that protect workers' safety and health, recognized as fundamental labour rights by this very Conference. Their effective implementation not only prevents diseases and accidents, but also contributes to improving the quality of employment and decent work.

We therefore request the Office to provide the Government with the necessary technical assistance, both to revise and update its legislation, and to build institutional capacities for prevention, inspection, monitoring and protection in all sectors, and not only in those that are already partially regulated.

We firmly believe that ILO technical support can be a key instrument in channelling efforts towards progressive and enduring compliance based on dialogue.

Finally, we reiterate our willingness to continue this constructive exchange in a climate of mutual respect, effective social dialogue and the common pursuit of social justice.

Employer members – In their concluding observations on this case, the Employer members would like to thank the Government of the Plurinational State of Bolivia once again for the additional information it has provided, as well as thanking the other people who have made contributions.

We regret the perception of the Government representative of the Plurinational State of Bolivia regarding the supposedly punitive nature of this exercise, in view of the complexity of the situation and the repeated concerns expressed by the Committee of Experts at the persistent shortcomings in the national legislation in giving full effect to the provisions of Conventions Nos 162 and 167.

We reiterate our commitment to this case. The Employers emphasize that we cannot overlook the need to strengthen the protection of workers from exposure to asbestos and construction hazards, which have a significant impact on their occupational safety and health.

We share the concerns expressed by the Committee of Experts, as the lack of concrete and specific measures and the absence of effective tripartite consultation represent significant challenges to ensuring the development of sustainable and effective OSH policies.

In light of the recent debate, the Employers' group would like to recommend the Bolivian Government to intensify its efforts to:

- (1) adopt without delay concrete and specific measures that supplement the existing generic framework and ensure the full application of the provisions of Conventions Nos 162 and



167. This includes prohibiting the use of crocidolite and asbestos spraying, ensuring that demolition and asbestos removal is only carried out by qualified employers and contractors, establishing clear exposure limits and providing protective respiratory equipment and special protective clothing;

- (2) ensure that, in the event of an imminent and serious threat to the safety of construction workers, employers take immediate steps to stop operations and evacuate workers in the event of imminent danger to their safety, as we have said;
- (3) ensure effective and institutionalized consultation with the most representative employers' and workers' organizations at all stages of the design, implementation, review and monitoring of OSH policies and measures, especially with regard to asbestos and construction;
- (4) provide detailed information on the measures taken or planned to implement the essential provisions that ensure compliance with the Conventions under discussion today, including the keeping of records of the monitoring of the working environment and the exposure of workers to asbestos, access to these records by workers and their representatives, and the right to request such monitoring and to appeal to the competent authority; and
- (5) ensure that workers are informed in an adequate and appropriate manner of the results of their medical examinations and receive individual advice concerning their health in relation to their work.

We take note of the Government's request for ILO technical assistance in preparing article 22 reports and we hope that the Plurinational State of Bolivia will continue to work with the support of international cooperation, including the ILO, to strengthen the capacity of public officials, as well as employers' and workers' organizations, to design and implement effective and sustainable strategies to improve OSH in the country.

The Employers hope that the Government's commitment will translate into specific measures to ensure compliance with the Conventions and that we will soon witness significant progress in the situation described to us.

Conclusions of the Committee

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 the national occupational health and safety regulations did not contain specific regulations on asbestos and recalled that a safe and healthy environment is a fundamental principle and right at work.

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

- **initiate legislative measures, after full consultation with the most representative employers' and workers' organizations, considering the recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law (including on policies for asbestos and construction; risk prevention and control; disability and inclusion; and on the provision of respiratory protection equipment and special protective clothing) and practice with the Convention;**



- **adopt, without delay, in consultation with the most representative employers' and workers' organizations, concrete and specific measures to complement the existing framework and ensure the full implementation of the Convention in all sectors and industries;**
- **ensure that records of monitoring the working environment and workers' exposure to asbestos are maintained for a prescribed period, and that the workers concerned, their representatives, and the inspection services have access to those records, as well as the right to request monitoring of the working environment and to appeal to the competent authority regarding the results of such monitoring;**
- **adopt specific measures without delay to ensure, in line with the Convention, that workers are informed in an adequate and appropriate manner of the results of their medical examinations and receive advice concerning their health in relation to their work in situations involving exposure to asbestos.**

The Committee requested the Government to provide detailed and complete information on measures taken to implement these recommendations in line with the Convention by 1 September 2025.

Government representative – As I indicated on Tuesday, the Government of the Plurinational State of Bolivia has come with a constructive attitude and, in this spirit, we take on board the comments made by the Committee. We cannot fail to note that the Plurinational State of Bolivia is a country that clearly identifies with workers' rights, as illustrated by the measures adopted in relation to these two Conventions, over and above the ILO's recommendations, based on the commitment of the Bolivian Government to workers.

We note that concern is expressed in the conclusions that the Plurinational State of Bolivia has not adopted specific provisions on asbestos. Both in the reports provided and the oral explanations that I gave, it is clear that the Plurinational State of Bolivia does indeed have standards, including standards from the 1990s, in which asbestos is specifically identified as a hazardous substance for workers. However, this has not been taken into consideration either in the comments made following the oral explanations, or in the conclusions.

While taking on board all the comments that have been made, I would like to make an observation on the methodology that is used in these comments. The comments are made by a group of experts who analyse a country and the action that is being taken by that country. Countries provide reports containing a set of information, and the Committee of Experts issues the report, which is then published. We then make an oral intervention and we hope that the information provided orally will be taken into consideration in the views that are then expressed by governments, employers and workers.

The Bolivian Government then makes a reply and gives its views on the whole procedure that has been followed, which is finally followed by the conclusions. Our comment is that everything appears to be prepared on the basis of the report of the Committee of Experts and, unfortunately, the comments that we have made orally have not been taken into consideration, particularly when indicating that the Plurinational State of Bolivia does not have standards. Yes, it does have standards, as noted in the report. We consider that the comments made by the Committee following the oral intervention and the views expressed by Governments should reflect more exhaustively the information that has been provided and the clarifications made orally. It would appear that these have not been taken into consideration adequately.



Burundi (ratification: 1963)

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

Discussion by the Committee

Chairperson – I have the honour of inviting the honourable representative of the Government of Burundi, the Director-General of Labour and Employment, to take the floor.

Government representative – The Government welcomes the collaboration which has been established regarding the application of standards in our country. As regards in particular the application of the Convention under examination, the Trade Union Confederation of Burundi (COSYBU) sent observations to the Committee of Experts alleging the violation of certain provisions of the Convention.

A short time ago, we had a discussion on this subject with our social partners. After reviewing the allegations, the Articles of the Convention and other texts at our disposal, we found no cases of violations regarding labour clauses in public contracts.

We would like to have more information on the Articles of the Convention that the Government has allegedly failed to observe. The Government is willing to engage in dialogue with the social partners to correct any issues of application. As the ILO is an umbrella institution for social dialogue, I know that it favours dialogue between the tripartite constituents. We have several bodies dedicated to social dialogue and we can find a solution to the current situation. All issues directly related to the lives of workers and employers are discussed within the National Committee on Social Dialogue (CNDS). Contentious issues are discussed within the National Labour Committee (CNT). Issues that are not discussed within the CNDS are referred to the CNT. We doubt that the allegations we are examining have been considered by these national bodies.

I am therefore convinced that even if it turns out that Burundi has not complied with certain provisions of the Convention, we can find solutions together. We are willing to listen and take steps to resolve the issue. I reiterate that we have not found any violation of the provisions of the Convention and we would like to receive specific and clear information so that we can find an appropriate solution.

Employer members – We thank the Government for its statement. However, we would have liked to receive information in writing, before today's discussion, as this would have enabled a more effective interaction.

Today is the first time that the Committee is dealing with the application of the Convention by Burundi, which ratified this technical Convention in 1997. We note that, to date, the Committee of Experts has already made 13 observations on the Convention. Unfortunately, several reports requested by the Committee of Experts have not been provided by the Government in recent years. The Committee has therefore been bound to reiterate its observations, in particular on the Convention under examination.

Until 2008, that year's General Survey on this Convention indicated that the national legislation in Burundi followed "to the letter the provisions of Convention No. 94 with respect to the scope of its requirement for a labour clause, covering public contracts for the construction, alteration, repair or demolition of public works; the manufacture, assembly, handling or shipment of materials, supplies or equipment; or the performance or supply of services."



However, it can be deduced from the above-mentioned General Survey that the situation in practice was already not in conformity with the Convention. The General Survey indicated as follows:

- (page 50/paragraph 145): "... no provision is made for labour clauses in terms of the Convention, but the posting of notices concerning the working conditions is required."
- (page 41/paragraph 114): "... the Government has announced its intention to rectify the situation and undertake concrete action in the framework of the forthcoming examination of the new draft Code on Public Contracts."

The Code on Public Contracts (Public Procurement Code) was amended in the meantime by an Act of 2008. Further to an observation by COSYBU, the Committee of Experts noted that two decrees were repealed at the same time that the new Public Procurement Code came into force, but that no effective measures have been taken to ensure the inclusion and the observance of labour clauses in public contracts.

The Employer members underline the importance of observance of the Convention by States. The *raison d'être* for the adoption of the Convention and the Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84), was based on the idea that the public authorities must endeavour to ensure the observance of socially acceptable standards in work performed for the State. This Convention was visionary in 1949, and now the issue of the inclusion of labour clauses in public contracts is once again a major social concern.

Article 2(1) of the Convention provides that public contracts shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established by collective agreement, arbitration award, or national laws or regulations for work of the same character in the trade or industry concerned in the district where the work is carried out.

Article 2(2) defines other means of protecting working conditions in the context of the performance of public contracts by providing that, in the absence of a collective agreement, arbitration award or national legislation applicable to the region, reference should be made to the instruments applicable in the nearest region, or to the general level observed in the same trade or industry.

On reading the Committee of Experts' observation, as formulated in 2024, we note that the Government has allegedly frozen bonuses and allowances for workers in the public and parapublic sector since 2016. Furthermore, according to COSYBU, companies providing services to the State are not subject to collective agreements or negotiated pay scales, which seriously undermines the effectiveness of social dialogue.

At first glance, these practices appear to us to be contrary to the fundamental principle of freedom of collective bargaining. The ILO supervisory bodies have been very clear on this subject, notably by authorizing the Government to temporarily suspend the application of collective agreements, provided that this restriction on collective bargaining meets very strict conditions:

If, as part of its stabilization policy, a government considers that wage rates cannot be settled freely through collective bargaining, such a restriction should be imposed as an exceptional measure and only to the extent that is necessary, without exceeding a reasonable period, and it should be accompanied by adequate safeguards to protect workers' living standards. (*Compilation of decisions of the Committee on Freedom of Association*, paragraph 1456).



In the present case, the Government should explain this situation, even if this issue is not directly linked to the application of the Convention.

At all events, the Convention has resolved the situation when no specific working conditions are stipulated for work of the same character in the trade or industry concerned. According to the Convention, the public authority should, in such cases, apply the wages and conditions of work applicable in the nearest region, or at the general level observed in the same trade or industry.

In conclusion, we urge the Government to fully play its role in protecting workers and ensuring a level playing field, that is to say, fair conditions of competition with respect for conditions of work among all economic actors. The necessary measures to ensure this protection and this fair competition must be taken in law and in practice.

Worker members – We are here to examine the case of Burundi. This is an important case, as we note several critical elements in the report of the Committee of Experts. Previous reports on community development work and the Penal Code, which enable forced labour and lead to violations of the Forced Labour Convention, 1930 (No. 29), and of the Abolition of Forced Labour Convention, 1957 (No. 105), remain unanswered. A total of 18 requests for reports have been made, and only three have been received so far. We welcome the fact that the Government is here today to provide further explanations.

But at the heart of this case is the violation of Convention No. 94, which requires the inclusion of labour clauses in public contracts, thereby ensuring that workers enjoy wages, working hours and other conditions of work at least as favourable as those established for work of the same nature by collective agreements, arbitration awards or national laws and regulations.

This is an important Convention. Its objectives are both to prevent labour costs from being used as an element of competition between bidders for public contracts and to ensure that these contracts do not drive down wages and working conditions. Both of these objectives are essential for guaranteeing the rights and dignity of workers. It obliges contractors to provide fair contracts to public authorities, but above all to their workers. Public procurement must ensure the creation of decent jobs.

Based on the Committee of Experts' observations, we note that Burundi has not been complying with the Convention for some time. As long as 17 years ago, in 2008, the Committee of Experts raised the issue, asking whether the legal basis for guaranteeing minimum conditions for workers employed by a public contractor was still in place, and how its application was ensured. Although the Government expressed its intention to remedy this situation, this has still not been done. This delay is of deep concern to us, as the current situation exposes workers to exploitation. Without a labour clause in public contracts, labour becomes a factor in price competition and ultimately a commodity. Without a labour clause, it becomes more difficult to verify whether conditions of work are being respected. This is all the more applicable, given that the Committee of Experts' report also contains several requests to the Government concerning labour inspection, particularly in relation to recruitment, training and resources.

Fraud is often an indicator of worker exploitation. The report of the Special Rapporteur on the situation of human rights in Burundi presented to the UN Human Rights Council in 2024 indicates that corruption is present within the public administration, including in public procurement, which is an additional ground for concern regarding respect for workers' rights in public contracts.



It is clear that the Public Procurement Code put in place by Burundi is not sufficient. We emphasize that the Committee of Experts has clearly stated, as early as the 2008 General Survey, that the Convention cannot be considered to have been implemented simply because national labour legislation is generally applicable and therefore covers work related to public procurement. Specific conditions of work in public procurement are essential.

In many cases, national laws on wages, working hours and other conditions of employment only set minimum standards. Collective agreements often offer better conditions. This is also the case in many sectors and industries in Burundi. As indicated by the Committee of Experts, the Convention implies that among the three sources – sectoral agreements, arbitration awards and national laws and regulations – the most favourable conditions must be applied.

Furthermore, we can read in the Committee of Experts' report that national sectoral collective agreements have been unilaterally repealed. After the removal of all benefits granted to workers, a wage policy has been imposed, setting wages without any prospect of career advancement. It therefore appears that, rather than applying the most favourable conditions in labour clauses, it is the conditions themselves which have been made worse. This is unacceptable.

This calls for further investigation to determine the broader impact of this measure, including on other Conventions.

We note that no official report has been sent by the Government on how it intends to resolve this issue, nor has the Government responded to other requests made by the Committee of Experts. We urge the Government to clarify and rectify this violation of the Convention, and to work with the social partners to ensure the proper implementation of Conventions.

Lastly, we would like to indicate to the Government that it can count on the ILO to provide it with support, technical assistance and advice as regards bringing its legislation into line with international labour Conventions.

Worker member, Burundi – On behalf of COSYBU, thank you for giving me the opportunity to speak about the reality experienced by workers in Burundi in relation to the application of the Convention.

As a reminder, the services covered by public contracts are governed, on the one hand, by the Public Procurement Code with regard to the procedures for awarding, executing, and monitoring public contracts entered into by state institutions, local authorities, and public enterprises and, on the other hand, by the Labour Code with regard to the conditions of work of all workers bound by an employment contract, including those hired by private contractors providing services to the State.

COSYBU points out that Article 2 of the Convention requires contracts financed by public funds to include clauses guaranteeing workers at least the conditions of remuneration, work and protection provided for by national legislation, collective agreements and recognized practices in the trade or region.

COSYBU wishes to express its concern at the persistent failure to comply with the fundamental principles of this Convention, ratified by Burundi, which requires that all contracts financed by public funds guarantee workers employed by contractors remuneration at least equal to that provided for by law or collective agreements, conditions of work in line with national standards, and respect for trade union and social rights.



This situation constitutes not only a violation of the Convention under examination but also an affront to the principles of the Equal Remuneration Convention, 1951 (No. 100).

The principles of Convention No. 100 should be incorporated into the wage policy document and the General Civil Service Regulations, as in the case of Act No. 1/11 of 24 November 2020 amending Decree-Law No. 1/037 of 7 July 1993, section 184 of which in itself amends the Labour Code .

Furthermore, the non-application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), is evident in the circumvention of sectoral collective agreements. State contractors are not subject to collective agreements or negotiated wage scales, which seriously undermines the effectiveness of social dialogue in our country.

Added to this is another source of frustration linked to the freeze on all bonuses and allowances for public and parapublic sector workers since 2016. This freeze, which was not negotiated with the social partners, has led to a considerable loss of purchasing power and undermined the morale of employees and managers of state and parastatal enterprises. By maintaining this situation, the Government is violating the spirit of collective bargaining, exacerbating inequalities in treatment, and compromising the very principle of decent work.

Currently, the remuneration of workers in the public and parapublic sectors no longer corresponds to the provisions of Article 2(1) of the Convention, which provides that the clauses to be included in contracts shall ensure to the workers concerned:

- wages (including allowances);
- hours of work; and
- other conditions of labour which are not less favourable than those established by collective agreement or other recognized machinery of negotiation between employers' and workers' organizations representing substantial proportions of the employers and workers in the trade or industry concerned.

This is illustrated by the unilateral setting of wages and the freezing of bonuses and allowances since January 2016 without taking into account the sectoral and national agreements concluded between the Government and the workers' organizations concerning workers' acquired rights.

COSYBU points out that the existing tripartite bodies do not provide for meetings to discuss the implementation of Conventions which have been ratified or are due to be ratified, despite the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

The workers' organizations are calling for a fair wage policy that takes into account the sectoral and national agreements concluded between the Government and workers' organizations regarding workers' acquired rights and the opening of genuine negotiations between the most representative confederation in Burundi – COSYBU – and the Government.

COSYBU solemnly calls on the Government to:

- guarantee equal pay for work of equal value;
- respect the social dialogue commitments provided for in Convention No. 98, by lifting the freeze on bonuses and allowances and reopening negotiations with the representative trade unions on the remuneration of staff involved in public procurement;



- take the necessary measures to bring the legislation into full conformity with the Convention;
- ensure that all public contracts falling within the scope of Article 1 of the Convention contain labour clauses, whether or not these contracts are assigned through a bidding process;
- take, without delay, the necessary measures to ensure that all public contracts to which the Convention applies contain labour clauses in accordance with Article 2 of the Convention;
- transmit the text of the new general conditions concerning public contracts and indicate the measures taken or envisaged to guarantee decent working conditions for workers employed under a public contract, once these have been adopted.

We also ask the ILO, through the Committee of Experts, to maintain heightened vigilance regarding the case of Burundi and to encourage the Government to respect its international commitments relating to social justice.

Employer member, Burundi – Thank you for allowing the representative of the employers' organization of Burundi to give his views on the issue currently under discussion.

The provisions of the Convention were incorporated into our Labour Code in the 1980s. Our country tries, to the best of its ability, to comply with the provisions included in the Labour Code. Of course, these same provisions have not yet been incorporated into the Public Procurement Code, but in practice we have a system of social dialogue that works well, even very well. Our organization has good relations with the most representative trade union confederation. We also work in harmony with the Government through the Ministry of Labour.

The issue of the violation of the agreement has not yet been submitted to our country's social dialogue bodies, the National Committee on Social Dialogue (CNDS) and the National Labour Committee (CNT). The latter body is chaired by a former President of the Republic, who was due to attend the Conference and would have been able to testify that this issue has not been submitted to the national social dialogue bodies. Indeed, if these provisions are already part of the Labour Code, there is no reason why they should not be included in the Public Procurement Code.

In any case, our organization is available to participate in national consultations to ensure compliance with the provisions of the Convention. I have taken note of this willingness on the part of the government representatives. They are ready, as are the workers' representatives, who are asking for these issues to be discussed. I think there is a consensus on this willingness to engage in national consultations so that improvements can be made at this level. In any case, the preliminary consultation we have already conducted here, between all parties, indicates a convergence of views on the need to consult at the national level so that these issues can be resolved. The Worker representative would agree with me in saying that, before referring the matter to the ILO, the issues concerning this single Convention have not been submitted to the competent national authorities.

Several Conventions have been cited, including Convention No. 98 and Convention No. 144, and our organization is ready to participate in discussions at the national level to ensure that the Convention is fully respected. The Government has expressed its willingness to do so, as have the employers and the workers. I believe that with the assistance of the Office, which asked us back in the 1980s to include these provisions in the Labour Code, we have no concerns about the issue being resolved to the satisfaction of all parties concerned.

Employer member, Democratic Republic of the Congo – We are going to set limits to the issue because it is about Convention No. 94 and not about other Conventions:



- Firstly, according to the observations of COSYBU received by the Committee of Experts, all sectoral agreements were unilaterally repealed by imposing a wage policy after removing all benefits allocated to workers. We consider that, objectively speaking, this statement is too bold, because there is no evidence to support it, and therefore no tangible proof of this allegation.
- Secondly, the Decree of 11 July 1986 on specific measures to be taken to guarantee minimum conditions for workers under public contracts and the Decree of 18 August 1990 on the general conditions of contracts ceased to apply with the entry into force of the Act of 4 February 2008 issuing the Public Procurement Code. However, with this Act, the Government had to adopt new measures to guarantee the protection of conditions of work in the context of the execution of public contracts. However, as things stand, the Public Procurement Code refers more generally to the Labour Code with its provisions relating in particular to minimum working conditions, wages and employment contracts.

But the big question is whether the mere fact that national labour legislation applies to all workers exempts States that have ratified the Convention from taking the necessary steps to ensure that public contracts contain labour clauses.

The answer to this question is “no”. But we must not forget the considerable efforts made by the Government of this sister country. On this aspect, we nevertheless agree with the legal position of the Committee of Experts: the mere fact that national legislation applies to all workers does not exempt States, such as Burundi, that have ratified the Convention from taking the necessary steps to ensure that public contracts contain labour clauses, and we have followed the statement of the Employers, who have shown their willingness if the subject were to be submitted to the national authorities with a view to adopting provisions in the Public Procurement Code. We see the efforts being made by the Government. Given the situation in Burundi as it stands, there is every reason to believe that it considers itself exempt, but the Government indicates that it can incorporate these clauses into the Public Procurement Code even though they are already in the national labour legislation.

In conclusion, what can we say? In the situation in which Burundi finds itself, there is an urgent need for this sister country to take useful measures to ensure the inclusion in public contracts of labour clauses referring, among other things, to wages, working hours and other conditions of work that are no less favourable than the conditions established for work of the same character in the trade or industry, in accordance with Article 2 of the Convention. We must nevertheless take into account the efforts made by the Government.

Worker member, Republic of Korea – Burundi ratified the Convention in 1963. Up to now, the Government has not brought its legal system in line with the ratified Convention and has also failed to meet its obligation to report regularly on its implementation efforts.

Since 2009, the Committee of Experts has repeatedly expressed its regret over the Government’s non-compliance with reporting obligations. It has repeated the same recommendations that the Government adopt the necessary measures without delay to ensure the inclusion of labour clauses in all public contracts to which the Convention is applicable, in accordance with Article 2 of the Convention, and send a copy of the new general conditions governing contracts, indicating the measures taken to ensure minimum conditions for workers employed under public contracts.

As the Committee of Experts documented, Burundi has systematically dismantled required labour protections. In 2008, the Public Procurement Code deleted existing labour protection clauses. The Government allowed Presidential Decree No. 100/49 of 1986 and



Decree No. 110/120 of 1990, which protected public contract workers, to cease without replacement measures. This deliberate legislative regression created a protection vacuum. Workers in public projects face exploitation, while contractors make working conditions worse, knowing that specific labour clause requirements no longer exist.

I would like to emphasize the significance of the basic principle on which the Convention is based. The Convention establishes that all public contracts concluded by governments, local authorities and public enterprises must include mandatory labour protection clauses covering construction, manufacturing and services. These clauses must guarantee wages at or above the minimum wage or collective agreement levels, regulated working hours, occupational safety, leave entitlements and social security coverage.

The Convention embodies the principle that public expenditure must fulfil social responsibility. Governments investing public funds bear an obligation to create quality employment and promote decent work standards. This challenges lowest-cost procurement, requiring consideration of social value in bidding processes to prevent deterioration of working conditions and to block unfair competition exploiting workers in low-wage jobs. That is why various international financial institutions adopt this principle in their policies.

The Asian Development Bank requires borrowers to establish project-specific labour standards and grievance mechanisms, including wage protections and occupational safety measures aligning with the Convention. Similarly, the African Development Bank incorporates labour standards into procurement requirements, recognizing that sustainable development requires protecting, not sacrificing, labour standards.

Therefore, Korean workers echo the Committee of Experts' repeated request to the Government on inclusion of labour clauses in public contracts. We also demand that the Government first engage in social dialogue with its social partners to ensure that labour protection clauses are part and parcel of the contract. Burundi must strengthen its labour inspection system to ensure compliance with labour clauses in public contracts. Furthermore, we demand that workplace collective bargaining be respected together with the right to freedom of association for workers in companies awarded public contracts.

Worker member, Kenya – According to credible information, public contracts in Burundi are shrouded in secrecy and only known by the Government and its contractors, leaving out its social partners. A lack of transparency is a recipe for corruption. According to the Transparency International report of 2024, Burundi is ranked number 165 out of 180 countries on the corruption index. I am calling for transparency in the award of public contracts with the inclusion of social partners to ensure that labour clauses are included in all public contracts.

The Committee of Experts noted that, in implementing the Convention, the Government does not provide specific laws guaranteeing the protection of labour rights for employees recruited to implement public projects. This has left workers exposed to poor working conditions and exploitation. Although the Government submitted that workers' rights are protected by the Labour Code, the Convention still requires specific clauses in public contracts.

There is a growing concern over human and labour rights because most companies often recruit casual labour with high decent work deficits. These workers are just used as statistics on those gainfully employed. Without specific labour provisions, the ordinary dispute resolution system takes time to provide remedies in the event of violations.

It has been noted that international companies are often the beneficiaries of public projects and do not respect trade unions that seek to fight for the rights of workers. Freedom of association and collective bargaining must be found in all public contracts.



Burundi is a party to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). This Convention requires consultations with social partners. However, in Burundi, such consultations are very weak, and the Government does not consult with its social partners before awarding public contracts to ensure workers' rights and the protection of the environment in which they live.

I urge the Government of Burundi to promote transparency when negotiating public contracts to eliminate avenues that could foster corruption and human rights violations.

Observer, International Trade Union Confederation (ITUC) – I would begin by stating that, as you are all aware, public contracts are critical instruments that drive economic development, create infrastructure and provide essential services to citizens. In Burundi, as in many other countries in Africa, public contracts are a key avenue through which government resources are allocated to private-sector entities. However, there are several challenges that emerge during this process, particularly in terms of infrastructure, transparency, fairness, and the safeguarding of workers' interests.

While public contracts between governments and investors or contractors create employment, which is a good economic trend, the Government remains duty-bound to consult the tripartite partners under Convention No. 144, especially while dealing with issues that concern labour and employment.

As we have heard from the Burundi workers, and as supported by the Committee of Experts, Act No. 1/01 of 4 February 2008, issuing the Public Procurement Code, contains no provisions that provide for the protection of workers' rights. In many instances, trade unions and worker representatives are not sufficiently involved in the negotiation or monitoring of public contracts. As a result, workers may not have a voice in the conditions under which they operate, and they also do not negotiate or have the ability to demand better terms and conditions of employment.

I wish to bring to the attention of the Government some of the attributes that arise from such circumstances. One is that the design of any government procurement processes may, in one way or the other, create employment, but it does not involve direct participation of the tripartite partners. First of all, it falls short of the requirements of ILO standards. In particular, processes that stay blind about the provisions on protection of workers' rights are bound to have the following pitfalls. One of them is indecent jobs.

With concern, we realize and note that the Government creates indecent and/or precarious jobs after using a lot of resources through the procedures in place. This situation manifests through casualization of labour and deployment of labour brokers who then offer jobs that do not make it possible for the said workers to even contribute to social security funds and also get salaries that do not qualify them to even earn a living wage or to even pay tax on the "pay as you earn (PAYE)" basis, which could be an additional income to the GDP of Burundi.

Moreover, Government procurement contracts of such a kind do not require or even provide for labour impact assessments, which largely contribute to inaccurate labour market information as the investors will convince the Government that, for example, there is a project that will employ 500 workers, but without specifying and/or verifying the types and durations of employment, the type of employment these people are going to create, and how long the employment shall take. In some cases, you find that this employer is employing one person for three months as a casual worker, and after three months that job is done. They look for another person. Then you also find that these people do not qualify for PAYE in their



employment. Under the circumstances, it is important that such matters be regulated at the point of contracting.

Then we also have inadequate labour inspection. It is also apparent that there is inadequate labour inspection in Burundi, thus making it even more difficult for labour inspectors and workers' organizations to monitor the working conditions of the workers in such projects. Governments allocate resources for the benefit of the citizens, but in reality, workers only survive and grow in age, not in terms of economic benefit as envisaged in the projects at the initial stage.

Our observation is that public contracts, in the real sense, benefit the investors and/or contractors involved in the procurement process more than the Government and the workers.

In conclusion, we urge the Government to take action and also act on the guidance and the recommendations of the Committee of Experts in this important matter. This includes reviewing the relevant law to ensure the participation of the tripartite partners and to provide for employment contracts and other provisions for the protection of workers' rights in the public procurement process.

Government representative – There have been many statements, some of which overlap. We duly note the allegations, some of which are easy to explain, while others are baseless.

I would like to return to the issues relating to the wage policy, which, according to the Workers' comments, has called into question certain workers' rights. As you know, the quest that guides the ILO is social justice for all – Burundi has its own history in that it has gone through almost a decade of social unrest that has affected the world of work. The Government's primary mission is to rectify the situation by looking at how to apply provisions in favour of social justice. The wage policy had no other objective than this. With the crisis we have been through, we ended up with special statutes for each sector. We found ourselves in a state of wage anarchy, with wage disparities that called into question the principle of social justice for all and equal pay. This is the situation that the measures taken by the Government sought to rectify. In the absence of a national wage policy, we proceeded in this manner. In order to establish a basic policy that sets the principle of wage equity, the current wage policy was developed by a tripartite commission composed of worker representatives, including COSYBU. The country has many trade unions comprising around 120,000 workers, with the education sector accounting for around 80,000 workers. They are represented by trade unions and federations which were part of the tripartite technical commission that developed the above-mentioned policy.

As labour director-general for ten years, I have observed how the commissions have worked and, while there may have been misunderstandings, we have been guided by the objectives of equity and social justice to ensure that there are as few disparities as possible in terms of wages. It is not perfect, but it is this spirit that has guided the implementation of a wage policy, initially in the public sector. It is possible that this has affected the application of one or other provision of the Convention, but the National Labour Committee (CNT) and the National Council on Social Dialogue (CNDS) are bodies designed to hold discussions whenever an issue arises, so that we can find solutions.

The policy was adopted within this framework, and the suspension of annuities and allowances, which are emoluments forming part of wages, was caused by the need to suspend certain specific allowances, particularly in the justice and health sectors. To date, there have been financial adjustments as well as adjustments to grade progression. All changes are



systematically made with the unions and employers. There is therefore no danger, and if there are still misunderstandings, we will discuss them in order to find a suitable and appropriate solution.

With regard to community work that is deemed equivalent to forced labour, the Government has explained itself at length on this subject, and we are now in a position to prove that this practice is not forced but voluntary, and carried out by the population. It's nothing to do with the workers' unions. In 2008, we had just signed agreements to end the fighting and hostilities. The country was still in the process of reconstruction and the socio-political situation was difficult. I believe that the current community work is not of the same nature and that it has never really been akin to forced labour. The Government has explained this at length, and we are able to provide further written and oral testimony if necessary. We are ready to respect the principles of social justice for all and fairness in terms of compliance with standards. As indicated by the Employer member, we must not create confusion by mentioning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). It was not out of bad faith that we could not respond to all correspondence. We did ask ourselves questions, but very late in the process. The first speaker said that, since 2008, there have been about 13 pieces of correspondence requesting responses regarding the application of the Convention. I am surprised. I told you that, in more than ten years in the secretariat of the National Labour Committee, we have never discussed any violation of this Convention. We discussed offences relating to work, but none relating to public procurement – and I can tell you that public procurement is not managed by the Ministry of labour but by the Ministry of Finance. I see that we do not have a culture of integrating these aspects into labour administration. I take due note of this aspect, and we will take account of it in the future. We are in the process of developing a national employment policy. For example, we have had discussions saying that persons with disabilities are discriminated against in the labour market, and we want to take measures for their inclusion. The policy states that, when awarding public contracts, the contract will be awarded to those who have included clauses promising to include people with disabilities in the labour market. This is the Government's policy. So we will do everything we can to correct this. I therefore ask the social partners to take these aspects into account, as these issues have never been discussed within national tripartite bodies before. I think that is really what I take away from this session. Aspects relating to the Convention should be taken into account in future tripartite discussions.

What the Employer member of Burundi said is correct: before these allegations were referred to the Committee of Experts, they should have been discussed within the competent national bodies. If misunderstandings persist, dialogue will be prioritized.

We have set up bodies after lengthy discussions, so we must make the most of dialogue. The Government is willing to do so. If there is the political will to put these frameworks in place, it is to clean up all aspects of the world of work. If the Convention has not been respected – I say this under the supervision of my social partners who are here – we have never initiated any discussion on public procurement. We must fulfil this obligation, we must begin to include these issues into our discussions and take all possible measures to ensure that compliance with standards is incorporated into our public procurement rules. Public procurement is managed by the Ministry of Finance, and we have been promised support with the technical aspects. We need the technical aspects to strengthen the application of the Conventions in the context of public procurement contracts. Today, Burundi has not yet signed a major public procurement contract involving the employment of thousands of workers. Soon, we will be setting up a railway network. I think that with such projects we will be very vigilant about incorporating these provisions into the relevant contracts. I think a standard contract could



help us, because we currently do not have a model to use. No examples are cited in the allegations. Otherwise, we would have discussed it and already found solutions.

In conclusion, we promise to take account in future discussions of the aspects of public procurement which have been discussed.

Worker members – I would like to thank all speakers for their contributions, particularly the Government. However, it is clear that the lack of action, and even information, regarding the application of the Convention over the years remains problematic. Although it was on the long list, the Government did not provide any information in this regard.

We emphasize that the Convention is an essential instrument for ensuring adequate conditions of work for workers in public procurement. Without it, there is no transparency regarding conditions of work in these public contracts. This opens the door to the exploitation of workers. The Government has a clear responsibility to ensure that appropriate social clauses are included in these public contracts. It has neglected to do so for far too long.

The information provided here by the Government should be forwarded to the Committee of Experts for in-depth examination, particularly with regard to the Government's actions relating to the cancellation of collective agreements and their link to the obligations arising from the Convention.

We therefore call on the Government, in consultation with the social partners, to take the necessary steps without delay to ensure that social clauses are included in all public contracts.

This must clearly apply to all public contracts covered by the Convention, in accordance with Article 1. Once these measures have been adopted, we ask the Government to send the Committee of Experts a copy of the new general conditions governing public procurement, as well as to indicate the measures taken or envisaged to guarantee minimum conditions for workers employed under a public contract.

We also call on the Government to strengthen labour inspection in terms of recruitment, training, capacities and resources, as has been requested, in order to ensure that compliance with labour clauses is properly monitored.

We request that social dialogue and collective bargaining be respected, including in the public sector.

Furthermore, we urge the Government to respond fully to the various other requests made by the Committee of Experts which remain unanswered.

Lastly, we ask the Government to accept the visit of an ILO direct contacts mission and to inform the Committee of Experts by 1 September 2025 of the measures taken to implement the recommendations made by the latter.

Employer members – We have taken note of the explanations provided during the session by the various speakers. Governments should not award public contracts for which conditions of work fall below a certain threshold of social protection. This applies in particular to Burundi, which ratified the Convention in 1963. On the contrary, governments that have ratified this Convention should set an example by complying with the law.

We therefore recommend that the Government take the necessary measures without delay to ensure that labour clauses are included in public contracts to which the Convention applies, to send the ILO the text of the new general terms and conditions of public contracts under the new Public Procurement Code, and to indicate the measures taken or envisaged in



consultation with the social partners to guarantee minimum conditions of work for workers employed under a public contract.

Conclusions of the Committee

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

The Committee regretted that the Government did not provide the requested reports and urged it to comply with its reporting obligations in the future.

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

- **ensure the inclusion of labour clauses in all public contracts and provide a copy of the new general conditions governing contracts;**
- **indicate the measures planned or taken to ensure minimum conditions for workers employed under a public contract;**
- **strengthen the labour inspection to guarantee compliance with labour clauses;**
- **respect social dialogue and collective bargaining, including when setting the terms of clauses to be included in public contracts; and**
- **address any pending request from the Committee of Experts.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.

Chairperson – I invite the representative of the Government of Burundi, the Director-General of Labour and Employment, to take the floor.

Government representative – The Government reiterates its thanks to the ILO for its collaboration and its technical support to ensure better observance of international labour standards in our country. We affirm that we duly record and note the observations and recommendations made with regard to our country concerning observance of the Convention. We promise that we will work closely with the social partners to identify all current defects in the drawing up of public contracts and to analyse together the Public Procurement Code with a view to adapting the Labour Code to the provisions of the Convention. We will also produce the necessary reports as requested by the Committee, respecting the deadline of 1 September 2025.



Chad (ratification: 2000)

Worst Forms of Child Labour Convention, 1999 (No. 182)

Written information provided by the Government

Article 3(a) of the Convention. All forms of slavery or practices similar to slavery. Forced or compulsory recruitment of children for use in armed conflict

The following actions have been taken for the protection of children:

- Order No. 001/PR/2014 prohibiting and punishing the enlistment or use of children in armed conflict;
- Order No. 006/PR/2018 against trafficking in persons.

The following measures have been taken for the protection of children:

- Child protection training has been put in place for military personnel, including those responsible for instructing new recruits.
- Strict penalties have been introduced against any person failing to respect the orders of the child protection services established in each military zone.
- Chad has set at 18 years the official minimum age for recruitment to the armed forces and security forces, and has penalized the recruitment and use of children in armed conflict.
- Checks have been performed on 4,000 military personnel as part of the inspections led jointly by the Government and the United Nations in all the country's military bases.
- Subsequently, in 2014, following the full implementation of the action plan, the Chad armed forces were withdrawn from the United Nations Secretary-General's list of parties that illicitly recruit and use children.



Debt bondage and serfdom and forced labour

The Government has taken the following measures to investigate, address and resolve the problem:

- Crimes of exploitation are punished under section 15 of Order No. 006/PR/2018 which provides that any person who commits the crime of forced labour or services shall be punished by the penalty provided for in the Criminal Code or the Labour Code.
- Any person who practices, facilitates or makes financial or material profit through the slavery of another person or a similar practice shall be punished by imprisonment of five to ten years and by a fine of between 100,000 and 500,000 CFA francs.
- Any person who uses child labour shall be punished by the penalty provided for in the regulatory and legislative texts pertaining to child labour.
- A National Commission to combat trafficking in persons has been set up to prevent and combat all forms of trafficking in persons, ensure protection of victims, collect data on trafficking, and promote cooperation and collaboration to this end.

Article 3(b). Use, procuring or offering of a child for prostitution

The provisions of sections 16 and 22 of Order No. 006/PR/2018 supplement the provisions of sections 335 and 336 of the Criminal Code.

Article 3(c). Use, procuring or offering of a child for illicit activities

In this regard, section 23 of Order No. 006 provides for a punishment of imprisonment of 20 to 30 years and a fine of between 100,000 and 2 million CFA francs.

Article 3(d). Children at special risk. Muhajirin (talibé) children

Sections 185 and 188 of Act No. 001/PR/2017 of 8 May 2017 issuing the Criminal Code and sections 19 et 23 of Order No. 006/PR/2018 punish begging. While it is true that we must fight

against ignorance and teach children to respect the dignity of humankind through the holy scriptures, abuse, torture and exploitation of these children are reprehensible acts.

Children working as domestic workers

The Minister of Telecommunications and the Digital Economy has prepared a document to support Chad's digital transformation entitled Workforce Management Procedure (PGMO), 2024.

The purpose of the Workforce Management Procedure document is to set out clear procedures to identify and manage all specific and potential problems concerning the work of all workers, in accordance with the provisions of the Labour Code in force in Chad and the requirements of the World Bank Environmental and Social Standard 2 (ESS2) relating to labour and working conditions.

The Workforce Management Procedure document aims to determine the workforce needs and the risks associated with the project. Its main specific objectives are to:

- establish prevention and response measures for sexual exploitation and abuse (and sexual harassment);
- prevent the use of forced labour and child labour;
- promote occupational safety and health;
- protect and promote occupational safety and health by encouraging environments free from sexual harassment, and sexual exploitation and abuse;
- encourage fair treatment, and non-discrimination and equality of opportunity for project workers, including measures to prevent and address discrimination against women;
- protect workers, particularly those who are vulnerable, such as women, persons with disabilities, children (of working age) and migrants, as well as contractual and community workers, and employees of the primary provider, where relevant;
- support the principles of freedom of association and the collective agreements of the project workers, in line with national law.

The domestic labour regulations have not been adopted.

Article 3(a). The worst forms of child labour. All forms of slavery or practices similar to slavery. Sale and trafficking of children

Act No. 001/PR/2017 of 8 May 2017 issuing the Criminal Code has been adopted; Order No. 006/PR/2018 of 30 March 2018 against trafficking in persons in the Republic of Chad has also been adopted.

The Ministry of Justice announced that it investigated, prosecuted and convicted three possible traffickers.

The courts punished the perpetrators with the following penalties:

- imprisonment of five years and a fine of US\$1,000;
- imprisonment of five years and a fine of US\$200;
- imprisonment of 18 months and a fine of US\$200.



The courts also announced that they sentenced a trafficker who forced several victims to work in the gold mines in the north of the country to three years' imprisonment and a fine of 200,000 CFA francs.

Article 3(d). Hazardous work. Children working in the informal economy

Two of our labour inspectors have recently finished training with the African Regional Labour Administration Centre (CRADAT). They will be able to make an effective contribution.

Article 7(2). Take effective and time-bound measures. Article 7(2)(a). Prevent the engagement of children in the worst forms of child labour. Access to free basic education

Measures which must be taken in this regard by the Government are the:

- establishment of lifelong training programmes for teachers to strengthen their pedagogical and technical skills, while ensuring decent and motivating working conditions to prevent strikes and ensure continuous learning (to motivate pupils to continue to go to school and to prevent girls from staying at home to carry out household chores);
- modernization of programmes to adapt them to current needs, and to scientific and technological developments;
- equipment of schools with modern learning tools (computers, laboratories, digital libraries);
- building and renovation of school facilities to provide an environment that is conducive to learning;
- establishment of support programmes for pupils in difficulty (tutoring, catch-up classes) and improvement of career guidance so that pupils can choose their study paths in line with their skills and aspirations;
- establishment of a quality control mechanism for education in all regions in the country.

Statistical data unavailable.

Article 7(2)(d). Children at special risk. Children working and living in the street

The Minister of State for Women and Early Childhood met with street children on 11 September 2024 as part of a programme to improve their situation. This initiative is part of efforts to reintegrate these children into their families, thereby offering them an alternative to the difficult life they lead on the streets of the capital city. The aim of this meeting was to listen to these marginalized children, while providing them with advice concerning their family reintegration.

The programme is part of the Government's national child protection policy, which focuses especially on the rehabilitation of vulnerable children. The testimonies gathered showed that several among them hope to reunite with their families and to return to a more stable and protected life.

In response to the wishes expressed by the children, the Minister has taken the initiative of personally accompanying some of them to their respective homes. This action is aimed at strengthening family ties while facilitating dialogue between the children and their parents, an essential condition for successful reintegration.

This programme, which has a broader reach, aims to improve the living conditions of vulnerable children. In addition to family reintegration, follow-up measures are planned to



ensure the children's long-term protection and support them in their search for a fulfilling and stable life.

The Ministry's approach, which has been welcomed by several observers, is seen as a significant step towards a more inclusive society where each child has the chance to grow up in a loving and safe environment.

HIV/AIDS orphans

The Government has taken measures through the provisions of Act No. 019/PR/2007 of 15 November 2007 to combat HIV/AIDS/STI and to protect the rights of persons living with HIV/AIDS.

Section 19: The rights to non-discrimination, equal protection and equality before the law shall be guaranteed for persons living with HIV and for children and orphans made vulnerable owing to AIDS, on an equal footing as for others.

Section 21: The State must ensure the protection and respect of children's fundamental rights in the context of HIV/AIDS.

Section 30: Children and orphans made vulnerable owing to AIDS have the right to a normal education, information, counsel and care. They must not be subjected to any discrimination whatsoever in any school.

Article 8. International cooperation. Poverty reduction measures

The Government must envisage helping the most vulnerable children, particularly by giving them access to quality health services, food, water and education, and to ensure that they grow up protected from violence and exploitation wherever they are and wherever they live.

Discussion by the Committee

Chairperson – I have the honour of inviting the honourable representative of the Government of Chad, the Permanent Secretary of the National Social Dialogue Committee, to take the floor.

Government representative – I would like to express our appreciation for the work of the Committee of Experts in monitoring and evaluating compliance with the Conventions and Recommendations of our Organization, which is a significant support for Members when improving their national legislation.

It comes as a surprise to us, however, to be on the list of countries called before the Committee, knowing that all the regular reports on the Conventions ratified by Chad (for the period from 1 June to 1 September 2024) including Convention No. 182, were transmitted last year. We recall that, since 2023, Chad has been making considerable efforts to meet the reporting obligations despite the very limited knowledge of our small team. Up to 2022, Chad had serious problems with the submission of reports on ratified Conventions and the submission of the instruments to the competent authorities. In 2023, at the 111th Session of the Conference, we undertook to overcome these difficulties, and we requested ILO technical assistance to this end. Unfortunately, to date, our request has been met with silence. Chad kept its commitment and since 2023 the reports have been transmitted, and the country has fulfilled its obligation to submit. In the same way, the replies to the direct requests and the observations formulated by the Committee of Experts on the Convention and on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) were



transmitted and were received by the Department of Standards last month, by the set deadlines:

- For Convention No. 182, the regular report in reply to the 2024 direct request and observation were submitted, and another transmitted last month at the request of the Committee.
- Likewise, the report on Recommendation No. 205, which had not been sent and which had placed Chad on the list of serious failures, was sent last month.

For the cases concerning the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12), the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), and the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), in 2024, and Recommendation No. 205 in 2025, we had not understood how instruments not ratified by a State Member should be the subject of a report. Faced with this difficulty, we once again requested ILO technical support by reinforcing the 2023 request for technical assistance, at the 111th Session, but our request was not heeded. In addition, in view of the national priorities in promoting decent work in Chad, we then referred the matter to the ILO Decent Work Technical Support Team for Central Africa and the ILO Country Office for Cameroon, Sao Tome and Principe, and Equatorial Guinea on several occasions to train labour inspectors and the social partners in preparing reports on non-ratified Conventions, through workshops. Here too, despite the remote support provided by the expert, no training was provided, as all attempts to that end failed. Again today, before this august assembly, we reiterate our request for technical assistance in accordance with our country's priorities as soon as possible so that we may advance with the Decent Work Agenda for Chad.

It should be highlighted that, since 2024, the Government has strengthened the team that prepares the reports. This work, which used to be the responsibility of a single person, can now be done more efficiently by several people. However, these new officials do not have the basic knowledge of international labour standards.

As the worst forms of child labour can be understood as all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour; the forced recruitment of children for use in armed conflict; the use of children for prostitution or pornographic production; the use of children for the production and trafficking of drugs; and all work that is likely to harm the health, safety or morals of children, their prohibition has been reaffirmed in the Constitution of the Republic of Chad and reproduced in the Labour Code.

Furthermore, in 2023, in an effort to find lasting solutions to this scourge of child labour, Chad joined Alliance 8.7 to benefit from the experience of other pioneering countries in this regard. A workshop was therefore organized from 4 to 5 April 2024 on Alliance 8.7 with the support of the ILO, which resulted in a road map for the elimination of child labour, forced labour and human trafficking in our country.

The workshop brought together government representatives, employers' and workers' organizations, civil society and the United Nations (UN) system. The reality of child labour, forced labour and human trafficking were addressed. Actions were identified to strengthen the coordination of national efforts and accelerate the achievement of Goal 8.7 of the Sustainable Development Goals. Consensus was reached on a road map, whose follow-up is coordinated by the Ministry. Further to the workshop, we were included on the list of pioneer countries.



I will conclude by emphasizing that Chad is a country that ensures compliance with the ratified international Conventions, and with everything related to the world of work, and we reiterate our determination to do better. To this end, we are counting on the support of the ILO to promote a healthy working environment in Chad.

Employer members – Before I begin, I would like to thank the Government for the oral and written information provided on the application, both in law and in practice, of the Convention. In line with usual practice, we wish to provide information on the context of the case to ensure better understanding. This is the first time that the Committee is discussing this case. Chad ratified the Convention in 2000, and the Committee of Experts provided observations on the case on three occasions, namely, in 2009, 2014 and 2024, in which it noted both the reports submitted by the Government and the comments made by the social partners.

Before examining the comments of the Committee of Experts, the Employers would like to highlight the importance of the Convention as one of the ten fundamental Conventions. The Convention requires States to adopt immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. For the Employer members, compliance with this Convention is of utmost importance, not only because it is a fundamental Convention, but also because we are convinced of the need to promote, both in law and in practice, the effective protection of children from the worst forms of child labour. Reflecting, therefore, a universal consensus and a strong tripartite commitment, the Convention reminds us of the absolute importance of combatting the worst forms of child labour. For the Employers, it is therefore essential that all Member States fully comply with their obligations under this Convention.

Consequently, it is important to bear in mind that this case invites us to discuss the effective implementation of appropriate measures, in compliance with the requirements set out, specifically, in Articles 3 and 7 of the Convention. For this reason, I will divide my statement into two parts, in order to separately examine the international commitments deriving from both Article 3 and Article 7 of the Convention.

Firstly, Article 3 of the Convention describes the worst forms of child labour, with the practices indicated in subparagraphs (a), (b) and (c) being relevant for this case.

Regarding Article 3(a) of the Convention, the Employer members note the legislative efforts undertaken to prevent and punish forced recruitment. The Child Protection Code and section 370 of the Criminal Code in particular, represent significant progress – in the right direction.

The Employer members also welcome the indication, in the observations of the Committee of Experts, that the Government armed forces reportedly do not engage in practices of forced recruitment. We also highlight the creation of the National Commission to combat trafficking in persons, which is responsible for collecting information and coordinating efforts on this issue. However, we note with deep concern that armed groups continue to use and recruit children. We therefore urge the Government to adopt, in practice, effective measures, aimed at preventing this situation and effectively punishing the perpetrators

Although we recognize the challenges related to public order faced by the Republic of Chad, we call on the Government to prioritize, in all action plans, the prevention of forced recruitment by illegal armed groups, and the investigations leading to the effective sanctioning of the perpetrators of this practice.

Furthermore, with regard to the examination of Article 3(a) of the Convention, we must refer to the situation of child livestock-herders (*enfants bouviers*), as it undoubtedly constitutes



servitude The Employer members note that the 2017 Criminal Code and section 5 of the Labour Code prohibit slavery. However, we are deeply concerned about the effective implementation in practice of this prohibition, as well as the shortcomings that continue to exist in the legislation for the protection of children. and forced or compulsory labour, which are prohibited by the Convention. The situation of child livestock-herders, as the Government itself recognized in its report to the UN Committee on the Rights of the Child, is particularly concerning, and although regional committees have been created to combat this practice, efforts still need to be increased. We therefore consider it a priority for the Government to move forward with the final approval of the Child Protection Code, which is in progress, and which furthermore guarantees, in practice, the protection of children under the age of 18 years from child herding, as a matter of urgency, including the effective sanctioning of the perpetrators.

Regarding Article 3(b) of the Convention, the Employer members note sections 335 and 336 of the 2017 Criminal Code, which prohibit the sexual exploitation of minors in Chad, and which punish the perpetrators of acts of procurement. However, we agree with the view of the Committee of Experts that it is essential for the Government to adopt the necessary legislative measures aimed at amending the Criminal Code in order to include regulatory provisions that specifically punish clients for using or seeking to use a child aged under 18 years for prostitution. Without any doubt, sections 16 and 22 of Order No. 006 of 2018 do not seem sufficient to combat child prostitution.

Concerning Article 3(c), the Employer members observe with deep concern, and along similar lines, that although the Government has made efforts, by means of Order No. 006 of 2018, to prevent the use of children in illicit activities, there continues to be a gap in terms of effective legislative measures prohibiting this practice. We therefore urge the Government to adopt the necessary measures and to keep this Committee informed of any new developments in this respect.

Secondly, Article 7 of the Convention requires States to adopt sanctions to eliminate the worst forms of child labour, including penal sanctions or, as appropriate, other sanctions. Furthermore, Article 7(2) calls for Member States to adopt, taking into account the importance of education in eliminating child labour, effective and time-bound measures.

With regard to these provisions, we note the efforts undertaken by the Government, according to the report submitted to the Committee on the Rights of the Child, concerning actions to identify, transfer and support minors associated with armed forces or groups. Nevertheless, we observe with concern that children continue to be used for the conduct of criminal activities by illegal groups. We therefore support the call by the Committee of Experts for the Government to step up its efforts to prevent the recruitment of children by armed groups, and to ensure that children are removed from these groups and receive the support necessary for their rehabilitation and social integration, including their reintegration into the school system or into vocational training, where relevant. We urge the Government to take effective and time-bound educational measures to prevent the engagement of children in the worst forms of child labour.

Regarding Article 7(d), we note the efforts made by the Government, through the Ministry for Women and Early Childhood, to improve the situation of children in the long term, and to support them in their search for a fulfilling life. We also express our concern regarding two issues: children engaged in begging; and the fact that despite the prohibition of economic exploitation by the draft legislation, the sanctions established are not sufficient to protect children from the worst forms of child labour.



Lastly, we recall that Member States must keep the ILO informed of any developments in this respect, and we request the Government to implement all legislative amendments and reforms, in consultation with the most representative social partners, and to move forward with the adoption of effective measures to protect children against the worst forms of child labour.

Worker members – This is the first time that our Committee is examining the application of the Convention by Chad. The examination of this Convention with regard to Chad has been the subject of a double footnote, which testifies to the persistence of serious practices in breach of the Convention and the absence of information from the Government since 2009. The Committee of Experts has raised serious concerns regarding the application of this Convention in Chad.

The first concern raised in the report of the Committee of Experts relates to the continued use and recruitment of children by armed groups in Chad. The report of the UN Secretary-General to the Security Council of 3 June 2024 on children and armed conflict emphasizes that cross-border conflicts and intercommunal violence have continued to affect children, particularly those living in the central Sahel and the Lake Chad Basin region. The report also highlighted serious violations committed against excessive numbers of children in the Lake Chad basin region. These violations included the recruitment and use of children by rebel or foreign forces.

Despite all these disturbing findings, the report nevertheless highlighted the efforts made by the Government to implement its action plan to combat the recruitment and use of children, which was completed in 2014, and the 2014 handover protocol. We can only encourage the Government to continue its efforts in this area and, if necessary, to establish a new plan. We echo the UN Secretary-General in calling for the perpetrators of violations against children to be held accountable for their actions, and for disarmament, demobilization and social rehabilitation and reintegration programmes to take account of the specific rights and needs of children who have been associated with armed groups.

In this regard, the Committee of Experts' report refers to a preliminary draft Child Protection Code, which has not yet been adopted but contains legal provisions that would make it possible to combat these practices. We hope that the Government will do everything in its power to ensure that this text is adopted as soon as possible and that it provides the competent authorities with all the necessary means to enforce these provisions.

Another particularly worrying practice highlighted by the Committee of Experts' report is the exploitation of boys between 6 and 15 years of age as herders. Although this practice is clearly prohibited by law, it unfortunately still occurs in Chad. However, the Government is making efforts to combat this practice, in particular by setting up child protection committees. We can only call on the Government to take immediate and effective measures to eliminate this practice in Chad. Children are also exposed to sexual exploitation. While pimping is punishable under the Chadian Criminal Code, clients who use children for prostitution are not subject to any criminal charges under the Code. Children are also involved in illicit activities such as drug production and trafficking. However, here again, the Criminal Code does not contain any provisions prohibiting the use, recruitment or offering of a child under the age of 18 for illegal activities.

The Committee of Experts' report outlines the measures put in place by the Government for children who have been recruited and used in armed conflict in Chad. These include efforts to identify, transfer and care for minors based on a memorandum of understanding between the Government of Chad and the UN regarding the transfer of children associated with armed



forces or groups. Chad also takes care of the transfer of these children from prisons to transit and orientation centres to ensure that they receive adequate care. The Government is also putting in place family reunification measures. We can only encourage the Chadian Government to continue and intensify its efforts in this area.

The report also refers to the situation of *mouhadjirin* (talibé) children. These are the thousands of children who are used for begging by unscrupulous individuals for purely economic purposes. The Committee of Experts' report notes with regret that the Government has not provided it with any information on this subject since 2009. Yet this is one of the worst forms of child labour, which is totally at odds with the terms of the Convention.

Children are also subject to another form of exploitation in Chad – namely, domestic work. Although the Government appeared to indicate that the domestic work sector was in the process of being regulated, there is nothing specific in the report to suggest that concrete measures have been taken in this regard. It is clear that the eradication of these practices will require the establishment of inspection services with sufficient resources to carry out their tasks. The training of labour inspectors is also essential to enable them to enforce the applicable standards.

The lack of information available to the Committee of Experts to carry out its work is blatantly obvious in the report. It is fortunate that we are now able to engage in dialogue with the Government of Chad to obtain more information on the initiatives it has taken. However, it must recognize the importance of engaging in dialogue with the ILO so that a proper and regular assessment of the situation can be made. Lastly, we would like to signal to the Government that the ILO will always be at its side to help it implement in practice the rights and freedoms enshrined in the international labour Conventions.

Worker member, Chad – I fully support the statement made by the Worker spokesperson. I also fully support the Committee of Experts' observations published in the 2025 report regarding the application of the Convention in my country.

In its report, the Committee of Experts noted with deep concern the continued recruitment and use of children in armed conflict by armed groups. The Committee of Experts also expressed its concern at the persistence of the practice of child herders, in which children are subject to a form of semi-slavery, and the absence of information provided by our Government on the measures taken to end this practice.

The Committee of Experts further noted with regret that, since 2009, our Government has not provided information on the measures taken to protect *mouhadjirin* (talibé) children from forced or compulsory labour.

Additionally, the Committee of Experts noted with regret the continued absence of legislative provisions to prohibit and penalize the use of a child for prostitution and the use, procuring or offering of a child for illicit activities, child domestic work and debt bondage.

The use of children in armed conflict is extremely concerning. These are armed groups that unlawfully recruit children to advance their own cause. Although such practices are prohibited under Chadian law, the difficulty lies in suppressing these armed groups. The UN is providing assistance to my country in combating terrorism, including Boko Haram and other Islamist groups operating in our subregion. However, the problem persists despite this assistance. These children face a serious dilemma if they wish to leave the armed groups. They are threatened with death, and those who manage to escape are often pursued. The situation is dire, and we are calling for support to end acts of terrorism in my country and across the



subregion. I also appeal to those supporting these armed groups: please stop, because you are contributing to worsening the problems faced by the children and citizens of my country.

The issue of child herders is another form of exploitation and slavery. It is essential to examine the push factors. It all stems from poverty in the country. According to the UN Human Development Report 2023, my country ranks 190th out of 193 countries on the human development index, placing it in the low human development category. The World Bank also noted that poverty and vulnerability are widespread in Chad, with 44.8 per cent of the population living below the national poverty line in 2022. Extreme poverty (defined as living on US\$2.15 per person per day in 2017 purchasing power parity terms) rose by 2.6 percentage points between 2023 and 2024, reaching 36.5 per cent. This increase means that an additional 688,000 people have fallen into extreme poverty.

I call on our Government to step up its efforts to address the economic challenges that drive families to entrust their children to those with greater means, where they are then exploited as domestic workers, herders, in prostitution or in other illicit activities.

I also urge the Government to engage with the tripartite partners to set minimum wages that enable families to support themselves and help to reduce poverty.

Concerning the situation of talibé children, whose marabout masters use them: when they reach the age to leave, they are subjected to violence, which forces them to take to the streets.

Although I recognize certain legislative progress made by our Government, such as Order No. 001/PR/2014 of 4 February 2014 prohibiting and penalizing the recruitment or use of children in armed conflict, and Order No. 006/PR/2018 of 30 March 2018 against human trafficking, I call on the Government to place greater emphasis on the effective implementation of these laws. Labour inspection in the country remains very weak: labour inspectors are not sufficiently trained and lack the financial and material resources needed to carry out their duties. I call on the Government to step up its efforts in this area. Labour inspection plays a crucial role, both as a deterrent and through repression, against those who violate the law. Harsh penalties must be imposed on those who violate children's rights.

In conclusion, I call on this Committee and other UN agencies to assist our country in ending the ongoing conflict caused by armed groups and those who indoctrinate them, and to help save our children from the push factors that lead them into illicit activities.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, , the European Free Trade Association (EFTA) countries, **Iceland** and **Norway**, and members of the European Economic Area align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights and the fight against child labour as enshrined in the Convention. We support the ILO's supervisory system and call for the universal ratification and effective application of fundamental Conventions.

We express deep concern at the Committee's findings regarding Chad and the continued recruitment and use of children under 18 years by armed groups, including in the Lake Chad Basin. We call on the Government to take all the necessary measures to ensure the full and immediate demobilization of children and to carry out thorough investigations, prosecutions and to impose effective and dissuasive penalties for all perpetrators.



We also urge the Government to adopt the long overdue Child Protection Code, which should include the complaint mechanism and child protection safeguards.

We are also alarmed by the persistence of practices akin to slavery, such as the exploitation of children as cattle herders. These children, some as young as 6, remain subjected to semi-slavery conditions. We, therefore, urge the Government to eliminate these practices as a matter of urgency, ensure accountability and provide detailed information on enforcement and protection measures.

We further regret the continued absence of legislative provisions explicitly criminalizing clients of child prostitution, and prohibiting and penalizing the use of children in illicit activities, such as drug production and trafficking. We urge the Government to adopt specific legal prohibitions and ensure their enforcement. This implies that effective and dissuasive penalties must be applied in practice.

The situation of talibé children remains of particular concern. These children are highly vulnerable to forced labour, including economic exploitation through organized begging.

We reiterate the Committee of Experts' call, urging the Government to implement time-bound measures to withdraw these children from exploitative situations, provide appropriate rehabilitation and reintegration and report on progress achieved. We also note with concern the abusive employment of children in domestic work and the absence of regulations and protection for child domestic workers.

We encourage the Government to adopt legislation and practical measures, including shelters and oversight mechanisms and to report on the measures taken. Furthermore, the high prevalence of child labour, including in hazardous conditions, combined with the absence of complaints recorded by labour inspectors, underscores the need to strengthen inspection services and enforcement capacity, including in the informal sector.

We call for improved data collection, disaggregated statistics and transparency on violations and sanctions.

Finally, we note the related concerns under the Minimum Age Convention, 1973 (No. 138), particularly the gap between the minimum age for employment, 14 years, and the age of completion of compulsory schooling, 16 years. As well as legal inconsistencies that allow children to start apprenticeships, light work and hazardous work at too young an age or without adequate safeguards.

We urge the Government to align national legislation with Convention No. 138 and ensure that legal frameworks support access to education and training and protect children from exploitation.

The EU and its Member States took note of the written information provided by the Government of Chad on 16 May and encourage the Government to intensify its cooperation with the ILO including the possibility of technical assistance and to engage meaningfully with social partners.

We will continue to follow the situation closely and remain ready to support the Government's efforts aimed at ensuring compliance with international labour standards and upholding the rights and dignity of all children in the country.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points.



While strongly deploring the fact that children are still being recruited and used in the armed conflicts that are continuing to afflict Chad and the Sahel region, Switzerland welcomes the information that the Government armed forces in Chad have ceased to have recourse to children. It strongly encourages the Government of Chad to continue its efforts to prevent the recruitment of children in armed groups and to promote the rehabilitation and social integration of former child soldiers. The measures adopted to prosecute and punish persons forcible recruiting children for use in armed conflicts must also be strengthened.

The recruitment and use of child soldiers is not, however, the only manifestation of the worst forms of child labour in Chad. Although forced labour, serfdom and slavery are explicitly prohibited by the Labour Code and the Constitution, the practice of so-called child herders, which involves a system of semi-slavery of boys between the ages of 6 and 15, persists. Moreover, there are still many cases throughout the country of children under 18 years of age being used for prostitution and other illicit activities. Switzerland condemns these practices, which are contrary to the provisions of the Convention, and regrets the lack of information provided by the authorities of Chad on the specific measures taken to combat these forms of child labour.

The Swiss Government calls on the Government of Chad to take all the necessary measures to bring an end to all unlawful forms of the exploitation of children and to punish those responsible. That involves, among other measures, undertaking in-depth investigations and prosecutions, adopting sufficiently dissuasive sanctions and introducing new provisions into the Criminal Code explicitly prohibiting the use of children for prostitution and illicit activities. Switzerland expresses the hope that the draft Child Protection Code will be adopted and applied as soon as possible. Finally, as the worst forms of child labour necessarily have their roots in the very existence of child labour, Switzerland also calls on the Government of Chad to raise the minimum age for admission to employment in order to align it with the age of completion of compulsory schooling, which is set at 16 years, so as to limit the number of children engaged in child labour.

Employer member, Mexico – The first part of this statement is an invitation to everyone here to reflect, since it is clear that if anything causes pain in our society, it is the mistreatment of young persons. Consequently, we cannot disregard practices that harm their integrity, since children are the pillars of our future society. We must underline the fact that, as stated in the preamble to the Convention, “[...] the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families”.

According to information available on the official website of the organization Humanium, in 2018, Chad was considered to have made moderate progress in its efforts to eliminate the worst forms of child labour, as the country sent three labour inspectors on a 45-day training course at the ILO’s African Regional Labour Administration Centre. The Refugees and Host Communities Support Project was also introduced to improve access to healthcare for refugees, including children, who had been subjected to unacceptable forms of labour.

The Government of Chad is called upon to give effect to the Convention, in particular Article 6(1), which indicates: “Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour”. This requires it to take immediate action to prevent the emergence of situations involving the types of work referred to in



Article 3 of the Convention. Although progress has been made in Chad, it remains insufficient to ensure that child development is treated as a fundamental priority.

On behalf of the Confederation of Industrial Chambers of the United States of Mexico, we reject any acts aimed at trafficking young persons, their exploitation in sexual or unsanitary activities, and in any activity that may endanger their integrity and the most fundamental right that must be protected: the right to life.

Let us not forget that the abuse of children is not restricted to a single geographic area. Even though we are dealing with the case of Chad today, this is also a call to the international community represented here to prevent the continuation of these regrettable practices so as to eradicate violence against young persons.

We insist that the future of young persons must be guaranteed since, if they do not enjoy a full childhood, we are destined to carry on facing the atrocities which have been committed to this day. Moreover, we must not forget that this Convention, which is the object of non-compliance, is considered fundamental by the ILO, as it is the fundamental basis for the protection of labour rights, social justice and combating child labour.

Worker member, Botswana – The Government of Chad ratified the Convention in 2000 and in doing so the Government was making a commitment to eliminate the worst forms of child labour. Twenty-five years later, the Committee of Experts, in its report, notes with regret the failure by the Government to adopt the Child Protection Code, a code that prohibits the recruitment and use of young persons under 18 years in the security forces and also lays down penalties for identified violations.

The UN Institute for Disarmament Research published a report in December 2022 on the recruitment of children in the armed conflicts in the Lake Chad Basin. The report outlined the devastating effects of armed conflicts on children. These include subjection to extreme violence, family separation, loss of education, and long-lasting trauma which may be felt even after the guns have gone silent. The fact of the matter is that the children in Chad are not immune to these effects.

The statistics in the Committee of Expert's report speak for themselves on the situation in the Lake Chad Basin region, as referenced from the UN Secretary-General's report to the Security Council on 3 June 2024. It is therefore clear and urgent that the Government must do all it can to ensure the elimination of the forced recruitment of children by armed groups and adopt the Child Protection Code as a matter of urgency. The Government must also ensure evidence of accountability for those that have been identified to be in violation as recommended by the Committee of Experts. This evidence of accountability must be shared with the Committee of Experts as requested.

Lastly, in April of 2025, the Office of the Special Representative of the Secretary-General for children and armed conflicts published a paper "2018–2025: from the Global Coalition for Reintegration of Child Soldiers to the Nairobi Process and the Financing Innovation Forum". In the said paper, Chad is identified as among the international stakeholders. The paper identified that provisions of meaningful and sustainable reintegration of services, to children formally associated with armed forces and armed groups, is critical to help children transition back to civilian life, and heal and build their lives.

We therefore urge the Government to take heed of this and provide such services to these unfortunate children and help rebuild their lives.



Employer member, Honduras – Although this is the first occasion on which this case has been examined by the Conference Committee, the Committee of Experts has made observations on it in 2009, 2014 and 2024 emphasizing areas of failure to comply with the Convention in the Republic of Chad and indicating the risks to children in the country, which in turn is endangering the social and economic development of the country.

The importance of this case should be emphasized, as it concerns one of the fundamental ILO Conventions, which places the requirement on States to adopt immediate and effective measures for the elimination of the worst forms of child labour. As Employer representatives, we are firmly committed to compliance with this Convention, as we believe that social development cannot take place in countries unless we care for and protect children from the worst forms of child labour, such as prostitution, recruitment for service in armed groups and other slave-like practices.

While it is true that the Republic of Chad has provided reports on legislative improvements, such as the Criminal Code, and the establishment of a National Commission to combat trafficking in persons, it is also necessary in parallel to implement effective measures to ensure compliance with these provisions, and to provide all the necessary budgetary and technical measures to the institutions that are created to ensure that they are effective, as otherwise their action will not be effective and social problems will increase in the Republic of Chad.

It is important to embark upon a process of the compilation and documentation of information so as to be able to measure the progress achieved in the eradication of child labour and in ensuring the protection and reintegration of the children concerned.

In conclusion, we recognize the efforts made by the Government of the Republic of Chad, but we emphasize that there are still serious challenges in the implementation of the Convention in practice. It is essential for any legislative reform that is adopted to be undertaken in consultation with the social partners, and for the ILO to be kept informed of the progress made. As Employers, we reiterate our firm commitment to the elimination of the worst forms of child labour.

Worker member, South Africa – I take the floor to echo my concern about the plight of children in Chad who are facing numerous challenges highlighted in the Committee of Experts' report. The challenges include the recruitment and use of children in armed conflicts, child herders, child domestic workers, debt bondage, procuring children for prostitution and illicit activities such as selling drugs.

The Committee of Experts' report also made reference to the Report of the UN Secretary-General to the Security Council of 3 June 2024 concerning children and armed conflict, which verified 2,258 grave violations of which 1,193 were victims of multiple violations.

While noting the efforts by the Government to eradicate the problems, more measures need to be taken. The Government has only made minimal advancements to eliminate the mounting challenges facing children, making them susceptible to enslavement in the worst forms of child labour. The Government also acknowledges its failure to enforce the law.

It is paramount to emphasize the role of labour inspection as a means of deterring and bringing to justice those who continue to transgress the law. I am informed that the labour inspection system in the country remains very weak without adequate resources to enable inspectors to conduct their work. Furthermore, the Government must conduct capacity-building activities or training courses for labour inspectors, to enable them to effectively detect cases of violations of children's rights.



The Government has enacted some progressive pieces of legislation but without enforcement children will continue to be exploited and subjected to forced labour and its worst forms.

I urge the Government to urgently take the following measures:

- ensure adequate labour inspectors in the country deployed to all regions to manage these violations;
- strengthen labour inspection facilities and systems to ensure compliance with labour laws and standards, thereby protecting the rights and safety of children;
- ensure the recruitment of additional labour inspectors and provide them with adequate resources that will enable them to carry out their duties;
- enforce strict penalties for officials involved in the sale or exploitation of children and review policies that allow or overlook such practices;
- conduct training sessions for law enforcement, military and government officials on child rights and ethical conduct;
- increase educational awareness among communities, schoolchildren, parents and carers about the detrimental effects of child labour;
- create independent oversight bodies to monitor reports of child exploitation, verifying the activities of government and military officials;
- work with local leaders, non-governmental organizations and community groups to raise awareness about the harms of child labour and the importance of protecting children's rights, promote alternative livelihoods for families relying on selling children or using them as labour.

I conclude by affirming that the Government should not hide behind the scarcity of resources as an excuse. The lack of resources does not mean that the Government can dispense with its obligation under the Convention. It should adopt measures to improve its resources. That is its responsibility.

Government member, United States of America – We thank the Government for providing information related to its ongoing efforts to address child labour issues in the country, noting that a robust legislative and penal framework has been in place since 2018.

While we welcome these activities as indicators of the Government's acknowledgement of the persistent issue, efforts to eliminate these practices and hold individuals accountable under the law remain inadequate.

Furthermore, we are deeply concerned by reports indicating that officials are resistant to investigating or prosecuting individuals, as well as directly involved in the exploitation of children as livestock herders. We urge the Government to take immediate steps to hold all individuals, including complicit officials, involved in the worst forms of child labour to account.

We further urge the Government to address existing gaps in both law and practice, specifically to:

- ensure that the law specifically criminalizes a client who uses a minor under the age of 18 for prostitution, noting that articles 16 and 22 of the Order against trafficking in persons lacks such a provision;



- ensure that laws specifically prohibit the use, procuring or offering of a child for illicit activities, in particular the production and the trafficking of narcotics;
- enforce existing laws ensuring that investigations are carried out and prosecutions initiated against perpetrators and that effective and dissuasive penalties are imposed, including against Government officials and members of non-state armed groups; and
- improve the collection and publication of information related to both civil and criminal enforcement efforts, including the number and type of inspections conducted, violations found, and penalties imposed.

Employer member, Chad – Employers are major actors throughout the territory by reason of their industrial, commercial, agricultural and stock-raising activities, and they are therefore in a better situation to understand what is happening. I have followed carefully the interventions of the various speakers. However, I have found them to be a little harsh on Chad, as I know that Chad is in a situation in which priority is given to tripartism. Employers, workers and the Government are engaged in a form of partnership for joint reflection on improvements to the working environment, and particularly on action to combat child labour, which is the subject of our appearance before the Committee today.

Chad is ready to listen. Chad has adopted all the necessary texts, but perhaps in their implementation local communities may be experiencing difficulties in objectively applying all the measures required to flush out child labour and the use of children for other serious crimes. It is for that reason that I am taking the floor to provide certain clarifications and to reaffirm that Chad is nevertheless a country that bears heavy responsibilities in view of the wars that are being waged around our country, particularly in Sudan and with immigrants. That is clearly an important task and it is also necessary to recognize that Chad has been avoiding the use of children in the various activities related to the army for a long time now. Pockets of resistance may exist that are not under control. But it is nevertheless necessary to recognize that Chad has been doing good work.

I wanted to say that employers are contributing actively to action to combat child labour by adopting preventive policies, promoting the return to school and supporting initiatives for economic development in our country. We have contributed to the establishment of surveillance and control systems to identify and prevent child labour in enterprises and their supply chains.

Employers support the programme for the education and social reintegration of children by financing school grants and educational projects within the framework of their social responsibility, and particularly in the agro-food and transformation industries. Employers have improved the living conditions of families by endeavouring to support, especially in industrial giants, the families of the staff so that their children have a better life and there is no subjection to work for them, by facilitating local development and creating decent jobs for children.

Employers are raising the awareness of enterprises to avoid any measures involving the recruitment and employment of children, and in any case Chad does not have the type of textile industry in which children are often used. And I believe that, at the level of employers' representatives, we are participating in multisectoral initiatives to combat child labour, for example by prohibiting it, even informally, in enterprises with which we work, and ensuring that, if such enterprises use children, all commercial activity ceases with them.

I would like to conclude by saying that Chad is very open to dialogue. There are many exchanges between workers and employers, and I can point to three activities which are really enabling us to achieve the transition from informality to formality. And it is in informality that



there are pools of child labour. And we are working together with a view to ensuring that, through the solidarity economy, through massive support, action is taken in rural areas, so that 70 to 80 per cent of informal activities can fairly rapidly be transferred to the formal sector through support measures provided by the Government and multinational industrial enterprises.

Why am I saying this? Because it is however necessary to indicate where the pool of child labour is to be found. And it is always in areas that the State has difficulty in controlling. And we are working massively alongside the Government to ensure that, in the interior of the country, in the rural world, and particularly the children of farmers, stock-raisers and nomads, can go to school and not be involved in work. For that, we have created and strengthened, with the State, the nomad school. We have also tried to obtain support from UNICEF and other donors, including the World Bank, to ensure that there is a real improvement in the situation. It is true that I have listened to the various speakers, and they have been a bit harsh on Chad. They have forgotten that Chad is bearing a heavy burden, and I am not saying this for political reasons, as a result of Sudanese immigrants, who number several millions. And today, if everything is going well, that is thanks to the intervention of Chad. With regard to the issues of child labour, Chad is doing everything to ensure that that does not happen. But I can say that, as employers, we are not really very concerned because all of our enterprises have endorsed the measures that combat child labour.

I would like all the various parties to support Chad and encourage it to continue with its burdensome mission. Chad has many missions to carry out for Central Africa. And I therefore hope that our Committee will encourage Chad, I hope that our Committee will support the principle that our Organization can provide more support to Chad – it is already supporting it to face up to the challenge of the elimination of child labour and it should support any measures taken for the creation of databases that can provide the Government with the means to adopt significant public policies.

Worker member, Belgium – The workers of France align themselves with my statement. I would like to come back to the legal framework implemented by Chad to ensure the prohibition and elimination of the worst forms of child labour, in accordance with the Convention.

It should be noted that Chad has also ratified a number of international instruments on the rights of the child, including:

- the Convention on the Rights of the Child;
- the Optional Protocol to that Convention on the involvement of children in armed conflict;
- the Optional Protocol to that Convention on the sale of children, child prostitution and child pornography;
- the African Charter on the Rights and Welfare of the Child.

The written information submitted by the Government to the Committee refers to the adoption of several pieces of legislation to meet its international obligations, such as:

- Order No. 001/PR/2014 prohibiting and punishing the enlistment or use of children in armed conflict;
- Order No. 006/PR/2018 against trafficking in persons, whose provisions criminalize the forced labour and recruitment of children for the purpose of prostitution or illicit activities;



- Act No. 001/PR/2017 of 8 May 2017 punishing begging.

This legislation demonstrates the Government's willingness to make progress in resolving these issues. The report of the Committee of Experts, however, notes that serious shortcomings persist in terms of both the existing legislative framework and its effective implementation in practice. Indeed, as has been highlighted, the legislative framework remains incomplete and does not allow for the elimination of the worst forms of child labour in practice.

Moreover, the measures adopted to combat the worst forms of child labour have been integrated into a broad range of general legislation, making it impossible to ensure that they are sufficiently visible and transparent. It is also unclear whether the solutions put forward by the Government provide specific protection for children. It is doubtful, for example, whether the ban on begging constitutes a truly effective solution to protect talibé children from exploitation.

Given these observations, it seems to us crucial that the draft child protection code is finally adopted. Indeed, in the light of the many instances of abuse committed against children in Chad, there is a need for an exhaustive, clear text that defines violations of children's rights.

The code should target not only the recruitment and use of children in armed conflict, but also all the different forms of forced labour, such as the use of children as herders, the forcing of talibé children to beg for the purpose of exploitation and the scourge of child prostitution and abuse in the context of domestic work. As well as defining offences, the code must provide for dissuasive sanctions and guarantee transparent, effective and accessible complaint procedures.

Furthermore, beyond improving the body of law, it is vital that Chad adopts specific measures to implement legislation on the ground so that persons who violate children's rights are held accountable. The written information communicated by the Government does not, however, provide any specific details of ongoing investigations, the number of prosecutions or sentences for offenders. There is therefore an urgent need to strengthen investigation and prosecution capacities and to ensure that perpetrators, whether state or non-state actors, are held accountable and sanctioned in practice. There is also an urgent need to improve coordination between judicial actors, security agencies and child protection bodies to ensure that laws are implemented effectively and coherently.

Observer, Education International (EI) – In Chad, thousands of children are deprived of their basic right to education. Instead of classrooms, they find themselves in fields, in markets, in the streets or in homes, obliged to work, sometimes in conditions of slavery, or forced into armed forces, prostitution or bonded labour.

The report of the Committee of Experts refers to the role of education in reintegrating working children, particularly child herders and talibé children. The Employer member from Chad also mentioned the role of education as a means of eradicating child labour.

A public, free, inclusive and quality education system must become a genuine, credible and attractive alternative to child labour for all families. That requires significant investment in school infrastructure, but also, and in particular, in training, support and funding for teachers. A well-trained, supported and decently remunerated teacher can transform the life of a child, a family or a community. Such a teacher can make a child worker feel welcomed, develop an adapted teaching plan, awaken a child's curiosity to develop their skills and open the door to a different future for them.



Combating child labour means not only banning practices or changing social norms. It also means giving children the tools to dream, to learn, to flourish. It means making quality, free public education – with relevant educational content delivered by competent and supported teachers – accessible to families in cities, but above all in rural areas. In Chad, like elsewhere, school should be a right, not a luxury

Interpretation from Portuguese: **Observer, International Trade Union Confederation (ITUC)** – We are facing a serious situation of extreme concern. We need only observe that when a state is unconcerned with good governance and a better distribution of the public good, situations arise such as debt bondage, where illegal debts are invented for transport, food, accommodation and work tools. These debts are collected in an abusive and arbitrary manner, with the money deducted from the salaries of workers, who remain indebted forever.

Given the low productivity of workers in this situation, their salaries are never enough to cover their families' expenses. This is one of the characteristics of forced labour and slavery, leading to extreme poverty for families and, consequently, high unemployment among adults.

And, in these situations, children are forced by their parents to engage in domestic work because there is no effective policy to protect poor families. All these situations lead parents to allow their children to work in this way, to supplement their family's income.

High unemployment in a country whose political powers do not engage seriously in efforts to combat extreme poverty contributes to significant violations of the Convention. The Government should, therefore, adopt specific, immediate measures to eliminate the phenomenon and to guarantee free basic education to children in order to liberate the children involved in these forms of work and help them reintegrate into society, while also bearing in mind their families' needs. In this way, social progress could be ensured, and it would be possible to fight effectively against poverty to promote universal education.

The promotion and implementation of policies intended to improve social protection for families and guarantee free education for vulnerable children will help build a society oriented towards progress and sustainable development.

Government representative – I would like to thank all the speakers for whom this issue regarding children is a major concern. The problem of child labour concerns not only Chad but the whole world. Where there are children, their situation should be examined and closely followed. I noted that Chad is treated harshly but I have also noted that there were many more contributions throughout the interventions. Thank you for this, because Chad is a country whose situation is a concern for everyone. You know that Chad has a surface area of 1.284 million kilometres – and there are children. Chad has endured conditions of which everyone is aware. Despite these challenges, the country is concerned about the situation of children.

As you have noted and emphasized, Chad has made considerable efforts to combat the worst forms of child labour and to ensure the protection of adolescents in accordance with the Convention. The country has put in place a robust legislative framework and specific actions to address these various forms of exploitation. If you have read the report that was transmitted, we have highlighted the various efforts that the Government has made in this respect. We have referred to several cases. But if we take it case by case, and look at the fight against the forced recruitment of children in armed conflict, we see that Chad has never recruited children. You have spoken a lot about armed groups but there are no armed groups in Chad. You know that the Lake Chad Basin region covers several countries and the terrorists who have put Chad in a difficult situation have now been contained. And, thanks to the international community, we



were able to remove many children and return them to their families. This effort should be recognized.

Chad has taken decisive steps to prevent the recruitment of children into the armed forces. As you are well aware, the minimum age is now fixed at 18 years, with strict recruitment procedures. Training in child protection is even provided for military personnel, and harsh penalties are applied in cases of non-compliance. Thanks to these efforts, in 2014 Chad was removed from the UN General-Secretary's list of parties that illicitly recruit and use children.

Order No. 006/PR/2018 defines as a crime specifically the enlistment or use of children in armed conflict, and sets out measures against slavery, debt bondage and forced labour. The Government has strengthened its legislation to investigate and punish crimes of exploitation. Section 15 of Order No. 006/PR/2018 provides for penalties of imprisonment and fines for forced labour and slavery. A national anti-trafficking commission has been established to prevent and combat trafficking, protect victims and promote cooperation. Convictions have been brought against traffickers, including for forced labour in gold mines, and protection has been introduced against prostitution and illegal activities. Sections 16 and 12 of Order No. 006/PR/2018 supplement the provisions of the Labour Code to combat the use, procuring or offering of children for prostitution. Section 23 of the same Order provides for harsh penalties for the use of children for illegal activities – children particularly at risk, such as *mouhadjirin* (talibé) children, who are mentioned here. Begging is punished by the Criminal Code, Act No. 001/PR/2017 and Order No. 006/PR/2018. The texts strongly condemn mistreatment, torture and exploitation of these children.

Concerning children working as domestic workers, a Workforce Management Procedure document was prepared in 2024 to identify and manage labour-related problems, prevent forced labour and child labour, and promote occupational safety and health. However, a specific regulation on domestic work has not yet been adopted. But I should also highlight that at the moment we are revising the Labour Code and the general collective agreement, and we will examine the provisions to be incorporated into the new Labour Code.

With regard to children working in the informal economy, two inspectors have received training to improve their support in this area. You know that, in relation to the surface area of the country, we currently have only 11 inspectors, and they will soon be retiring. So, as many of you have called for training for labour inspectors, we can only thank you and encourage this initiative, and we strongly urge our partners to take action to this end. As it stands, efforts have been made and 22 inspectors are being trained in the National School of Administration. They will soon complete their training, join the administration and will be able to assist us in advancing somewhat in this area. But this is not enough. These personnel must be increased, followed up and trained in the various areas to ensure the management of all work-related issues.

Turning to children living and working in the streets, under an initiative led by the Ministry for Women and Early Childhood in September 2024, actions were carried out to improve the situation of these children, including reintegration into their families, counsel and long-term follow-up. These actions are carried out on a daily basis. The authorities even go to the streets at night to remove these children. Currently, some children have been reintegrated into their families and are even enrolled in school, and we should express our thanks and encourage the Government's effort.

Concerning children orphaned by HIV/AIDS, Act No. 019 of 2007 guarantees the right to non-discrimination, protection and equality before the law for these children, ensuring their



right to education, information, counsel and care. These are the efforts that the Government is making.

With regard to prevention by ensuring access to free basic education, the Government of Chad is committed to improving access to education to prevent child labour. Measures are envisaged, such as ongoing teacher training, modernization of curricula, provision of modern teaching materials, construction and renovation of schools, support programmes for pupils in difficulty and a quality control mechanism. The statistics on these initiatives are not yet available but you will have them. This is partially in response to the representative of South Africa who deplored the situation, but the Government has not lost sight of the issue of education. It is making efforts and such efforts continue in terms of international cooperation and poverty reduction, because all of this has its roots in poverty. The Government envisages improving assistance for vulnerable children by ensuring access to essential services, namely, health, food, water and education, and by protecting them from violence and exploitation as part of international cooperation and poverty-reduction measures.

The Government has taken action but I note that this is not enough. All that we can ask is that is that the international community supports Chad's efforts. Today, with the war in Sudan, we have welcomed more than 2.4 million refugees, which as you know includes children. Who should take care of them? They are in Chad. The country has to take care of them. Chad's resources, albeit limited, are targeted towards safeguarding the lives of these children. Thank you to the international community that has not abandoned Chad, but we must do more so that these children have the best conditions to advance in their lives. We all know that children are important. Wherever there are children, adults must open their eyes to support them, and Chad is doing and continues to do what it can. Chad has made significant progress in combating the worst forms of child labour, particularly with regard to the recruitment of child soldiers and suppression of trafficking. The country continues to strengthen its legislative framework and its actions to protect vulnerable children and improve their access to education. Of course challenges persist, such as the adoption of specific regulations and the collection of data to properly evaluate the impact of the measures implemented.

I would like to request permission for our Ambassador to intervene.

Another Government representative – While I was listening to the different interventions, I thought that they were describing another country from mine with regard to the situation of children, honestly. I would just like to give two examples.

When the war in Sudan broke out, the Head of State decided to leave the borders completely open, without surveillance. I had the opportunity to go three times to these border zones, and people were crossing without border control. I asked him, "Listen, how long will it be like this?" He said, "You know, we would have been glad, had we been in the same situation, to have people who welcomed us like this".

Two countries in Africa have a Bill concerning the protection and rights of these refugees. Two countries: Chad and Uganda. There are no other African countries that have this type of law defining refugees' rights, and defining a refugee. Sudanese refugees currently in Chad have practically the same rights as Chadian nationals. I mention this to demonstrate the efforts being made, not only for refugees but in general. Today, these refugees have been given land because we know the international community: after two years, there won't be any more funding and refugee camps will no longer be funded. We, Central Africans, have refugee camps going back 15 years.



We have camps for Sudanese refugees that go back more than ten years and we continue to support this effort. What I am saying is that the Government has taken firm decisions. No one here is saying the situation is perfect, no one, but things are changing. Governmental policy has been developed so as to take significant decisions relating to the legislation, you yourselves have underscored that. But when a law is adopted, it has to be implemented. Chad has been at war since 1963 – for 60 years. Certain children have known only war. I am telling you this and you have the numbers on orphans in Chad.

In my country, the significant number of orphans we have means that these children become heads of families early, because the father was killed in the war, because the mother was killed, and so forth. So, there are many things that are being done for the situation of children relating to their health and education. It takes time and I agree that you have an important role to play. I think that on several occasions the country has requested your support to help it put things in place and to act. This is what I am saying to you: act, support us to improve the situation not only of children but also of our population's young girls.

The Government is fighting to improve people's sanitary conditions. We need more schools and health centres. I will tell you an anecdote to show you the drama unfolding in Sudan. There was a woman who came with her four children. She held her two girls' hands, she had her 2-month-old son on her front and her 2-year-old son on her back. When she crossed the border, I was the first person that she met and I saw blood on her headscarf. I lifted up her scarf: the 2-year-old had been shot in the head and, on her back, the other child had been shot in the back of his neck. The two children were dead and this woman had walked for ten hours to reach the Chadian border. Today we are talking about refugees but, as I see it, to solve the problem of the war in Sudan is to bring back peace. But nobody has gone in this direction until now. All this to say that there is strong political will at the Government level to improve conditions, not only for children but for the people in general.

Much remains for us to do: increase the number of schools, diversify these schools and increase the number of health centres. Another anecdote that I wanted to share is that I was with the UNHCR in Adré for the opening of a health centre and a school. The mayor of Adré looks at me and says, "Doctor [I am medically trained so that is why I am shocked by certain things]. You are opening a health centre and a school for refugees, and for us, where are these?" To say much less of the situation of war that we have. Chad is a peace haven surrounded by countries in conflict: Sudan to one side, Libya in the north, Central African Republic on the other side, and the ongoing situation between the Niger and Nigeria. And what has Chad done? The first thing that Chad has done is to fight jihadism. We have spoken about the Lake Chad Basin region. Who is currently helping Chad to fight Boko Haram? Nobody, I can assure you, nobody. Chad is alone in fighting jihadists and has intervened in six or seven African countries to fight jihadism. This gives you a bit of a picture of the situation in my country and the difficulties we are facing in improving the situation.

I will conclude by saying that efforts are being made and we need the support of the international community. We need support, your support, so that things can be strengthened and improved.

Worker members – We thank the Government for the written and oral information which it has provided.

Although it is positive to note that the armed forces of Chad have been removed from the UN list of parties that illegally recruit and use children, we are deeply concerned that armed groups continue to recruit and use children in armed conflicts.



The persistence of the practice of child livestock-herders, in which children are subjected to a form of slavery, is also a cause for concern. We are bound to note with regret that, since 2009, the Government has not provided any information on measures taken to protect *mouhadjirin* (talibé) children from forced or compulsory labour. The information provided here by the Government should be forwarded for in-depth review by the Committee of Experts.

The reference to provisions punishing begging does not, at first glance, appear satisfactory to us, since it is not begging itself that is the problem, but those who exploit it illegally through children. We also regret the continuing absence of legislative provisions prohibiting and punishing the use of children for prostitution and the act of pimping or offering a child for illicit purposes.

All these findings lead us to make numerous recommendations to the Government of Chad, which we are confident will do everything in its power to implement. We count on the Government of Chad being committed to doing this.

The Government has informed us of the recent adoption of a road map in the context of Alliance 8.7. This is an encouraging development which we welcome, and we hope that the implementation of the Committee of Experts' comments and our Committee's conclusions will form an integral part of this road map.

We call on the Government to ensure in practice the elimination of the forced recruitment of children under the age of 18 by armed groups and to proceed immediately with the complete demobilization of all children. To this end, we call on it to continue to take measures to ensure that child soldiers are removed from armed groups and receive the direct assistance necessary for their rehabilitation and social integration, including reintegration into the school system or vocational training.

We encourage the Government to intensify its efforts and continue its collaboration with the United Nations and UNICEF to prevent the recruitment of children into armed groups. It will also ensure that thorough investigations are conducted and that those who engage in the forced recruitment of children under 18 years of age for use in armed conflict are prosecuted, so that penalties constituting an adequate deterrent are widely imposed in practice.

It is also essential that the Government adopt the Child Protection Code as soon as possible and provide a copy of the Code once it has been adopted. The Government must ensure that children under the age of 18 are protected from work as livestock-herders as soon as possible, and that investigations are conducted and perpetrators are prosecuted. Penalties that act as an effective deterrent must be imposed on the perpetrators of this practice, in accordance with the prohibition of forced labour set out in section 5 of the Labour Code.

Furthermore, the Government must ensure that the law contains provisions expressly criminalizing a client who uses a child under the age of 18 for prostitution. We also ask the Government to ensure that the legislation contains provisions prohibiting and punishing the use, pimping or offering of a child under the age of 18 for illegal activities, in particular for the production and trafficking of drugs.

The Government must ensure that the competent authorities have the necessary resources to enforce these legal provisions in practice. It must prevent the engagement of *mouhadjirin* (talibé) children under the age of 18 in forced or compulsory labour, such as begging, and remove them from such activities. It must provide them with the necessary and appropriate direct assistance for their rehabilitation and social integration.



Finally, it will ensure that regulations on domestic work are adopted with a view to protecting children engaged in domestic work from the worst forms of child labour, removing them from such work, and providing them with the necessary and appropriate direct assistance for their rehabilitation and social integration, in particular by setting up reception centres with the necessary resources. The Government informs us that inspectors have received training on the economic exploitation of children. We encourage the Government to continue such training initiatives and strengthen the capacity of these inspection services to enable them to ensure the effective enforcement of standards. It is essential that the Government takes measures to guarantee free access to basic education, which will help prevent the engagement of children in the worst forms of labour. We welcome the initiatives taken by the Government to improve the situation of children working and living on the streets. We encourage it to continue these efforts and to strengthen them in order to guarantee these young people their right to education. We hope that the Government will engage in ongoing and regular dialogue with the ILO and provide it with all information on the specific measures taken to implement the above-mentioned recommendations. We also hope that it will do so in collaboration with the social partners.

We invite the Government to seek technical assistance from the ILO in order to implement the recommendations that will be made to it by our Committee and to provide the Committee of Experts with a report no later than 1 September 2025 on the measures taken to implement these recommendations.

Employer members – The Employer members wish to thank the different speakers who have taken the floor and expressed their views on this matter, including the Government representatives.

We can only hope that the Government representatives will take on all the comments made during this discussion, which were intended to constructively assist the Government in addressing the real scourge of child labour, especially its worst forms, in Chad.

We recognize that the Government is adopting measures to address the serious concerns regarding the situation of children in the country, through various programmes; support, strengthening and training of the labour inspectorate; membership in Alliance 8.7; the development of a road map; and the strengthening of the education system. However, we reiterate that, in line with the observations of the Committee of Experts, much more needs to be done.

We note the reports mentioned, including those of the UN, on the ongoing and serious violations of children's rights. Accordingly, the Employer members insist on the importance of the Convention, as a fundamental Convention, the universal ratification of which reflects a universal consensus and a strong tripartite commitment to eliminate the worst forms of child labour.

While acknowledging the complexity of the situation prevailing on the ground, including the current issue of child refugees, we share the concerns expressed by the Committee of Experts regarding the persistent recruitment and use of children by armed groups, the exploitation of child livestock-herders, and the use of children in illicit activities and domestic work.

In the light of the Committee of Experts' observations and today's discussion, the Employer members would like to recommend that the Government do the following.

First, continue to adopt measures, using all available means, to ensure the full and immediate demobilization of all children and to put a stop, in practice, to their forced



recruitment. Ensure the thorough investigation, prosecution and penalization of all perpetrators of forced recruitment of children for use in armed conflict as well as ensure the rehabilitation and social integration of child victims of forced recruitment.

Second, increase its efforts to combat the practice of child livestock-herding, which amounts to semi-slavery.

Third, step up its tripartite efforts to improve the functioning of the education system, and to facilitate access for all children to basic education and protection measures.

Lastly, the Employer members urge the Government to continue to avail itself of ILO technical assistance, in order to implement the aforementioned recommendations and future reporting obligations, and to maintain tripartite social dialogue in order to continue to work towards improving the lives of children.

Conclusions of the Committee

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 continued recruitment and use of children in armed conflict. It also expressed its concern at the persistence of the practice of exploitation of children, including child herding and forced begging.

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

- **ensure the full and immediate demobilization of all children who are forcibly recruited or used by armed groups;**
- **ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out and sufficiently effective and dissuasive penalties are imposed in law and practice;**
- **provide for the rehabilitation and social integration of street children and children who are forced to join armed groups;**
- **redouble its efforts to combat the practice of child herding and guarantee the protection of children against this practice as a matter of urgency, including through the effective punishment of those responsible for this practice;**
- **take immediate steps to approve the Child Protection Code and provide a copy thereof once it has been adopted;**
- **amend the Penal Code to include normative provisions that penalize the “client” who demands services of or uses a child under the age of 18 for prostitution;**
- **prohibit and punish the use and recruitment of children for illicit activities, in particular the production and trafficking of drugs and provide the necessary resources to the competent authorities;**
- **improve the functioning of and investments in the education system to facilitate access to free quality basic education and protective measures for all children, particularly girls and street children, and the security and safety of children in war-affected areas, and to take measures to increase the school enrolment and attendance rates at the primary and secondary levels and to decrease the school drop-out rates;**



- take measures to protect *mouhadjirin* children from the worst forms of child labour and continue efforts to ensure that the Secretary for Women and Early Childhood program is effective in the protection of street children;
- adopt regulations to protect children from working in domestic services and measures to remove them from such situations, and provide the necessary and appropriate measures to directly assist their rehabilitation and social integration.

The Committee requested the Government to avail itself of ILO technical assistance to give full implementation to the above-mentioned measures.

The Committee also requested the Government to submit a detailed report to the Committee of Experts by 1 September 2025.

Chairperson – I now give the floor to the honourable representative of the Government of Chad who wishes to make some comments, Minister for the Civil Service and Social Dialogue.

Government representative – I would like to give my sincere thanks and acknowledgement to all the honourable representatives who took the floor to share comments on the Worst Forms of Child Labour Convention, 1999 (No. 182). As has been indicated, I would first like to recall that we take due note of the recommendations that have been made.

Concerning the issue of armed groups, this has already been addressed but I would like to touch on it once again. As it stands, there are no armed groups in Chad. Armed groups have been spoken of when alluding to terrorist groups. Boko Haram and armed groups in general, operating in the Sahel region, are groups that no one can control. It is true that some individual Chadians may be recruited but they are recruited directly by armed groups. They are not groups that are managed by Chad. This is an important observation to recall because the term “armed group” is still used in the recommendations and, logically, from our side, this term cannot be used.

Concerning the issue of child labour, in general, Chad has made many efforts to eliminate this practice. Today, this practice is very rare but, as has been indicated, we take note and will amend the Chadian Criminal Code to incorporate very restrictive provisions to try to suppress all violations in this area.

I assure you that Chad will do everything it can to protect children.

Ecuador (ratification: 1959)

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

Discussion by the Committee

Chairperson – I invite the honourable representative of the Government of Ecuador, the Minister of Labour, to take the floor.

Government representative – I wish the honourable members of this very important Committee a very good afternoon. In my capacity as the representative of the State of Ecuador, I am appearing before you to provide information and responses. But first, I give all due excuses because the State of Ecuador has not appeared before the International Labour Organization for over ten years. And after a ten-year absence, we are returning under the leadership of the current President, Daniel Noboa Azín, and under the authority of this Minister of Labour.



The complainants indicate that Ecuador engages in recurrent violations of freedom of association and the protection of the right to organize. However, the denunciations that the Government has examined are not specific and do not detail the cases in which the right to organize is denied. No documents have been produced as evidence indicating any decision by the administration or the judiciary denying the right to organize. The legislation of Ecuador sets out, in the Labour Code, in section 440, the guarantee entitled “Freedom of association. The national legislation also sets out in section 441 the protection that the State is required to provide to workers in respect of the right to organize. Similarly, since 2008, Article 326 of the Constitution of the Republic has also set out this legislative guarantee. In this respect, it is important to point out that, since November 2023, when we took office as the Government of the State of Ecuador, the procedure for the registration of executive committees or trade unions, and the renewal of executive committees, has recorded the establishment of one union a week in Ecuador. Indeed, it is important for you to know that, when we took office, I personally, as Minister of Labour, had before me an administrative procedure for the establishment of a union in the Office of the President of the Republic. As the Minister of Labour, I immediately proceeded to register, in February 2024, the historically significant first trade union in the Office of the President of the Republic of the State of Ecuador. Everything that I am saying, and the information I am providing, is duly set out in the documentation provided to you.

The denunciations also repeatedly claim, first, that anti-trade union discrimination exists in Ecuador. However, none of the accusations made, nor any administrative decision or ruling by the ordinary or constitutional courts prove that the State of Ecuador is internally responsible for trade union discrimination. And here it is important to recall that we have a higher body responsible for the interpretation of constitutional issues called the Constitutional Court, established 80 years ago. There have been changes in its title, but the current Constitutional Court has, since 2008, laid down legal, judicial and even constitutional parameters, as well as administrative precedents to identify and determine the existence of discrimination. However, in response to the allegation that anti-trade union discrimination exists, as the Minister of Labour, and as the representative of the State, I have not managed to identify in the repeated denunciations who has reported the existence of anti-trade union discrimination, nor any specific case in which a person or group of persons, in their capacity as trade union leaders, have suffered discrimination, either within the organization or in the context of the action taken by the State of Ecuador.

Similarly, there are accusations of anti-trade union dismissals. In this regard, it is important to note, and to emphasize, that since 2015 the Labour Code in Ecuador has included section 195(2), which contains a legal measure that reinforces the protection for trade union leaders and also the job stability of women who are nursing or pregnant. This legal protection, which is an important legal measure in Ecuador, is known as “unjustified dismissal”, and provides trade union leaders and pregnant women, or women with responsibilities related to maternity, full protection in their jobs through the legal principle of employment stability. Furthermore, in the case of trade union leaders, the Labour Code of Ecuador provides the guarantee of employment stability in section 187. This important legal principle has been in force in Ecuador for ten years and I can provide a specific example. If a trade union leader is dismissed for reasons related to trade union activities and immediately appeals to the courts, under the legal principle of employment stability, the courts reinstate the leader and also issue a cautionary measure. This means that the leader is immediately reinstated in the post until the courts reach a decision on the legal issue.



The complainants have repeatedly claimed the existence of blacklisting in relation to administrative and court procedures. However, they have not identified a specific case, or complaint or the names of the persons involved. If such cases occur, acts of this nature are punishable, because blacklisting has to be denounced to the Office of the Public Prosecutor for the appropriate legal action. But neither the Government of Ecuador or I, as Minister of Labour, have been able to identify from the denunciations the specific cases concerned or the names of the persons involved.

They also refer to partial compliance with rulings ordering reinstatement. The constitutional courts have their own procedure when issuing decisions of reinstatement, whether for personnel in the judiciary, administrative officials, workers or trade union leaders, who benefit from reinstatement under the ruling, and such rulings are issued by courts of first instance, not by the Ministry of Labour or the State. On 25 July 2024, the Ministry of Labour sent you a communication on the principle of accepting the direct contacts mission. It is important to note that, in Ecuador, in accordance with the Labour Code, there is a National Labour and Wages Council, which had exclusive competence for setting the basic unified wage. It did so in one or two annual meetings held in early December. However, we have made a reform in this respect and, since December 2023, the National Labour and Wages Council, which is tripartite, has been meeting every 60 days. This had never happened before in the history of Ecuador, and we are now meeting in a tripartite setting every 60 days, when the denunciations made by the members of the National Labour and Wages Council are examined. I should indicate that, at the most recent meeting in April of this year, we unanimously decided to propose a labour reform, which had not been done before. And so, this tripartite body now in practice meets every 60 days, and no longer just once a year. As the representative of the State, and Minister of Labour, I provide the Council with information on, not only the registration of unions and enterprise committees, but also on progress in the negotiation of collective agreements in the public and private sectors and the growth in formal employment that we are seeing in Ecuador.

The complainants raised the issue a long time ago of a highly regrettable crime, for which we clearly express much solidarity, relating to the murder in 2022 of the trade union leader Sandro Arteaga Quiroz. For over 15 years, Ecuador has been confronted with problems of criminality resulting from transnational organized crime. In February 2024, the State determined and identified the 20 principal criminal gangs operating in Ecuador. Over and above the respect for and independence of functions in this case, in relation to the executive, judicial and legislative authorities, I wish to bring to your knowledge the fact that the President of the Republic set aside the appointment of the person in charge of the National Institute of Statistics and Census due to the discovery that 7,000 murders committed between 2007 and 2017 had been perniciously hidden from view. Accordingly, the policy of revealing the roles and responsibilities of the people operating in these groups is the constant policy of the State of Ecuador.

Another denunciation concerns the excessive number of workers required to establish workers' associations. Since 1988, as a result of the reforms to the Labour Code carried out in Ecuador, the minimum number of workers required to establish unions was raised from 15 to 30. For an executive committee to be legally constituted, it is necessary to have 15 members of the union, but the complaint does not identify the technical problems for the reduction of the number of workers required in a union. Nevertheless, draft legislation has been submitted to the body responsible for adopting legislation to reform and put forward new legislative or legal provisions on the procedure for the establishment of new unions. In this regard, it is important to recall that the procedure for the reform of legislation in Ecuador, which has to be



based on eminently technical and legal issues, as well as the reports which explain to everyone why the reform is necessary. The denunciation does not indicate the number of workers that it wished to have to establish a union or the related reasons. Nevertheless, the number of unions operating in Ecuador has clearly been rising, which shows that it has not been stationary or falling.

Finally, I would like to indicate that, since 2024, as Minister of Labour, I have issued several ministerial decisions with a view to guaranteeing one of the basic principles that was very crudely undermined in 2007 and 2008. I am referring to the decision adopted by the National Court at the behest of then President Correa Delgado that the validity of collective agreements and unions shall expire on the date originally specified. In the ministerial decisions, as issued since 2024, and particularly in Ministerial Decision No. 12, I have recognized the right to continued validity.

Employer members – Ecuador ratified the Convention in 1959 and, although the Committee of Experts has made numerous comments, issues relating to this fundamental ILO Convention have been examined by the Conference Committee on four occasions since 1987. In this regard, it is important to emphasize that several of the issues related to this case were last examined in 2024 in relation to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

In the first place, I wish to refer to the fact that the Committee of Experts, in the same way as the Conference Committee, has noted with concern the fact that the direct contacts mission to the country requested in 2022 has not been carried out, and that Ecuador has not been able to benefit from technical assistance from the Office to address the matters that are being examined here relating to the lack of compliance of the national legislation with ILO Conventions. We share these concerns, which are aggravated by the fact that the Government, which had its electoral mandate renewed, has not provided additional information on these matters and because we have not yet seen the clear will of the Government to seek solutions through tripartite agreement, for which reason we call on the authorities of Ecuador to follow this path. This is despite the information provided a few minutes ago by the Minister of Labour concerning the decision by the social dialogue council in the country which, we are told, is examining a proposal for a reform of the Labour Code, on which we would like to have more information.

Turning to the issues in this case, and firstly adequate protection against acts of anti-union discrimination in access to employment, we wish to emphasize that the Employers agree on the importance of having clear and applicable provisions to promote transparent processes of agreeing contracts based on objective criteria, thereby avoiding any form of undue discrimination. With regard to the promotion of collective bargaining, we consider it necessary to reiterate some of the issues raised when examining this matter in the past. We now refer to the views of the Committee of Experts on what it terms an excessive number of workers (30) to establish workers' associations and enterprise committees, and the possibility of establishing branch trade unions.

With reference to the requirements set out in the Labour Code of Ecuador, and the request by the Committee of Experts to amend the provisions respecting these matters, we are in agreement with the comments made by the Committee to the effect that workers must be able to establish freely organizations of their own choosing and that a reasonable level of representativity has to be required for the conclusion of collective agreements. It is necessary to emphasize that the Committee of Experts is recommending the revision of provisions which refer to one of the institutions that make up collective labour law, without entering into



considerations relating to the other related institutions. A comprehensive revision is required of all the elements that make up collective labour law so that the internal coherence of the system is maintained. We have said, and we repeat that the amendment of an isolated provision always has repercussions for other provisions, and that the reform must necessarily be comprehensive, or the system will lose its functionality. It accordingly seems to us to be limited to assess in isolation the number of persons necessary for the establishment of a union without taking into account the representativity criteria relating to collective bargaining, or such that there is an undesirable fragmentation of trade unions. It is also important to emphasize that the legislation in Ecuador envisages mechanisms that allow certain forms of representation and collective dialogue, even when the minimum number of workers required to establish a union is not achieved. Additional elements of the system also have to be taken into account which strengthen collective rights, such as the protection against dismissal of labour representatives and the binding nature of the agreements concluded by enterprise committees, which requires high levels of legitimacy and representativity of those who are acting collectively.

In any case, the comments of the Committee of Experts could act as a point of reference for a tripartite discussion at the national level which, in view of the culture of collective bargaining, particularly at the enterprise level, that has existed in Ecuador, could generate a coherent system of provisions which reflect the desire of workers wishing to organize in unions, all without further requirements and obstacles, and without leaving aside the representativity required to enable them to engage in collective bargaining, thereby ensuring the employers in the country a system that offers legal certainty and labour peace.

With reference to the comments of the Committee of Experts on the establishment and representativity of branch unions, it is necessary to recall that it would be difficult to apply the provisions governing negotiations at the enterprise level directly to collective bargaining at the branch level. Tripartite dialogue is necessary to put forward a legislative proposal that addresses this delicate matter appropriately. It is also important to recognize the manner in which this has been addressed by Ecuadorian jurisdictional bodies, and particularly the ruling of the court of second instance in the case of the branch union entitled the Trade Union Association of Banana, Agricultural and Rural Workers (ASTAC). It would also be necessary to have a better understanding of the scope of the regulation of this type of union in relation to the provisions governing labour organizations respecting the exercise of the right to trade union freedom and independence contained in Ministerial Decision No. 12, on which we would like to hear more from the Government representative of Ecuador.

In the final analysis, from the viewpoint of employers, we consider that any reform in this regard must be the product of a comprehensive, balanced and coherent process which takes into consideration the system as a whole and is not limited to the modification of a single aspect. Any change that is not based on a holistic analysis runs the risk of introducing disfunctions that may compromise the stability and predictability of the labour environment, which are fundamental aspects for economic development and the generation of formal employment.

Finally, with reference to the application of the Convention in the public sector, we urge the Government to deal with matters relating to public employees in the corresponding bodies.

Worker members – We thank the Minister for the information provided. Unfortunately, we have to emphasize that the failings of compliance by Ecuador with this Convention are reiterated, structural and long-standing. They not only persist, but have been deepened as a result of the lack of legislative action and institutional practices which actively raise obstacles



to the full exercise of collective labour rights. Indeed, at both the legislative level and in relation to administrative and judicial practices, Ecuador has maintained provisions and practices that are incompatible with its international obligations deriving from the Convention.

This is reflected in five essential areas:

- (1) inadequate protection against anti-union discrimination;
- (2) disproportionate requirements for the exercise of the right to collective bargaining;
- (3) the prohibition of bargaining at the branch or inter-enterprise level;
- (4) the exclusion of the majority of public sector workers from coverage by collective bargaining; and
- (5) the role of compulsory arbitration in collective disputes.

In relation to the first of these areas, protection against anti-union discrimination, Ecuadorian legislation does not envisage the explicit, comprehensive and systematic prohibition of acts of reprisal for trade union reasons. The existing tools – such as unjustified dismissal and certain transitional measures – are clearly inadequate. There are no effective mechanisms for preventive inspection with adequate penalties and the remedies for damages are limited and slow.

This is combined with enterprise and State practices under which legal provisions can often be used as tools for the repression of trade unions. An emblematic illustration is the reiterated use of the “visto bueno” procedure (section 172 of the Labour Code), and administrative proceedings against trade union leaders. In many cases, the termination of the employment contract has been approved in the context of disputes or proceedings instigated by trade unions without acknowledging the presumption of reprisal. Cases of dismissal following the participation of workers in activities to commemorate the 1st of May follow a systematic pattern, as the exercise of freedom of association in Ecuador can involve a real risk of hostile acts, monitoring and arbitrary dismissal.

This climate has given rise to a culture of fear in relation to trade union membership, as it is perceived as a risk for stability of employment. As a result, many organizations are not able to consolidate or maintain the necessary level of membership, which acts as a structural limitation on their capacity to engage in collective action. The right to organize without a guarantee of effective protection is nothing but an empty promise.

Second, section 221 of the Labour Code requires unions to represent over 50 per cent of the workers in an enterprise to be able to engage in collective bargaining, which constitutes a disproportionate requirement in a context of labour fragmentation, outsourcing, high levels of mobility and geographical dispersion. This requirement has been repeatedly questioned by the ILO supervisory bodies, but nevertheless remains unchanged. It amounts to a structural exclusion, as legally constituted unions are not able to exercise the right to collective bargaining. This situation is perpetuating a system in which only a small proportion of the working class have access to collective agreements. Already, in 2015, an ILO mission to the country noted that collective bargaining coverage was lower than 1 per cent. And far from improving, the situation has not changed and has not got better.

Third, the legislation in Ecuador does not recognize collective bargaining at the branch, sectoral or inter-enterprise levels. This omission prevents thousands of workers, especially in sectors with a high rate of informality, from the effective exercise of the rights set out in the Convention. There is no legislative provision to facilitate such bargaining, despite the explicit recommendations made by the supervisory bodies. The case of the National Federation of Paid



Domestic Workers is revealing. This organization, which has been legally constituted since 2018, put forward a proposal in 2024 for a collective contract for the sector, which has been shelved without further action, based on the justification that the legislation does not envisage this type of negotiation. This rebuttal is in contradiction with the principles of active promotion set out in the Convention and perpetuates the historical exclusion of a sector composed of a majority of women working under precarious conditions.

Fourth, in the public sector the situation is even more serious. The legislation in Ecuador explicitly prohibits collective bargaining for the majority of those classified as public servants, as set out in the Act on Public Enterprises and other constitutional provisions. The few negotiations permitted for manual workers are subject to severe restrictions: prior budgetary requirements, the imposition of financial ceilings, unilateral review by the Ministry of Labour and the Ministry of the Economy and Finance, and administrative delays which may last for over a decade. This exclusion is not temporary or exceptional. It is a sustained public policy that disregards the collective rights of tens of thousands of state workers. And this has also been confirmed by the Committee of Experts and the Committee on Freedom of Association (CFA).

Fifth, section 225 of the Labour Code imposes compulsory arbitration in the event that agreements are not reached in collective disputes, even without the consent of the parties. This procedure is in violation of the principle of voluntary bargaining set out in Article 4 of the Convention. Despite the reiterated comments of the ILO, reforms have not been adopted and the provision has not been found to be inapplicable. Instead of promoting free and voluntary dialogue, the system in Ecuador has recourse to compulsory procedures, which in our view are eroding the collective autonomy and legitimacy of conflict resolution procedures.

Finally, we are bound to note that the Government of Ecuador has not provided full and adequate information or disaggregated data on collective bargaining. It has not provided data on the agreements that are in force, their sectoral coverage, the number of workers covered or the content of the agreements that are negotiated. This is a cause of concern for us, especially in sectors such as agriculture and banana production, which are characterized by precarious work and low levels of union representation. This lack of information is preventing the Committee of Experts from assessing with precision the level of compliance with the Convention and constitutes a serious obstacle to our national and international monitoring mechanisms.

It should be recalled that, in the context of the examination of the present case, the Conference Committee decided in its 2023 conclusions that a direct contacts mission should visit Ecuador. However, up to now, the Government of Ecuador has not created the necessary conditions for it to take place. It is therefore important to make it clear, at the beginning of the discussion, that the Workers' group is calling on the Government of Ecuador to ensure effective compliance with its commitments to the ILO.

The situation of Ecuador in relation to the Convention requires an urgent and rigorous response. The violations are systematic and affect the immense majority of workers in the country. The gap between the formal commitment of the State and the real situation in practice of the exercise of the right to collective bargaining is both very deep and persistent.

We trust that the Government will respond to this Committee through the provision of full information explaining in detail the specific commitments that it will make to overcome now, without further delay, the multiple obstacles that are today preventing effective compliance with the Convention.



Employer member, Ecuador – Since 2022, this Committee has been calling on the various governments that we have had in Ecuador to accept a direct contacts mission and to have recourse to ILO technical assistance. In recent years, we have experienced various political and social circumstances, including three changes of government, a social uprising and serious problems of security, including the exponential increase in illicit activities by organized transnational criminal and drug trafficking groups. This resulted in the Government declaring internal armed conflict in January 2024 and ordering the armed forces to collaborate with the police in attempting to re-establish order and peace for the citizens of Ecuador, and clearly requesting international support in relation to security from various friendly countries.

A few days ago, a new Government took office for four years up to 2029. In our view, this will smooth the way for the request made by the Committee for Experts to visit the country in the short and medium term so that, with due prior consultations with the social partners, the comments made can be analysed and insofar as possible, agreement can be reached through tripartite dialogue.

We commend the Government on the designation of a tripartite delegation, in which we are present and able to participate in the Conference, particularly as Ecuador is under examination in relation to several standards.

As we have said previously, in relation to the regrettable murder of the Secretary of the Union of Workers of the Manabí Provincial Government in 2022, we once again express solidarity with his family members and we condemn such acts of violence, which are a matter of concern and sadness for the whole of the country on a daily basis in the various regions of the country due to the security problems.

We must all call upon and insist that the competent institutions of the judiciary, that is both prosecutors and criminal courts, definitively resolve culpability for such acts and punish those responsible in accordance with the law.

With reference to the application of Conventions, in its comments, the Committee of Experts emphasizes the need to amend specific provisions of the Labour Code with a view to reducing the minimum number of persons required to establish workers' associations and to allow the establishment of unions by branch of activity.

In this regard, our Constitution provides and guarantees in article 326 that labour rights are based on various principles, including the guarantee of the right and freedom of workers to organize without previous authorization. This right includes the establishment of unions, associations and other forms of organization, the freedom to join and leave them, and it also guarantees the right to organize of employers. The State is bound to promote the creation of workers' and employers' organizations, in accordance with the law, by promoting their democratic, participatory and transparent operation with the renewal of their leaders. The Constitution calls for the adoption of social dialogue for the resolution of labour disputes and the conclusion of agreements.

The lower ranking legislation, the Labour Code, in its chapter on workers' associations, also provides for freedom of association by indicating that workers and employers, without distinction whatsoever and without the need for previous authorization, have the right to establish and join or leave the occupational associations or unions of their choosing in accordance with the law and the rules of the respective associations. Occupational associations and unions have the right to establish, join and leave federations, confederations or any other representative groups, and to affiliate with international organizations of workers or employers. The Labour Code therefore guarantees the protection of the State for any type of



workers' association for the purposes of vocational training, culture and education that is general or applied to the corresponding branch of activities, mutual support through the establishment of cooperatives or savings and other funds which result in the economic and social improvement of workers and the defence of their interests.

In January and March last year, the Ministry of Labour issued various ministerial orders on these subjects. The first, Order No. MDT-2024-012, issued regulations for labour organizations for the exercise of the right to trade union freedom and autonomy, with the objective of facilitating and strengthening the provisions and agreements referred to, guaranteeing the exercise of the right to trade union freedom and autonomy in the country, establishing clarity and transparency, respecting the procedures for the establishment of workers' organizations in general, their approval and the reform of their statutes and the registration of their executive officers. The second, Order No. MDT-2024-040, is intended to establish greater and better diligence in the administration of procedures respecting labour organizations.

On the other hand, there is no provision in any ILO Convention ratified by Ecuador which determines the minimum number of members required for the establishment of a union. The comment by the Committee of Experts that the respective provisions of the Labour Code require an excessive number of workers for the establishment of workers' associations and restrict the possibility of establishing branch unions is therefore totally subjective, as it is not supported by any national or international legislative provisions. In our view, it is also disproportionate as the structure of enterprises in Ecuador should be taken into account, and it therefore shows a lack of knowledge of the situation of enterprises in the country, the labour market and the difference between the formal and informal sectors in Ecuador. It is necessary for the representatives of the parties to be actors with sufficient representativity who clearly express the views of the majority.

The recommendation by the Committee of Experts refers to one of the constituent institutions of collective labour law, contracts and collective bargaining. The social partners should therefore review a possible comprehensive reform of the whole system. It is not possible to be limited to the amendment of certain specific provisions of the Labour Code.

With reference to the right to freedom of association, the Constitution recognizes and protects the right to establish association in article 326. The right to freedom of association requires the State to ensure that no prior administrative authorization is necessary which would deny the full exercise of the rights of workers to establish organizations of their own choosing. Nevertheless, the Constitution and international standards do not prevent, and indeed explicitly provide that the State shall set out in the national legislation the requirements and procedures necessary for the legal recognition and operation of organizations.

The legislation in Ecuador, in accordance with the principles of the Constitution, sets out the requirements for the establishment of unions, which may be summarized as follows, and which are not disproportionate: (a) proof of the decision taken by the persons who decide to associate; (b) the specification of the level of representativity necessary for the establishment of organizations; and (c) the registration and recognition of the legal personality of associations.

In the case of the ASTAC, in the banana sector, a constitutional protection measure was proposed on the grounds that there had been a violation of trade union rights because the Ministry of Labour had refused recognition of its legal personality and the registration of the organization. However, what has been overlooked is that the refusal of the Ministry of Labour to recognize the organization was due to the fact that it had not fulfilled the requirements set



out in the national legislation for the establishment of a union. The refusal by the Ministry of Labour of the establishment of the ASTAC as a union, based on the failure to comply with the legal requirements, was not in breach of the constitutional rights and did not constitute an arbitrary restriction of trade union activity, but on the contrary involved compliance with the principle of legality and the duty to ensure that its actions were in accordance with the legislation.

The ruling was the subject of an appeal for constitutional protection launched by the Office of the Attorney-General and the Ministry of Labour, which has still not been decided by the courts.

Moreover, in the banana sector, there is a clear example of social dialogue between workers and employers. There is a cooperation agreement between the banana cluster, consisting of various employers' organizations with the Federation of Agricultural Workers (FENACLE), a Federation that groups together various labour organizations in the banana sector, where much progress has been made in the context of social dialogue.

Finally, we emphasize our willingness, through social dialogue, through the National Labour and Wages Council of Ecuador, a tripartite body, to engage in discussions on these matters. Since last year, as indicated by the Minister, we have (because I am a member of the National Labour and Wages Council) dealt with workers through various dialogue bodies on issues of employment and training, and now on a subject that is specific to Ecuadorian law, on retirement for employers.

The Office can therefore, through its advisory work, help and support the tripartite dialogues that we have been holding. It is necessary to understand the real labour market situation in Ecuador, where four out of every ten persons do not have adequate work. It is necessary to undertake reforms which focus in particular on the generation and maintenance of employment.

Worker member, Ecuador – I am appearing before you with pride and responsibility representing over 6,800 workers in the National Telecommunications Corporation (CNT), one of the main State enterprises in Ecuador, and I am speaking with the backing of the Ecuadorian trade union movement and the firm commitment to defend the rights of my fellow workers. I should add that the 6,800 workers in this State company benefit from collective bargaining.

Today, my country is being accused of alleged violations of freedom of association, arbitrary dismissals and the failure to comply with rulings and, I wish to be clear, these accusations not only have no basis in fact, but also disregard the significant progress that Ecuador has achieved in labour matters.

Ecuador has a clear and solid legal framework, and the unjustified dismissal provision set out in section 195 of the Labour Code protects trade union leaders and pregnant women by guaranteeing their employment stability. Section 187 also reinforces this protection for all workers. If there really are cases of anti-union discrimination or dismissals for trade union reasons, where is the proof? It does not exist.

And with reference to the accusations of blacklisting and corruption, if there is proof, the correct way of proceeding is to present it to the Office of the Prosecutor General and to bring the respective charges. We will not accept the use of international forums to discredit a country and its working class. With reference to the allegations of failure to comply with rulings, we have to make the clarification that the Ministry of Labour is not competent for the execution of those legal rulings. That responsibility lies exclusively with the ordinary courts and the



constitutional court in accordance with the independence of functions set out in the Constitution.

However, over and above defending ourselves, I would like to place emphasis on an unprecedented historical event in Ecuadorian labour matters.

I have been a member of the National Labour Council since 2015 and for the first time the Ministry of Labour has established technical dialogue groups with workers for the reform of the ministerial decisions that previously affected our rights. As a result of these groups set up with real tripartite participation, the workers have had the opportunity to put forward our ideas, proposals and issues with the current legislation. This not only constitutes technical progress, but is also recognition of the role played by the working class as protagonists in building a more just and equitable country.

This progress shows that Ecuador not only respects, but is also strengthening freedom of association and social dialogue, and that this is being done through action, not empty words.

We deeply regret the murder of our companion the leader Sandro Artiaga and, speaking on behalf of the workers in the telecommunications sector in Ecuador, as well as thousands of other workers in the country, we also demand justice, although we know that the investigation is the sole and exclusive responsibility of the Office of the Prosecutor-General and that it has to be carried out rigorously and in respect of due process.

I am speaking on behalf of the 6,800 workers of the CNT and with the force of 200,000 workers whom I represent as the first Vice-President of the Central Organization of Workers. We will not allow the trade union movement in Ecuador to be slandered, nor the progress achieved to be minimized. We call on the international community to abide by the principles of objectivity and justice. Ecuador is making progress, building dialogue and respecting labour rights. We are committed to a more equitable society in which the voices of workers are heeded and respected.

Long live the unity of the trade union movement. Long live the dignity of CNT workers and of Ecuador.

Another Worker member, Ecuador – This voice of protest is also addressed to all workers throughout the world. I stand before you today not simply as a trade union leader, but as the voice entrusted with representing thousands of Ecuadorian workers, whom I represent each day with commitment on the Single Enterprise Committee of Service Workers of the Ministry of Education of Ecuador, which brings together caretakers, assistants, drivers – namely, the workers on the first level of the wage scale, the country's most vulnerable people, who every day contribute through our efforts and our work.

Today, more than ever, it is essential to remember that, behind every classroom, behind every institution, there are children receiving better care, because clean educational establishments also promote good health and healthy recreation.

Unfortunately, as a worker, I must also give voice to our protest and indignation at what we have heard. The Government of Ecuador, which has just taken office, is making every effort to reorganize and to establish a modern administration, which is seeking to provide new efficient services with professionalism and to serve the public, in order to meet the requirements of the Constitution of the Republic of Ecuador and the law.

Regrettably, we must reject the baseless claims and allegations that serve only to discredit Ecuadorian workers. The clear and precise standards established by the International Labour Organization in the Convention and in Convention No. 87 are being complied with in full, in



strict accordance with the law. In Ecuador, there are various laws under the Ministry of Education by which we are governed: the Basic Act on the Public Service (LOSEP), the Basic Act on Intercultural Education (LOEI) and the Labour Code. It is not possible to make the general claim that it is prohibited by law to organize in the public administration. That is a different law, and all public servants, the whole of the public service, cannot be grouped together in that respect. There are various branches of work that must be analysed very carefully. It has been claimed that Ecuador is a country that violates trade union rights. That is entirely false. Our organization has 23 unions just 14 years after its establishment. We are now negotiating our seventh collective agreement, in accordance with the requirements of the law, although in compliance with the requirements of the law, as all collective agreements must include rights, duties and obligations that we must fulfil as citizens. A clear example is our own: after ten years of our rights being violated, we concluded the most recent, the sixth collective agreement, which recognizes the social, political and economic rights of the most vulnerable workers in our country. I call on those making allegations that, if they have no legal basis and do not represent all the country's workers, they should refrain from tarnishing a Government that is only beginning to engage in working groups and forums with a view to adopting reforms.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, North Macedonia, Republic of Moldova**, and **Ukraine**, and the EFTA countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

In this context, we reiterate the commitment made by both parties in the trade agreement between the EU and Ecuador to the promotion and effective implementation of the core labour standards, as contained in the respective Conventions, including this Convention.

We welcome the Government of Ecuador's willingness to resume dialogue with the ILO and its acceptance of an ILO direct contacts mission. We encourage the Government to proceed swiftly in that direction. We also note that social partners have submitted detailed comments and observations in 2022, 2023 and 2024. We encourage further engagement with the social partners to ensure that their views are fully considered.

We note with concern that, despite repeated requests by the Committee of Experts and this Committee, Ecuador has not taken legislative steps to explicitly prohibit anti-union discrimination in access to employment. We urge the Government to adopt clear legal provisions with dissuasive sanctions, as required by Article 1 of the Convention.

We remain concerned about reports of blacklisting, where judicial records are reportedly used to exclude applicants involved in labour disputes. While the 2024 data protection regulations are welcome, we support the Committee of Experts' request for further information on their implementation and impact.

On collective bargaining in the private sector, we are concerned that section 221 of the Labour Code, by imposing a high representativity threshold, presents a serious barrier for participation in collective bargaining. We recall that such thresholds must not hinder the promotion of voluntary collective bargaining. We regret that few new collective bargaining agreements have been concluded, with most recent ones merely revising existing ones. We support the call for legislative amendments to allow minority trade unions to negotiate on



behalf of their members. We also encourage the Government to provide comprehensive data on the nature and scope of collective agreements.

We further express particular concern at the exclusion of workers from unionization and bargaining in sectors composed mainly of small enterprises, due to the requirement of a minimum of 30 workers to establish unions and enterprise committees and the impossibility of establishing first-level unions composed of workers from different enterprises. We call on the Government to amend legislation to allow sectoral bargaining and first-level unions across enterprises.

In the public sector, we regret that legislation does not provide full protection against acts of anti-union discrimination and interference for leaders of all organizations of public servants. We reiterate the need for reform to ensure equality of protection, as required by Articles 1, 2 and 6 of the Convention, accompanied by dissuasive penalties. We also note the limited implementation of Constitutional Court ruling of 2020 and National Court of Justice ruling 10-2024 regarding the compulsory redundancy purchase mechanism and urge the Government to clarify the remedial actions taken.

We reiterate the importance of enabling meaningful collective bargaining for all public sector workers not engaged in state administration. We encourage the Government to ensure that recent regulatory actions and budgetary controls do not restrict rights guaranteed under the Convention.

We also recall the persistent concerns under Convention No. 87, as discussed by this Committee in 2024. Legislative restrictions on the right to organize, high thresholds of representativeness required for bargaining, and lack of sectoral frameworks continue to prevent many workers from exercising their rights to collective bargaining and freedom of association. We reaffirm our position and the Committee's conclusions adopted last year and urge the Government to address recommendations under both Conventions.

The EU and its Member States remain committed to constructive engagement with Ecuador and all ILO constituents in a spirit of dialogue and cooperation.

Government member, Peru – I am speaking on behalf of the Governments of **Chile, Colombia, Costa Rica, El Salvador, Guatemala, Panama** and **Peru**. We note the information provided by the Government of Ecuador, represented by its Minister of Labour.

We note the existence of measures to protect against anti-union dismissal, including the principle of immunity from dismissal for trade union leaders and the application of section 195(2) of the Labour Code.

We note the existence of tripartite structures, such as the National Labour and Wages Council, established in 2024, with the regular participation of workers', employers' and Government representatives, and ILO technical assistance.

National efforts to promote the continuity and strengthen trade union organizations include Ministerial Decision No. MDT 2024/12, which has facilitated the re-establishment of trade unions and enterprise committees. We are also aware that Ecuador is working to strengthen the rule of law and combat corruption, in order to ensure the independence of the functions of the State.

Noting this information and recognizing the sustained efforts of Ecuador to guarantee labour and trade union rights, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Panama and Peru call for support for the continued institutional strengthening of Ecuador within the framework of tripartite social dialogue, recognition of the reforms adopted by the country to



guarantee freedom of association, non-discrimination and the full participation of workers in representative organizations, and emphasize the importance of ILO technical support and international technical assistance for the consolidation of this progress.

Government member, Switzerland – Although the application of the Convention by the Government of Ecuador has not been discussed by the Conference Committee since 2016, the Committee of Experts has observed repeated failures to comply with the Convention for over a decade.

Switzerland deplores the lack of information provided and practical measures taken by the Ecuadorian authorities in response to the repeated requests by the Committee of Experts to address the shortcomings identified.

As noted by the Committee of Experts, the full exercise by many Ecuadorian workers of their right to organize and to engage in collective bargaining, in both the private and public sectors, is severely restricted by various provisions of Ecuadorian legislation. The Swiss Government encourages the Government of Ecuador to adapt its legislation to bring it into conformity with the provisions of the Convention and to take all the necessary measures to ensure its application in practice.

It should be recalled that the full and complete application of the Convention is closely linked to compliance with the provisions of Convention No. 87. Switzerland also encourages the Government of Ecuador to avail itself of ILO technical assistance, and particularly to accept the direct contacts mission requested by the Committee in 2022 during its examination of the application of Convention No. 87.

Employer member, Argentina – The employers of Argentina would like to thank the Government of Ecuador for the information provided to the Committee, and for the willingness expressed to achieve full respect for the rights to organize and to engage in collective bargaining. We reiterate our interest in obtaining further information on the composition and functioning of the social dialogue council referred to by the Minister.

Collective bargaining is a fundamental pillar of decent work and it builds trust and mutual respect between employers, workers and their organizations, and contributes to the maintenance of stable and productive labour relations. On this basis, we encourage the Government of Ecuador to maximize its efforts to address the matters under discussion today in a spirit of consensus and consideration of the concerns expressed by employers' and workers' organizations.

With reference to the recommendations of the Committee of Experts on this case, we believe it is worth emphasizing the comments by the Employer spokesperson on the importance of taking a systemic approach to any reform of the industrial relations system in a country, and the warning of the complexities that could result from adopting isolated reforms disconnected from the country's legislative system and established practices. In this context, we encourage the Government to strengthen effective consultation mechanisms with the country's most representative workers' and employers' organizations, such as the National Labour and Wages Council, on the understanding that such dialogue is essential for the development of balanced and sustainable standards that respect freedom of association and are properly integrated into the national legislation. We understand that social dialogue is the most effective tool for designing legislative structures that adequately address the conflicts of interest inherent in labour relations, taking into account the specific characteristics and practices rooted in the cultures of each productive ecosystem.



Worker member, Uruguay – I am appearing here on behalf of the workers to denounce one of the most serious and persistent forms of non-compliance with the Convention in Ecuador, namely that in law and practice it is impossible to engage in collective bargaining by branch of activity or economic sector. These restrictions not only contravene ILO principles but also perpetuate precarious work and inequality in the country. The legislation in Ecuador is focussed on enterprise-level bargaining, leaving a legal vacuum regarding collective bargaining by branch of activity. The absence of this legal framework has been a constant concern for the ILO, which has urged the Government of Ecuador to allow the creation of inter-enterprise unions and to ensure that collective bargaining is possible in sectors with a predominance of small enterprises. An example that has been referred to previously, and is worth repeating here, is the situation of the National Union of Paid Domestic Workers and Allied Workers (UNTHA), whose attempt to establish a sectoral collective agreement was arbitrarily shelved, which shows how this legal vacuum prevents the effective exercise of this right. This exclusion also applies to the public sector. The Basic Public Service Act only recognizes the right to collective bargaining rights and to conclude collective agreements for manual workers in the public sector, thereby excluding the vast majority of public servants, such as teachers, healthcare workers and administrative employees. Even for public sector manual workers, who are able to engage in collective bargaining, there is the additional obstacle of the requirement of a favourable budgetary determination from the Ministry of Finance. This means that, even if agreements are concluded between public employers and trade unions, their implementation is subject to financial approval by the Ministry, which can delay or prevent their implementation.

Education is another sector where the possibility of achieving progress towards collective bargaining by branch of activity is severely restricted. The National Federation of Education Workers (UNE), a national organization, has had its legal status revoked. This situation, which is not only in violation of freedom of association, and was examined last year, remains unchanged, thereby preventing any possibility of collective bargaining in the education sector.

The current legislative system in Ecuador, by restricting unionization exclusively to the enterprise level, and excluding most public services from collective bargaining, creates a restrictive collective bargaining model that leaves large segments of the workforce unprotected. This situation is not only in violation of the international obligations assumed by Ecuador, but also limits the possibility of making progress towards greater equity and social justice. We urge the Committee to recognize that prohibition of engaging in collective bargaining by branch of activity constitutes a persistent structural failing that is contrary to the international obligations assumed by the State of Ecuador.

Employer member, Honduras – As a representative of the Employers, we consider it essential to initiate effective and comprehensive follow-up of the potential solutions to address the problems relating to the failure to comply with the Convention in Ecuador. However, any solution must be based on understanding between the social partners within the framework of social dialogue. We respect the recommendations and comments of the Committee of Experts regarding the need to amend the current legal requirements for the establishment of trade unions in Ecuador, particularly concerning the minimum number of workers required. Nevertheless, it is important that any proposed reforms guarantee the principle of representativity in the exercise of freedom of association. Only in this way can social stability be guaranteed and reforms avoided which create uncertainty and greater conflict.

The right to freedom of association, without minimum representativity criteria, does not guarantee this right or the right to collective bargaining. On the contrary, it undermines it by creating uncertainty and obstacles to achieving sustainable agreements based on social



dialogue. We therefore firmly believe that any legal reform must guarantee the right to freedom of association, while simultaneously ensuring that those who engage in bargaining have legitimacy and genuinely represent collective interests.

From the Employers' perspective, we consider that the Committee of Experts' comments can serve as a basis for genuine national tripartite dialogue for the development of a legislative framework adapted to the real situation in Ecuador and in respect of ILO principles, thereby ensuring a predictable, orderly and effective labour environment for workers and employers alike. We respectfully urge the Government of Ecuador to facilitate all the necessary action to promote social dialogue and cooperate with the ILO supervisory bodies to achieve compliance with the Convention.

Worker member, Peru – I would like to start by referring to the indication by the Minister asking forgiveness for the alleged failure of Ecuador to appear before the ILO for the last ten years. The authorized Ministers and officials who preceded her were present in the Committee on each occasion that the case of Ecuador was examined. And not only were they present, but they took on international commitments, including the acceptance of missions and technical assistance, but they never complied with those commitments.

We are appearing on behalf of the organizations of Peru and the Trade Union Confederation of the Americas (TUCA) with reference to the situation in Ecuador, and particularly a series of national provisions that are clearly contrary to the Convention, as noted by the Committee in previous years. We regret that the Government, despite its role as guarantor of the promotion of appropriate national law and practice in accordance with the Convention, has not only adopted provisions which systematically exclude workers from the right of collective bargaining, but this has also been reinforced by regressive court rulings, legal reforms and administrative practices. We will refer to certain cases in both the private and public sectors:

Private sector:

- section 221 of the Labour Code requires an absolute majority to exercise the right to collective bargaining;
- section 225 of the Labour Code imposes compulsory arbitration automatically in the event of disagreement.

Both these provisions have been broadly criticized by the supervisory bodies for more than a decade.

Public sector:

- the exclusion by law of public servants from collective bargaining;
- the third general provision of the Constitutional mandate, No. 8, the Basic Act on the Public Sector and section 26 of the Basic Act on Public Enterprises set out these restrictions by providing for exclusions;
- institutional practices which deny the right: Ministerial Decision MDT/20/24/080 authorizes the Ministry of Labour to review and declare void collective agreements concluded by public enterprises which benefit public servants.

Such provisions have very systematic consequences. The high threshold for representativity required to engage in collective bargaining and the lack of a legal framework for sectoral bargaining, as well as the combined effect of restrictive provisions, are obstacles to the exercise of collective bargaining in the private sector.



Centralized budgetary control. The judicial interpretation is an absolute barrier to collective bargaining for the majority of the public sector. This is in violation of the duty of the State to guarantee conditions that promote the exercise of this fundamental right and is in violation of the provisions of the Convention.

Employer member, Mexico – I give thanks for the information provided by the Minister of Labour. We agree with the Employer spokesperson that the isolated comment made by the Committee of Experts on the number of persons necessary to establish a union appears to us to be unjustified, particularly as it does not take into account or refer to criteria of representativity in collective bargaining, which could give rise to an unwanted fragmentation of unions.

It is also important to indicate that the legislation in Ecuador already envisages certain forms of representation and collective dialogue, including in cases where the minimum number of workers required to establish a union is not reached, as well as the employment stability of trade union representatives. It is therefore necessary to consider elements which strengthen collective rights and the binding nature of agreements negotiated by enterprise committees, even though clear regulations are also required on the legitimacy and representativity of those who act on behalf of workers.

For all these reasons, it is necessary to establish effective tripartite consultation at the national level, based on the culture of collective bargaining, particularly at the enterprise level, that exists in Ecuador, and to promote a coherent set of rules reflecting the wishes of workers who want to establish a union, including the necessary level of representativity to enable them to negotiate effectively and collectively, and which therefore guarantees employers a system that offers legal certainty and labour peace.

With reference to the comments of the Committee of Experts on the establishment and representativity of branch unions, it is important to consider that the rules that govern bargaining at the enterprise level cannot be applied to collective bargaining at the level of branches of activity, as they are not compatible. This is another reason why tripartite dialogue has to be established so as to be able to propose the form in which the legislation can be adapted so that it regulates these issues appropriately.

In our view, as employers, we consider it important to ensure the visit to Ecuador of the direct contacts mission agreed to in 2022 and for the Government to be able to receive technical assistance from the Office, as a basis for examining the changes and adaptations required in the labour legislation. The implementation of a reform on this subject has to be the outcome of tripartite dialogue to achieve the appropriate regulation of the right to organize and collective bargaining, as set out in the Convention, as well as rules on representativity as a basis for better collective labour relations to the benefit of workers and enterprise productivity.

Worker member, Spain – I am speaking on behalf of the General Union of Workers (UGT) of Spain, the French Democratic Confederation of Labour (CFDT) and the Canadian Labour Congress (CLC).

I am taking the floor to refer to the systematic, sustained and deliberate failure of the Government of Ecuador to give effect to the recommendations made by the ILO supervisory bodies in relation to the Convention. We are faced with the recurrent conduct of several Governments which are questioning the effectiveness of the ILO supervisory system. It is a pattern that is weakening the credibility of the multilateral system and the principle of good faith which has to govern the ratification and implementation of international Conventions.



We can refer to various situations which back up this assessment of the Government of Ecuador.

First, the systematic refusal to accept a direct contacts mission, as in 2022 the Committee requested the Government to accept a technical mission to the country to verify compliance with the Convention in situ. Nevertheless, the Government of Ecuador has rejected each and every proposal for the mission to take place and this refusal is depriving the supervisory bodies of an essential tool of technical assistance and direct verification and is in violation of the principle of international cooperation set out in the ILO Constitution.

A second critical issue is the failure to give effect to the specific decisions of the Committee on Freedom of Association (CFA). Accordingly, when specific cases or evidence of failure to comply with freedom of association in Ecuador are being sought, reference may be made, for example, to Case No. 2684 on the anti-union dismissal of the leaders of the National Federation of Workers of the State Petroleum Enterprise of Ecuador (FETRAPEC). In this case, the CFA reiterated in at least six reports the requirement for the State to fully reinstate the dismissed leaders, pay the wages due and include social security contributions. Even though there was a ruling by the Constitutional Court of Ecuador, issued in 2021, which required the Government to give effect to the recommendations, reinstatement was partial at best, thereby showing that even the decisions of the highest judicial authorities in the country are not sufficient to overturn the pattern of noncompliance by the Government of Ecuador.

A third point in support of this pattern of systematic failure of compliance is the persistence of provisions and practices that are contrary to the Convention. We can refer to three issues: compulsory arbitration, which has already been alluded to; the exclusion from the right to collective bargaining in the public sector; and the existence of disproportionate requirements to be able to engage in collective bargaining, which has remained unchanged despite the many comments made by the Committee of Experts.

Finally, I wish to refer to the absence of genuine social dialogue in Ecuador. The Government has stated that it facilitates dialogue forums with workers' organizations. Nevertheless, independent and representative unions, which truly represent the majority of workers in Ecuador, have been systematically excluded from dialogue processes and the preparation of legislation.

The representatives who participate in these processes have publicly proclaimed their political support for the Government and, moreover, by unjustified and biased decision, are part of its official delegation to the Conference.

In this regard, I wish to conclude by recalling the experience of the previous year at the Conference, when the Government of Ecuador decided not to accredit any delegation, thereby denying the right of the legitimate representatives to participate in the Conference, and in this respect we are bound to recall that the fact that the Government was not present at the Conference, as was the case, does not dispense it from dully accrediting a tripartite delegation.

Experience of these systematic violations presupposes a clear challenge to the functioning and work of the Committee and the ILO supervisory bodies, for which reason this case requires a firm, coherent and exemplary response from the Committee.

Employer member, Uruguay – May I first reaffirm the commitment of the Employers to the principles of the ILO, and to the strengthening of tripartite social dialogue as the most appropriate means of achieving structural, balanced and sustainable labour market reforms.



In this context, I wish to express our support for the points made by the Employer spokesperson in the present case concerning a comprehensive reform of the Labour Code in Ecuador, which has to be addressed as a whole and not in isolated parts with a view to preserving the internal coherence of the system of collective labour relations and its modernization.

The comments of the Committee of Experts have focussed on the specific amendment of certain provisions of the Labour Code, especially with regard to the minimum number of workers required to establish unions and collective bargaining by branch of activity. We wish to emphasize that these aspects cannot be reformed in isolation without considering their effects on other areas of collective labour law.

Trade union fragmentation or the creation of weak structures that are insufficiently representative could have a serious effect on the collective bargaining system, especially in a country with a high level of informality in the labour market. The revision needs to be comprehensive and consensual, with the real participation of workers, employers and the Government.

Since 2022, Ecuador has been experiencing an unprecedented period of institutional instability and security crisis, including three changes of government and the recent declaration of internal armed conflict in order to tackle organized crime. These circumstances have had a profound impact on governability and national priorities.

Despite this context, we welcome with optimism the recent arrival in office of the new constitutional Government, which offers a window of opportunity to achieve progress on pending issues with ILO technical support and through the strengthening of tripartite dialogue. From the Employers' side, we fully support the visit as soon as possible of a direct contacts mission to Ecuador, which has been requested since 2022. We also urge the Government to accept ILO technical assistance, which will provide an opportunity to build bridges between international technical criteria and the real situation of the national labour market in Ecuador. We reiterate that this assistance will be valuable in achieving a sustainable labour reform which responds to international requirements without disregarding the need to ensure employability, formalization and legal stability for enterprises and workers.

We wish to emphasize that there is already an institutional forum for social dialogue in Ecuador: the National Labour and Wages Council, which is tripartite, where working forums have been set up with ILO assistance in which labour reforms are discussed based on consensus. We would like these forums to be lasting and permanent in order to achieve the objectives set out today by the Committee of Experts.

Worker member, France – The picture painted by the report of the Committee of Experts on the situation in Ecuador is all the more serious and worrying because it has already been the subject of several complaints to the Committee on Freedom of Association (CFA).

The legislation in Ecuador imposes excessive restrictions on the exercise of trade union rights, in violation of freedom of association and the effective recognition of collective bargaining. In particular, it requires a minimum of 30 workers to establish a union or an enterprise committee, while these committees, which have the exclusive power to engage in collective negotiation, have to include at least 50 per cent of the workers in the enterprise.

Moreover, Ecuador does not explicitly recognize the establishment of sectoral unions, nor as a consequence their right to collective bargaining. For unions which are able to engage in collective bargaining, it imposes the requirement of 50 per cent representativity, without the possibility of any exceptions.



With reference to the protection of workers, the legislation also has major shortcomings, as it does not provide for adequate protection against dismissal carried out as reprisals, nor protection against harassment at the workplace.

In this respect, the Labour Code in Ecuador does not explicitly prohibit many measures that are used as anti-union practices: surveillance of trade union activities; financial incentives for workers to leave unions; blacklisting of trade union members and leaders; and the creation of yellow unions.

In addition to restrictive legislation, the Government has engaged in systematic practices that undermine fundamental labour rights. To give just a few examples, the Minister of Labour of Ecuador has systematically delayed, ignored or rejected without just cause applications for the registration of new unions and union leaders.

The Ministry of Labour has also systematically failed to investigate or punish threats against workers, including union members, anti-union dismissals, acts of reprisal, blacklists and other similar acts. Ecuador has severely repressed demonstrators calling for an improvement in collective labour rights, and has engaged in the judicial prosecution of unions.

Finally, reference should be made to its failure to take action against discrimination on the basis of sex, as well as persistent hazardous working conditions, such as exposure to dangerous levels of pesticides which, in the banana sector, can be similar to forced labour.

We call on the Government to respond positively to the various requests made by the Committee of Experts, and also to accept ILO technical assistance, so that it can engage on an urgent basis in the legislative changes that are required and meet the obligations deriving from the Convention.

Worker member, Costa Rica – I am also speaking on behalf of the Ecuadorian Confederation of Free Trade Unions (CEOSL) to express our deep concern at the reiterated failure of the Government of Ecuador to give effect to the obligations deriving from the Convention.

What we are coming up against in this case is not an isolated delay or lack of technical capacity, but a prolonged and transversal pattern by various governments, which amounts to the systematic, deliberate and sustained failure to comply with the commitments freely entered into by the State of Ecuador. Over the past decade, Ecuador has been one of the most frequent cases on this Committee's short list and, despite the change of Government, disregard for the recommendations of the supervisory bodies, the absence of substantive reforms and an evasive attitude towards the ILO supervisory system have been maintained. Indeed, one of the most serious aspects of this failure of compliance is the reiterated refusal by the Government of Ecuador to accept a direct contacts mission, as requested by the Committee of Experts and endorsed by the Conference Committee in its conclusions in previous years. Up to now, it has not taken place. This denial deprives the supervisory bodies of an essential tool for technical analysis in situ, and demonstrates an attitude of disregard for the principle of international cooperation which governs the action of the Organization.

This pattern is also repeated in relation to the decisions adopted by other supervisory bodies, such as in Case No. 2684 of the CFA in relation to the FETRAPEC, in which anti-union dismissals have been documented and the reinstatement of trade union leaders was explicitly recommended. The CFA has reiterated this recommendation in over six reports, and even the Constitutional Court of Ecuador issued a compulsory ruling in 2021 ordering compliance with the decisions of the CFA. Nevertheless, as of now, reinstatement has been only partial, the remuneration due has not been paid and the ruling has still not been given effect.



Within the context of the Conference, it is a source of great concern that the Government of Ecuador has excluded from its delegation the most representative trade union organizations in the country, which are affiliated to regional and global confederations, the Trade Union Confederation of the Americas, the International Trade Union Confederation, Public Services International and Education International. This constitutes a serious backward step for freedom of association and genuine tripartism, and compounds the failure by the Government last year to register employers and workers to participate in the Conference. Compliance with international labour standards cannot be optional. We call on the Committee to adopt firm conclusions explicitly urging the Government of Ecuador to reform the provisions that are contrary to freedom of association and giving priority to the follow-up to this case for as long as the violations of the Convention persist.

The credibility of the Committee and of the ILO itself depend on its capacity to ensure that the standards it promotes are respected in practice. The case of Ecuador requires a firm, coherent and exemplary response. This is required by the times we are experiencing at the global level.

Observer, Public Services International (PSI) – I am conveying the voice of the workers who are members of PSI in Ecuador, which represents everyone in the public sector, including those governed by the Labour Code and the Basic Public Service Act in central, provincial and municipal governments, and those in public enterprises, who are governed by the Basic Act on Public Enterprises.

In Ecuador, failure to comply with the Convention has been made into a state policy. This Committee has been a witness to the regression in the action taken by the Government. Although the attack is structural, with limitations set by the Constitution, the current Government has taken two worrying backward steps in relation to collective bargaining: on 11 June 2024, the same day on which this Committee was examining the case of Ecuador in relation to Convention No. 87, the Ministry of Labour issued Ministerial Decision No. 080, and on 15 May 2025, shortly before coming before the Committee to provide explanations on Convention No. 98, the Ministry of Labour issued Ministerial Decision No. 056 rowing back on No. 080.

These Decisions are in violation of Convention No. 98 and exacerbate the restrictions by excluding the coverage of public servants in sectors such as provincial and municipal government, education and public enterprises, and through; Government interference in agreements between the parties using unilateral review procedures by the Ministry of Labour, with the power to declare any of their provisions void. This issue, although it is claimed to have been corrected by Ministerial Decision No. 056, as it is not applicable in future cases, does not remove the problem for the collective agreements in public enterprises in three strategic sectors which were revised in 2024: oil, telecommunications and energy; and maintains the restrictions on wages governed by decisions of the Ministry of Labour or the budgetary determinations of the Ministry of Finance, trade union leave, compensation for unjustified dismissal and protection in relation to privatization.

In view of the above, it is necessary for this Committee to take up the concerns of the Committee of Experts and accept that Ecuador is becoming a global precedent. We therefore request the Committee to call on the Government to receive a tripartite mission to initiate a process of dialogue that includes possible constitutional reforms of laws and administrative practices, and the repeal of Ministerial Decisions Nos 080 of 2024 and 056 of 2025 as a tangible expression of a change of direction and evidence of the political will to comply with its international commitments and the recommendations of this Committee.



Observer, Education International (EI) – I am the President of the National Union of Education Workers (UNE) of Ecuador, an organization that has existed for 80 years and is a member of EI and the United Workers' Front (FUT) in my country. I am speaking on behalf of 161,000 primary school teachers.

Article 1 of the Convention provides that workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. In Ecuador, one of the sectors that is experiencing problems in being able to exercise its rights of collective bargaining and organization is the education sector. This is due to the fact that, on 18 August 2016, during the period of office of President Correa, an act of anti-union discrimination was committed through the elimination of the most representative union.

On 15 May 2017, the UNE, together with the TUCA, PSI and EI, to which we give thanks for their support, made a complaint to the CFA against the dissolution of the UNE, in Case No. 3279. The CFA urged the Government that was in office at the time to take all the necessary measures to ensure the full return of the property seized from the organization, as well as the elimination of any other consequences resulting from the administrative dissolution of the UNE. None of these recommendations have been given effect by the governments that have held office since 2016, including the present Government, which is in power for the second time. This prejudice to the right to organize has now been affecting collective bargaining, among other rights, for nine years.

In Ecuador, teachers cannot exercise any form of collective bargaining, for which reason rights are not respected, such as trade union leave, life insurance, trade union membership dues and access to real guarantees for teleworking, which is now becoming more common in Ecuador in light of the situation of insecurity that we are experiencing as, most regrettably, we are the most violent country in the region.

For example, on 2 June there was another armed attack in a public school. A teacher was shot three times and the school is now closed. Another school closed. In view of this situation, educators defend freedom of association, as several of the rights indicated are not respected, which is becoming a form of trade union discrimination in relation to the other workers in the Ministry of Education, as it is clear that we are excluded from the right to negotiate under conditions of equality and representativity.

Decent work and education are human rights that go hand-in-hand. There can be no decent work when there is no decent public schooling, no freedom of association, no dialogue or genuine social justice. In this context, we call on the ILO to recommend the State of Ecuador to guarantee the right to freedom of association of teachers who are members of the UNE by restoring its legal personality and revising the judicial and administrative measures taken in respect of our property, which has been affected by the dissolution, and to provide us with support through a tripartite commission. In 2016, the Minister who was in office at the time made excuses to the Conference, but what is required is more political will, not excuses, for the teachers of Ecuador.

Observer, International Trade Union Confederation (ITUC) – Please receive the fraternal greetings of the ITUC, TUCA and also the United Workers' Front and the Ecuadorean Confederation of Unitary Class Organizations of Workers (CEDOCUT).

We represent the workers in a country with great natural and human wealth, but which is afflicted by inequality and exclusion. Today, labour rights and dignity are confronted by grave threats due to a neoliberal model that gives priority to accumulation and is dismantling the fundamental rights promoted by this tripartite Organization, and which are defended by



workers. In Ecuador, we are experiencing growing labour precarity, under the pretext of economic recovery. Policies are being applied that are reducing rights, weakening trade unions and criminalizing social protest. Over 60 per cent of our workforce is in informality, with young persons, women and rural workers being faced with instability, the lack of opportunities and the absence of social protection. We denounce the alarming criminalization of trade union protest action. In our country, raising your voice, organizing and mobilization can result in persecution, dismissal and even loss of life. In this context, with painful irony, slogans such as “*la chispa de la vida*” (the spice of life) and “new Ecuador” have become synonymous with dismissals and union persecution. What formerly promised well-being now represents repression.

It is not possible to speak of social dialogue if the minimum guarantees are not present for freedom of association. We demand, first, that the State of Ecuador complies with the fundamental ILO Conventions, and particularly those on freedom of association and collective bargaining. Second, the withdrawal of laws that promote precarity, such as occasional contracts, subcontracting and hourly work, which are in violation of the Constitution and the principles of the progressive improvement of rights. Third, putting an end to the persecution of trade union leaders and public and private enterprises where complicity is evident with the officials of the Ministry of Labour, leaving thousands of workers defenceless, such as in the case of David Almeida in Ecuador, as indicated in Case No. 3488 of the CFA. Fourth, we call for an urgent mission to the country by the ILO in light of the new labour reforms that are threatening to legalize precarity and weaken trade union organization even further.

The ILO must continue to be a bastion for the defence of workers’ rights. We cannot allow the principles of social justice to be replaced by the logic of the market. The trade unions of Ecuador are continuing the fight, and we are not alone, as we have the support of international solidarity. We say clearly that rights are not to be begged for, but to be fought for. We strongly reaffirm that there can be no progress without social justice, no decent work without freedom and no worthy life without decent work and without fear.

Long live the struggle of the working class in Ecuador and throughout the world.

Government representative – From everything that has been said, it may be inferred that reference is being made to earlier years, as I noted. You were talking about 2007, 2008, and the latest year that was mentioned was by the President of the UNE, namely 2016, which all goes to reaffirm what I said in my first intervention. As I recognized and explicitly indicated, the person who presided over the Government at that time was the economist Rafael Correa Delgado, who followed not only an anti-union policy, but also anti-social and labour organizations, and particularly anti-indigenous.

Today, he is not only under sentence in Ecuador to terms of imprisonment for over five years, but his behaviour is recognized as a person fleeing the judicial system and facing over 33 criminal charges in the ordinary courts. Similarly, at the level of the Constitution, many of the decisions taken by then President Correa, through various presidential decrees, have been found unconstitutional and set aside.

In my first intervention, I indicated that one of the most recurrent measures taken by that Government, which led the country for ten years, was to restrict collective bargaining and trade union organization. Accordingly, through the judicial system, and more specifically the National Court of Justice, a ruling was issued, which I attached so that you could see it, which restricted and held back the continuity of collective bargaining, as well as the continued validity of trade union executive committees that have not been renewed, in relation to both the renewal of trade union officers and new collective agreements.



Nevertheless, as Minister of Labour, I issued a Ministerial Decision developed by technical forums in which I recognized the principle of continued validity as a principle to guarantee the maintenance of collective bargaining.

It has been repeated here by some speakers that in Ecuador branch unions are not recognized. That is not true. What I infer is that there has been a misunderstanding of the provisions of the Labour Code which, in section 459(4) has for many years explicitly recognized branch unions. It provides that “the members of the executive committee shall be affiliated to the association of their branch of activity, they must be of Ecuadorian nationality and over the age of majority”.

It has also been erroneously stated here that not even one branch agreement has been negotiated. That is not true. In Ecuador, three collective branch agreements have just been negotiated in the sugar sector. The collective contracts have been signed by three sugar enterprises. The final one of the three contracts, which I personally attended and witnessed as a guest of honour, was in a sugar mill which signed contract No. 30 and has 19,000 hectares of sugar cane and has existed for 110 years. It has also been claimed that there is no collective bargaining in other branches of activity and in the agricultural sector. That is not true. In Ecuador, one of the biggest export sectors is the shrimp sector. A collective contract was signed less than two months ago in a shrimp enterprise that employs 19,600 workers.

I take exception with those who have made such denunciations, which are recurrent and correspond to earlier periods, and who therefore need to keep updated because, clearly, not only is the worst of disinformation generated in relation to such a prestigious specialized organization, the International Labour Organization, but the real situation is misrepresented. It is better to tell the truth than to spread misinformation and lies.

However, I must also say the following. It has been claimed by the Worker spokesperson that in Ecuador section 172 of the Labour Code represents trade union repression. Section 172 refers to the possibility of an administrative complaint, which is not only used by employers to obtain “visto bueno” approval for workers, but is also used by workers, when they consider it appropriate, if the employer has engaged in action that is in violation of section 172, in order to obtain “visto bueno” approval through administrative channels. This basically happens if the employer has not paid the worker on time. As Minister of Labour, I created two procedures under section 172, because previously there was only one “visto bueno” procedure based exclusively on a decision by the labour inspector. A worker could be dismissed for conduct amounting to an administrative fault or a violation of the internal rules. As Minister of Labour, and based on my experience as, not only a lawyer, but also a magistrate, as I sat as a magistrate in Ecuador for ten years, and at the request of President Daniel Novoa, the first thing I did as Minister of Labour was to give effect to the Constitution. An administrative decision of “visto bueno” in Ecuador for more than a year can now be appealed to a higher instance. I subsequently raised awareness, not just for inspectors, but also for the public and workers. Other appeals can be made, in accordance with the Basic Administrative Code in an appeal for review.

This Ministerial Decision, although I am not asking you to welcome it, you do need to know about it, because I am totally convinced that the Worker spokesperson does not know about it, which has resulted in the inclusion of dual instance administrative remedies, as they are known by lawyers. Most of the administrative decisions made in the first instance result in a conciliation agreement under which the worker returns to the job or the employer withdraws the action, or alternatively, the employer pays the sums in arrears to the worker. What we are



avoiding are the dismissals which for many years in Ecuador were subject to a single administrative decision, with everything expedited within 60 days.

I must also, in response to a request by the Employer spokesperson, as the representative of the State, provide fuller information on the new labour legislation that has been adopted in Ecuador since December 2023.

With a view to ensuring the employability of young workers, we offer employers tax incentives. We were called upon by the Economic Commission for Latin America and the Caribbean (ECLAC), because it was considered that in Ecuador there was no policy on the employability of young persons and women. We drew up two laws: the Violeta Act for the recruitment of women in the productive sector through tax incentives. The Ministry registers equality plans. And tax incentives are provided for young persons to improve the employability of young persons between 18 and 29 years of age. We have registered 333,000 jobs for young persons in the Ministry of Labour. It is undoubtedly a whole process of change that has been rather rapid, but we consider it necessary. We are continuing to comply with the process of collective bargaining. No explanations or reasons have been given here, but I understand that the references made were to previous years. Which collective contracts have faced obstacles to their conclusion in either the public or the private sectors?

However, it is necessary to indicate that in the Ministry of Labour there was a recurrent practice, through the Conciliation and Arbitration Tribunal, through which collective agreements in the public sector were reviewed, which avoided the determination of the Ministry of the Economy and Finance, which has to ensure economic sustainability so as to guarantee all the economic gains established by new collective bargaining. The Constitutional Court of Ecuador ruled that, as a guarantee of the economic viability of the financial terms of collective contracts, it is necessary to obtain the determination of the Ministry of the Economy and Finance and, as Minister of Labour, I have maintained that compliance with the law shall be achieved through a technical forum, and this has been done through a recent reform of the Ministerial Decision in order to comply with the provisions of the Public Finance Act. The Ministry of the Economy and Finance has to issue a determination within a period of no longer than 30 days. The Ministry of Labour has therefore established technical forums through its open public labour policy, which is making it possible to improve the negotiation of collective agreements in the public sector.

There are specific tests by the Office of the Financial Auditor for this type of evasion of determinations, because when determinations of economic viability were avoided, the collective agreement was a dead letter. In the past, the Ministry of the Economy and Finance held that if there was no economic determination, there would simply be no money. So what we are doing now is setting a 30-day limit for the Ministry of the Economy and Finance to provide us with the determinations, and I should inform you that we have already concluded several collective agreements in the public sector in compliance with this provision. Such agreements have been concluded in the Ministry of Energy and Mines for the oil sector, and in the Ministry of Education. And we are preparing to conclude a contract in the Ministry of Social Inclusion, which covers social matters throughout Ecuador.

Finally, I wish to indicate that the State of Ecuador, during this new period, and in the previous period of office of President Daniel Novoa, which began in November 2023, has never opposed a visit by an ILO mission. Quite the contrary, we want it to come so that it can see how we are promoting the public labour policy, not only in compliance with ILO Conventions. We were the first country to give effect to the Violence and Harassment Convention, 2019 (No. 190), and the first thing that we did was to reform the Labour Code. And we will soon be taking



further action, as is our responsibility as the State that has subscribed to each and every ILO Convention.

The best way of promoting a public policy is through certainty and truth, but also through hope and optimism. And that is how we will continue to proceed in Ecuador by protecting not only the administrative and legal rights of workers, but also undoubtedly, just as employers and the State have rights and duties, workers also have rights and duties, and it is only through unity that we can make progress and achieve a peaceful world of work.

Worker members – We arrived in the Committee with deep concern, more than we had previously. After listening to the Government of Ecuador, we are bound to regret that we have not heard substantive responses, and particularly not in line with the requirements of the supervisory bodies. What this Committee expected, and the country required, was a clear commitment, based on action in practice, compensatory measures and, in particular, effective compliance with the Convention.

It is appropriate to recall, as has been noted by others, but I will reaffirm the fact that the situation in Ecuador has been examined on multiple occasions, as recently recalled, in 2014 and 2016 for this Convention, and in 2017, 2022 and 2024 for Convention No. 87, and once again today for Convention No. 98. These repeated examinations are illustrative, in our view, of a structural concern that requires a response that is commensurate with the international commitments assumed.

Instead, we have heard explanations from the Government, which has attempted to justify the current administration, while detaching itself from historical responsibilities and reaffirming, for which we are grateful, the fundamental respect that is required for freedom of association, but without providing specific information to the Committee of Experts, as requested, for the 113rd Session of the Conference. And these are facts, not lies, because when we are dealing with fundamental rights, when freedom of association and collective bargaining are at stake, what is required, as has been emphasized here, and we agree, is rigour and political determination.

The Committee of Experts was clear in calling on the Government of Ecuador to provide information on the number of collective agreements currently in force in the country. It wanted to know the sectors in which they have been concluded, whether they are new or revised agreements, how many workers are covered by them and, in particular, it requested detailed information on the agricultural and banana sectors where, as we all know, there have historically been serious difficulties in the exercise of freedom of association, the right to organize and collective bargaining. There has been no response.

The Committee of Experts also requested information on the measures adopted to eliminate anti-union discrimination, prevent interference with workers' organizations and guarantee the freedom to engage in collective bargaining in practice. Once again, the replies have been generic, and we have heard the claim that Ecuador respects freedom of association, but we need, in accordance with the request made by this Committee and the report of the Committee of Experts, the provision of data on the cases brought, the penalties applied and effective remedies ordered.

And yet, anti-union practices persist with total impunity. In the private sector, dismissals of workers are frequent as soon as a union is established. In the public sector, the same happens, but in the guise of a procedure. We have just heard what the Minister had to say on the "visto bueno" procedure, and the adjustment that has been made, but in fact we have not been informed of this in practice, and nor has the Committee of Experts. The truth is that the



readjustment of a procedure is not respect for freedom of association, but it is the denial in practice of the right to organize and to collective bargaining.

The Committee of Experts requested detailed information on the situation with regard to collective bargaining in the public sector, including the legal obstacles that prevent its exercise by workers who are classified as public servants. The Government has omitted to refer to this absolute exclusion that persists for a majority of workers in the public sector, which is based on legislative and constitutional provisions, and we have not heard any proposals for specific measures to resolve the situation. Although there are some collective agreements, as we have noted, they are for employees classified as manual workers. And we also heard some explanations on the restrictions relating to matters that are the responsibility of the Ministry of Finance. Ministerial Decision No. 056, which withdraws a previous measure that allowed for the unilateral review of collective agreements, is a minor step forward, a technical adjustment, to a regressive measure that was adopted by the same Government. It does not amount to a structural reform, nor does it overturn the historical exclusion of the public service from collective bargaining.

As we are speaking of structural restrictions, we cannot fail to refer to section 221 of the Labour Code, which imposes a threshold of over 50 per cent of members for the exercise of collective bargaining. This has also been noted by the supervisory bodies as an excessive and disproportionate barrier. And we have still not heard of any specific initiative to amend this provision, nor have we heard of any progress in relation to collective bargaining at the branch level, for sectors composed mainly of small production units, agriculture, domestic workers, commerce, the services sector, where the enterprise model is inadequate or not viable.

The Conference Committee must also take into consideration that we have not been provided with information on the elimination of compulsory arbitration, and that section 225 of the Labour Code continues to be in force despite the reiterated requests made by the Conference Committee and the Committee of Experts. Nor have clear measures been taken to repeal pre-established budgetary ceilings, or the unilateral review procedure, to which we have just referred, which voids of content everything that we are defending and the provisions of the Conventions and fundamental rights that constitute collective autonomy.

We therefore call for the conclusions of the Committee to include the following points:

- promote the adoption of legislative reforms that fully guarantee the right to collective bargaining for all public servants, through the repeal of the legislative provisions that currently restrict it, including those contained in the Basic Public Service Act, the Act on Public Enterprises and in constitutional provisions;
- promote a legal reform to enable collective bargaining by branch of activity and at the enterprise level, removing excessive membership requirements and respecting the independence of the parties without budgetary interference.

It is also necessary to ensure that arbitration is always voluntary and that all forms of anti-union discrimination and reprisals are prohibited.

I would like to welcome the common ground in the positions relating to the explanations made by the Government of Ecuador, and particularly with the Employers, the countries that have taken the floor and the Workers' group which, in a world that is so difficult and controversial, is worth emphasizing. I believe that we have to take advantage of the fact that the Government of Ecuador accepts, and we are calling for a tripartite mission as a priority measure to facilitate tripartite dialogue, make progress in compliance with the Convention and promote respect for the ILO and all of us who form part of it.



Employer members – The Employer members trust that it will soon be possible to organize the visit of a mission, as we have indicated, and that in any case the Government can receive the technical assistance of the Office to examine changes to its labour legislation, with special attention being paid to the national characteristics, as we have emphasized in this and other cases, and of course in consultation with workers' and employers' organizations.

We once again give thanks to the Minister for her explanations and her presence this afternoon

Conclusions of the Committee

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

The Committee noted the Government's stated readiness to cooperate with the ILO, make use of its technical assistance and continue its consultation with social partners to strengthen legal protection that fully guarantees the right to organise and collective bargaining.

Taking into account the discussion, the Committee urged the Government to conduct a comprehensive review of the collective labour law framework, in alignment with the Convention and in consultation with social partners at the National Labour and Wage Council, ensuring reasonable coherence and taking effective measures to:

- ensure that collective bargaining occurs in a conducive environment, establishing appropriate mechanisms and respective legal protections for all categories of workers and employers covered by the Convention;
- review regulations concerning the establishment of employers' and workers' associations and collective bargaining practices;
- provide data on: (i) collective bargaining in the public and private sectors, including the number of collective agreements in force in the country, the date of entry into force and renewal, and the number of workers covered by sectoral collective agreements; (ii) the number of affiliated workers and their respective unions, number of enterprise committees, and number of employers' organizations and respective affiliated members; and
- address anti-union discrimination, prevent interference in workers' and employers' organizations and guarantee the right to collective bargaining in law and practice and provide information on cases processed, sanctions imposed or effective corrective measures taken.

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

The Committee requested the Government to provide a detailed report on progress made to implement the above recommendations to the Committee of Experts by 1 September 2025.

Government representative – The Government of Ecuador accepts fully all the recommendations made and read out this afternoon, recalling that we have not been the subject of discussion for ten years, as I indicated to you previously. It has been very satisfying, in addition to the presence of both the Employers, represented by Mr Corral, and the Workers, represented by Messrs Chica, Salazar and Reyes, representatives of the telecommunications,



oil and education sectors. As a consequence, once we have accepted all the recommendations we will give effect to them, and will send in detail all the information requested this afternoon.

El Salvador (ratification: 2006)

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

Written information provided by the Government

Application of Article 1 of the Convention: Classification of fines according to the seriousness and type of offence, and application in practice

In view of the adoption of the amendment to section 627 of the Labour Code by Legislative Decree No. 519, published in the Official Journal of 31 October 2022, the system of penalties was substantially updated, significantly increasing the amounts of fines applicable for infringements of the provisions of Books I, II and III of the Labour Code, and of other labour law provisions which do not prescribe a specific penalty. It is important to mention that the aim of this reform is to identify and penalize the seriousness of violations of workers' rights and to enable an analysis of the capacities of employers so as not to undermine their financial stability or business freedom in El Salvador. Differentiated ranges have therefore been established according to the size of the enterprise and the number of workers employed, as follows:

- (a) Microenterprises employing up to ten workers: a fine of up to two minimum wage equivalents for each violation (up to US\$730);
- (b) Small enterprises employing between 10 and 50 workers: a fine of up to four minimum wage equivalents for each violation (up to US\$1,460);
- (c) Medium-sized enterprises employing between 50 and 100 workers: a fine of up to eight minimum wage equivalents for each violation (up to US\$2,920); and
- (d) Enterprises employing more than 100 workers: a fine of up to 12 minimum wage equivalents for each violation (up to US\$4,380).

Within this framework, acts of anti-union discrimination are liable to be penalized under these provisions, if they constitute infringements of the fundamental rights established in Books I and II of the Labour Code, in particular those relating to freedom of association and non-discrimination on account of trade union membership.

In addition to considering the size of the enterprise, the new regime takes account of criteria such as the seriousness of the offence, the intent and the injury caused; these elements enable penalties to be classified and graduated in a proportionate way. Hence, in accordance with the procedure established in the Labour Code, the labour inspectorate plays a key role as the technical body of the State for enforcing labour standards. In this regard, the Government, through the Labour Inspection Department, undertakes periodic and strategic inspections where, should violations of the labour regulations be detected, the corresponding administrative penalty procedure is activated.

Although the reform of section 627 of the Labour Code, which strengthened the system of penalties, was adopted in 2022, this regulatory advance forms part of a broader process of institutional change which was launched in 2019, aimed at consolidating a new vision of the function of the State in labour matters. Since then, a more proactive and committed approach has been promoted involving the effective defence of workers' rights, recognizing that



institutional responsibility is not limited to oversight, but also involves support for and the guarantee of access to labour administrative justice. Hence national public actions such as the “national decent work award” and the “national collective bargaining award” promote compliance with the law on the basis of incentives.

It is important to underline the fact that, although the imposition of an administrative fine does not fully compensate the violation of a fundamental labour right, it does represent a real deterrent mechanism against anti-union practices or other forms of labour discrimination, with the ultimate objective of consolidating a culture of regulatory compliance that contributes to the effective respect of fundamental rights at work.

As follow-up to the practical implementation of the regime, the Labour Inspection Department has recorded relevant actions in this area. By way of illustration, a statistical table is provided below giving a systematic overview of offences detected, penalties imposed and amounts collected from January to December 2024, in relation to infringements of freedom of association.

► **Fines imposed, offences and amounts. Violation of freedom of association**

Grounds for inspection	Total fines	Total offences	Total amounts (US dollars)
Dismissal of union leader	24	79	8 441.98
Dismissal of union member	8	8	410.70
Anti-union discrimination	1	1	57.14
Total	33	88	8 909.82

Source: Labour Inspection Department (DGIT), Ministry of Labour and Social Welfare (MTPS). January–December 2024.

Protection of freedom of association of municipal authority workers

With regard to the observations of the Committee of Experts, the Government indicates that various measures have been adopted to ensure protection against anti-union discrimination for municipal workers through the legal mechanisms in force and through labour inspection.

In this regard, the Ministry of Labour and Social Welfare (Ministry of Labour), through the National Municipal Administrative Careers Registry (RNCAM) and in coordination with the Labour Inspection Department (DGIT), has carried out both scheduled and special inspections, in accordance with the provisions of the “Act on the structure and functions of the labour and social welfare sector” (LOFTS).

Inspections in the municipalities were initially carried out in two different stages:

- The first stage constituted technical support for the RNCAM; its main purpose was to determine staff recruitment procedures in the various municipal authorities in the country.
- The second stage was aimed at verifying compliance with obligations related to deductions, especially those related to the payment of salaries, social security and contributions.

During both phases, compliance with the labour regulations applicable to municipal workers was verified, including the existence and registration of individual employment contracts; the registration of workers within the regime of the Municipal Administrative



Careers Act (LCAM); the validation of single payslips; and social security coverage. RNCAM staff undertook verification of the following documentation and information:

- List of persons registered under the LCAM scheme.
- Number of workers hired through appointment.
- List of staff corresponding to the inspected district.
- Handbook containing post descriptions.

The purpose of this action for the protection of labour rights was to comply with section 1(c) of the LCAM, according to which the main objective of the regulations is to guarantee the efficiency of the municipal administrative regime, ensuring equal opportunities and job stability, as well as possibilities of promotion and transfer for municipal public servants.

This action has led to substantive progress in guaranteeing the labour rights of municipal workers. Within the framework of the competencies of the Ministry of Labour, the Labour Inspection Department, in coordination with the RNCAM, consolidated coordinated work aimed at safeguarding the fundamental rights of workers in municipal service.

It should be noted that, as part of the commitments entered into by the State, for the first time in the institutional history of the country, nationwide action was taken in the municipalities with an approach expressly targeting the effective protection of labour rights, particularly the protection and stability of workers, and the general fulfilment of employers' obligations.

In addition, a targeted operational strategy was developed in the 100 most populated municipalities in the country, significantly expanding coverage of municipal workers protected by inspections, prioritizing the areas with the highest concentration of local public employees. This territorial prioritization not only increased the Ministry's operational scope but also enabled the identification of patterns and the adoption of more effective preventive and corrective measures to ensure compliance with the legislation in force.

Within this framework, and as a result of the actions carried out, the following full-scale inspections were carried out in the 2023–25 period in the different municipalities across the country:



► Inspections carried out in municipalities during the 2024–25 period

Grounds for inspections in municipalities	Number of inspections	Men	Women
Inspection of Occupational Risk Prevention Act (LGPRLT) (sections 8 and 13)	114	6 863	3 565
Inspections relating to social security contributions, armed forces welfare, pensions, income tax	24	1 515	717
Employment situation of workers	95	9 499	4 524
Total	233	17 877	8 806

Source: Labour Inspection Department (DGIT), Ministry of Labour and Social Welfare (MTPS).

In addition to the operational work, the Ministry of Labour raised public awareness of so-called “bogus contracts”, with the aim of publicly declaring their illegality. These involved the practice used by municipal administrations to establish contracts for short periods of time, usually one year, in order to get rid of workers without due process, disregarding their career path or service record in these institutions. The promotion of inspections throughout the national territory and the coverage of municipal workers by the LCAM constitute a guarantee for the existence of due process in all cases.

Application of Articles 2, 4 and 6, in relation to pending legislative issues, regarding the prohibition of acts of interference, and requirements for the negotiation and renegotiation of a collective agreement

As part of the Government's commitment to promoting social dialogue and the active participation of social partners, the Ministry of Labour has planned to set up a dialogue forum with workers' organizations, covering the different levels of trade unionism, namely unions, federations and confederations. This forum will seek to address the different collective opinions aimed at strengthening decent work, effectively guaranteeing fundamental rights of employment and freedom of association, through first-hand knowledge of the needs and interests of organizations in order to identify and promote direct solutions from the Ministry of Labour.

Within this framework, a formal invitation has been issued to more than 180 organizations for Tuesday, 20 June to ensure a participatory, inclusive and representative process in the formation of this dialogue forum. It is hoped that this will continue to take place on a regular, ongoing basis, in order to further promote dialogue and lay the foundations of trust for institutionalized tripartite forums. A consequent objective of these dialogue spaces will be precisely to promote the basis for analysis of, and consultation on, reforms to the current labour legislation.

The Government reaffirms its commitment to the complete revision and updating of the Labour Code. In this regard, technical work has continued in order to produce an initial proposal to be submitted for consultation with the sectors. This was conveyed to the Director of the ILO Office for Central America, Haiti, Panama and the Dominican Republic (ILO Office for Central America) in face-to-face meetings during the month of May in order to also obtain the necessary technical assistance. It should be noted that, although one of the main changes aims



to extend the credentials of trade union executive committees, the objective is to update the entire legislation in relation to the current challenges of the world of work, and this is the reason why the process cannot be rushed.

In this regard, the Government reaffirms its institutional openness and its commitment to creating participatory, transparent and pluralistic forums aimed at strengthening the national labour system. For this reason, in various meetings with the technical teams of the ILO Office for Central America, the analysis of the representativeness of the trade union movement based on the statistics of the Labour Department has been forwarded, with the aim of opening up training and participation forums to the plurality of the Salvadoran trade union movement.

These efforts not only promote compliance with international labour commitments but also empower workers' organizations as key players in democratic development, while strengthening the foundations for tripartite dialogue.

Existing collective agreements, their coverage and actions to promote them, as well as increasing the number of collective agreements in the public and private sectors

Within the framework of this progressive strengthening of collective bargaining and in compliance with the commitments entered into under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Convention No 98 and the Collective Bargaining Convention, 1981 (No. 154), the Ministry of Labour has continued to promote various actions aimed at ensuring an environment conducive to effective collective bargaining in both the public and private sectors. In this regard, and as a sign of the institutional commitment to the consolidation of collective rights, the Office for Trade Union Matters has intensified its efforts to provide technical and legal support to workers' organizations, particularly in the processes of establishing, registering and legalizing trade unions, as an essential preliminary step for the full exercise of collective bargaining. To this end, a total of 434 consultations were carried out during the last year, enabling the swift accreditation of executive committees.

Regarding this last point, it should be emphasized that consultation is not a mandatory step in the process, but it does reduce the time required and the margin of frequent errors in obtaining credentials. In this regard, we recognize the persistence of frequent errors in some procedures that cause delays in accreditation. Consequently, in coordination with the ILO Office for Central America, we are planning to hold open workshops to highlight frequent errors and the proper procedure to ensure efficient processing.

In this context, and as a result of these actions, a total of 55 new collective agreements were registered in the 2022–24 period, of which 20 relate to the public sector and autonomous institutions and 35 to the private sector, indicating a positive trend towards the increased formalization of labour relations through collective instruments, without taking account of agreements where there have been no changes in their regulations.

In this regard, we take careful note of the Committee of Experts' comments indicating a low coverage rate of collective agreements. We consider that this can be attributed, not to the requirements established by the legislation, but rather to two factors that have been addressed by the Government. The first involves the historical stigmatization of the trade union movement, whereby the latter was associated with subversive left-wing factions in the aftermath of the civil war in El Salvador; the second involves the resistance of employers to engaging in collective bargaining. In both cases, the Government of El Salvador has publicly promoted action to enable a paradigm shift in public perception and ensure a better view of



the trade union movement, including the “national decent work award” and the “national collective bargaining award”. We, the Government, accept that there are still challenges in the way of such acceptance, but we have also promoted the application of legislation through labour inspections and the dialogue forums referred to above.

Similarly, the Labour Department facilitated a total of 2,021 conciliation hearings over the last year, as part of respect for workers’ rights.

In this context, the Ministry of Labour’s support has been key to the development of sustained and effective collective processes. This direct public assistance to the sectors has resulted in the greater formalization of trade unions, which lays the foundations for progressively expanding the coverage of collective instruments, in line with the objectives of the Convention.

Moreover, in this context of strengthening work environments that respect fundamental rights, the Ministry of Labour has initiated a process of inter-institutional analysis and coordination aimed at establishing mechanisms to enable the reinstatement of unionized workers who have been dismissed without due process and who are linked to various cases brought before the Committee on Freedom of Association (CFA). This measure is currently subject to legal and administrative follow-up, and information will be forwarded to both the Committee of Experts and the CFA as soon as possible.

Discussion by the Committee

Chairperson – I have the honour of inviting the honourable representative of the Government of El Salvador, the Minister of Labour and Social Welfare, to take the floor remotely.

Government representative – From El Salvador, I wish to convey fraternal and supportive greetings to the working class of the world on behalf of President Nayib Bukele. I wish to express my concern, dismay and indignation that this supervisory mechanism is once again being used against El Salvador for political purposes. We have been called upon to report to this forum following negotiations that were not very transparent, full of mistrust and secretive, in a process that is very far from the principles that are promoted by this institution, which are focussed on the promotion of social justice and the protection of labour rights as fundamental pillars for the achievement of decent work and peace in the world.

It is a matter of concern that cases involving serious violations of labour rights are not addressed in this forum. The question arises of whether this is for political motives or the geopolitical influence of certain nations. For example, powerful countries where there have been protests and demonstrations by workers who have been severely repressed and which have not been called before this forum, which gives rise to reasonable doubt as to whether the grounds and criteria for inclusion really consist of cases of serious violations, or more probably the capacity and influence wielded by the elite decision-makers, even leaving aside the views of the social partners and giving weight to the influence of the powerful.

In other regions, trade unionists continue to be murdered, tortured and silenced for defending fundamental rights.

We have seen on various occasions the manner in which the voices of national trade unions have been disregarded, leaving the decision to international spokespersons who are not aware of the real national situation. The process is reduced to a negotiation in which most weight is given to lobbying capacity, and in which we are small change.



Nevertheless, in our respect for this Organization and our pride in our compliance with our commitments to international labour standards, I will now present the requested report to the Committee.

El Salvador reaffirms its commitment to protecting the right to organize and collective bargaining, which are also protected by the Constitution. This commitment has been reaffirmed by the recent ratification of Convention No. 154, which supplements the present Convention. Both Conventions reinforce the prohibition of anti-union practices and interference by employers, and promote industrial relations based on justice, mutual respect and equity. Accordingly, the Government has promoted legal provisions that strengthen freedom of association and consolidate social dialogue as a mechanism for the resolution and improvement of working conditions.

In that regard, we wish to emphasize that, over the past five years, there have been 80 new unions as a result of the support and advice provided by the Office for Trade Union Matters, which has been established in our administration, the purpose of which is to provide detailed advice to trade union leaders on compliance with all the legal requirements for their accreditation. All of this has the objective of strengthening freedom of association and promoting an environment that is safer and more conducive to the establishment and operation of unions.

Our legislation also protects the right to collective bargaining in both the private and public sectors. As a result, in practice, over the past two years, 55 new collective labour agreements have been concluded, 35 in the private sector and 20 in the public sector. The increase has been from 167 collective agreements registered in 2022 to 222 in 2024, representing a rise of 30 per cent, thereby demonstrating our firm commitment to the promotion and protection of collective bargaining.

It is also with great pleasure that we announce one of the principal results of institutionalized tripartism in El Salvador, the recent unanimous approval of an increase in the minimum wage by the National Minimum Wage Council as a result of the active participation of the three partners in its analysis, discussion and agreement. It should be emphasized that unanimous agreement had not been achieved in the Council for 14 years, thereby offering a significant demonstration of the progress and strengthening of institutionalized tripartite social dialogue.

We are aware that historically El Salvador has had a low unionization rate, resulting from the repression and stigmatization by previous governments on both the right and the left. Moreover, there was always a denial and rejection of trade unionism by actors on the extreme right, including members of the National Business Association (ANEP). That should raise questions, because during that period no complaints were made by the ANEP in that respect, despite the trade union repression, as they were the ones who were governing the country at that time and who normalized anti-union stigmatization.

We are therefore surprised at the position taken by the ANEP in defence of collective bargaining and the right to organize, when its historical role has been to oppose these principles.

And we are emphatic in questioning the position taken by the ANEP which, at the international level, flies the flag of the struggle and politicizes this forum, while at the local level it opposes freedom of association and restricts its member enterprises from creating unions, thereby demonstrating the duality of its moral position. We therefore forcefully recall that the ANEP does not represent the institutional position of the productive sector.



The ones that are working coherently with the Government are other employers' organizations that are more representative of the productive sector in El Salvador.

In accordance with national and international law, and our own principles, the Government has established the National Decent Work Award, which recognizes good enterprise practices in compliance with freedom of association and the creation of decent working conditions, with 150 enterprises receiving the Award. Similarly, the National Collective Bargaining Award recognizes the capacity for dialogue between employers and workers and the achievement of better conditions of work through collective bargaining.

In this way, the aim is to emphasize the fundamental role of our trade union leaders as defenders of labour rights. Although this is a broad challenge, such action marks an important milestone in the constant progress that is being made in recognizing the fundamental role played by the trade union movement in our society.

With reference to adequate protection against anti-union discrimination, as a Government, we are fully aware that trade unionism provides the fundamental basis for the negotiation and progressive improvement of labour rights and the generation of decent employment. We therefore wish to announce that, with a view to achieving greater protection for labour rights, section 627 of the Labour Code has been amended to raise the fines for violations of the labour legislation, rising from a maximum fine of US\$57.14 to a maximum fine of US\$4,905, which is equivalent to 12 minimum wages, based on the seriousness of the violation and the size of the enterprise.

In accordance with the legislation, acts of anti-union discrimination are punished under these provisions, as they constitute violations of the fundamental rights set out in Books I and II of the Labour Code, with particular reference to those respecting freedom of association and non-discrimination based on trade union membership. In addition, supervisory mechanisms have been activated through the labour inspection services.

Moreover, with reference to the protection of the right to organize of workers in municipal authorities, in contrast with previous administrations, which failed to protect municipal workers, the Government of El Salvador has adopted a firm attitude in defence of their trade union rights. Through the Ministry of Labour and Social Welfare, some 223 comprehensive inspections were carried out in 2024, covering 100 per cent of the municipal authorities in the country and benefiting over 26,600 municipal workers. These inspections examined all types of conditions, forms of recruitment, compliance with labour and fundamental requirements, and respect for freedom of association.

The Ministry also publicly denounced the existence of the so-called "bogus contracts" used by certain municipal authorities to increase the precarity of municipal employment by using temporary contracts without any guarantee of employment stability. In response, the inclusion of these workers in the National Register has been promoted under the Administrative Careers Act to ensure their rights, employment stability and due process, thereby marking a structural change in the protection of this historically vulnerable sector.

With reference to the strengthening of the legislation, the Government of El Salvador reaffirms its commitment to revising and updating the Labour Code, which dates from the 1970s. The technical work on this has been continuing with an initial proposal, which will be submitted for consultation with the social partners. This historic reform of the Labour Code does not respond to the interests of the elite, but to the real situation of the working class and the world of work. However, it will be discussed, developed and approved in the Higher Labour



Council, thereby guaranteeing that all the social and productive partners, including the trade union movement, contribute actively to its development and adoption.

One of the principal changes relates to the extension of the credentials of trade union executive committees, with the objective of updating the legislation in line with the current challenges in the world of work. For this reason, the process cannot be pressurized and has to be discussed and developed with all parties. For that reason, we have also requested the technical assistance of the ILO in carrying forward the process.

I also wish to reaffirm our openness to dialogue. As part of our commitments to freedom of association, we are extending the forums for direct dialogue with trade unions, their chapters, federations and confederations. An open dialogue forum was recently held with the participation of around 150 trade unions, including some who are present here in these meetings, and all the essential aspects were taken into consideration to carry out the reform of the Labour Code.

As a result of this dialogue, we have also undertaken to maintain better communication on a regular basis with smaller sectoral meetings. Immediate measures will also be taken in response to the various matters raised.

In this respect, the Government of El Salvador reaffirms its willingness at the institutional level and its commitment to the establishment of participatory, transparent and pluralistic institutions, such as the El Salvador Pensions Institute, which is a new tripartite institutional body that promotes compliance with international social welfare standards with a view to the strengthening of the national labour system, in the hope that their reinforcement is constant and continuous.

We wish to emphasize that our Government has restored security and confidence in El Salvador. The citizens of El Salvador can now leave their homes without fear of being the victims of violence. This feeling of freedom and tranquillity, which was previously unimaginable, has now become the basis for the transformations that we are carrying forward, as the criminal and terrorist organizations have been neutralized, allowing the sustained growth of jobs and trade union action.

In this context, as the Government, we cannot fail to make reference to the painful cases of the murders of the trade unionists Weder Arturo Meléndez Ramírez, the former employee of the municipality of El Salvador, and Victoriano Abel Vega, who was employed by the municipality of Santa Ana. These are tragedies that, as the Government, we profoundly regret. And, in the case of Weder Meléndez, in particular, it was the Government itself that brought the case to the ILO in order to ensure international oversight, in our conviction that the death of a trade unionist must never go unpunished.

As we have indicated on several occasions, there are already findings in the case. The investigations have determined that the murder was committed by members of gangs for reasons that are unrelated to his trade union activities. Based on the information received from the Office of the Public Prosecutor of the Republic and the National Civil Police, we are able to state that exhaustive investigations have been carried out in both cases so that those responsible can now undergo prosecution.

In our country, the right to organize and collective bargaining is respected. Proof can be seen in the various massive demonstrations and celebrations of freedom of expression that have taken place, with marches by the working class, for example for the 1st of May, with the inclusion of social movements, without heeding their affinities or proclaimed objectives. And they were not repressed or intimidated in any way. Quite the contrary, in its respect for



freedom of association, the Government of El Salvador provided police support and also allowed them to use roadways and public spaces without any type of restriction.

In this regard, we are working for and on behalf of the people of El Salvador, making progress in our historic process of development with independence and social commitment, together with representative enterprise associations and hand in hand with the trade union movement. I take this opportunity to renew our call to international actors to respect our internal processes and heed the voices of the local actors who are part of this effort and who are contributing with us to the construction of a new El Salvador in a context of respect for the working class.

Worker members – We thank the Government for its intervention and we place specific emphasis on the report of the Committee of Experts, which provides the technical basis for the examination of this case. It should be noted that the case of El Salvador has been included on many occasions in recent years, as indicated by the Committee of Experts.

Workers' organizations have been reporting serious difficulties in the exercise of freedom of association and the right to organize. But it is not an isolated problem. The Committee of Experts has also made substantive comments, although at a different intensity, concerning Convention No. 87 and the Labour Relations (Public Service) Convention, 1978 (No. 151). This shows that there are still structural shortcomings in industrial relations in the country.

A careful reading of the report of the Committee of Experts also allows us to place in context the profound reality of the situation that has marked the history of El Salvador. A persistent trajectory of structural violence that has affected the various fields of social development, and particularly the world of work and trade unions. This anti-union violence has had the most serious of consequences, including persecution, threats and in many cases also the murder of trade union leaders, as set out in the report of the Committee of Experts. These are facts that cannot be considered isolated episodes, nor confined to the past, as they have to be seen in terms of a historical continuity which has also left its marks in the present in various forms and to very different degrees of intensity.

The Committee of Experts has expressed grave concern at the persistence of legislative gaps which prevent the full application of the Convention in El Salvador. In particular, it emphasizes the need to amend key provisions of the Labour Code and the Civil Service Act to ensure protection against anti-union discrimination, prevent acts of interference and allow the effective exercise of the right to collective bargaining in both the public and private sectors. Despite certain legislative progress, the Committee of Experts indicates that the Government has still not provided information on their application in practice or their dissuasive effect in cases of discrimination. It also recalls that municipal workers still lack adequate protection measures and urges the Government to revise the legal framework on the basis of tripartite consultations. It further notes that the low rate of coverage of collective bargaining of only 4.6 per cent may be associated with existing legislative obstacles. The Committee of Experts therefore calls on the Government to take measures in law and practice to guarantee the full and genuine exercise of these fundamental rights. The Committee of Experts has noted that significant legal reforms continue to be pending despite the commitments made by the Government.

The Worker members fully agrees that energetic and determined action is required by the Government to make progress with these essential legislative changes to guarantee for the first time the exercise of freedom of association and collective bargaining in El Salvador and comply effectively with the international commitments assumed by the country. The Committee of Experts, while noting these observations by workers, regrets that the



Government has not provided information on the specific measures taken to amend the numerous constitutional and legal provisions that are in violation of freedom of association, which is a prerequisite for collective bargaining.

The trade unions have clearly indicated the urgent need to make progress with these reforms and have expressed their particular concern at the dissolution of the Labour Commission of the National Assembly.

This situation makes it uncertain whether the legislative authority will now assume this role and could result in the paralysis and shelving of the necessary reforms. It should be recalled that these issues are not new. The Committee of Experts has been urging the Government to adapt the legislation for many years. We therefore reiterate the need for the executive authorities, within the context of effective tripartite dialogue, to adopt the required measures without delay and to provide specific information on the progress achieved.

Up to now, we have been providing a detailed description of the points made by the Committee of Experts, which are shared by the Workers' group. But we wish to emphasize that the objective of the ILO supervisory system is not to mete out punishment, but to promote solutions through social dialogue, tripartite consultation and technical cooperation.

These mechanisms exist to create the conditions for States to make progress in the effective implementation of international labour standards.

In this regard, we wish to inform you that, on the basis of the information communicated by the Trade Union Confederation of the Americas (TUCA), and in view of the relevance of this information for the subject under discussion, following the publication of the long list of cases for the Committee, the Ministry of Labour of El Salvador convened three trade union federations represented by the TUCA and the International Trade Union Confederation (ITUC) in a dialogue forum.

The purpose of this forum is to develop a road map to address not only the comments made by the Committee of Experts, but also other fundamental subjects to guarantee the full exercise of freedom of association and collective bargaining in the country, even though all the subjects are not reflected in the report.

In this framework, we are seeing a beginning of the institutional dialogue between a Government and the federations affiliated to the TUCA with the objective of taking the first steps on a common path to address these observations and see whether we can find sustainable solutions that cover the whole trade union movement in El Salvador.

The points under discussion include measures to ensure the transparent and timely delivery of trade union credentials, the reactivation of tripartite forums with effective participation by unions and the promotion of legislative reforms to ensure greater stability and representativity in the leadership of unions.

The establishment of a joint follow-up commission is also envisaged to address complaints that are made to it and support the progressive implementation of international recommendations.

Finally, the establishment of mechanisms was being discussed to review cases of trade union leaders who are dismissed for reasons related to their trade union activities in a bipartite space that can ensure that they are dealt with justly. This dialogue process transcends the national level, but in reality, it is an agreement that is still being developed and has not yet been concluded. It is benefiting from the support and presence of Workers' Activities Bureau



(ACTRAV) of the ILO and the TUCA to guarantee the process and bear witness to the commitments that are made.

First, we have described clearly the problems identified and reaffirmed by the Committee of Experts, but we would also like it to be noted that this door that has started opening is not yet fully open, but that some dialogue can be pursued with the participation of all the partners.

What is it that we want? We want guidance on the collective development of a road map that can overcome the situation that has been described and guarantee the full exercise of fundamental rights.

It is clear that we agree with the report of the Committee of Experts, but we were also obliged to indicate that there was a door of understanding, a window, the beginnings of a path forward. We hope that the Government, through the Ministry of Labour of El Salvador, will offer a response, because we believe that it also favours offering protection, not only for trade union leaders, but also for the women and men workers of the country

Employer members – We are here to review another case involving El Salvador and, although the subject matter is similar to that of other cases, it is now under this Convention, which was ratified in 2006. Although it is the first occasion on which the Conference Committee has examined the application of the Convention in this country, the Committee of Experts has made observations on the case between 2009 and 2025 on seven occasions. This coincides with the situation indicated and described by the Worker spokesperson and, in this regard, I join with the statements and description made by the Workers so as not to have to repeat the whole sequence of events which, as they indicated, is the historical continuity of everything that we know perfectly well in this room. I will therefore gloss over all the historical episodes that have happened.

In this regard, it is important to emphasize that the various occurrences related to this case have also been analysed by the Committee in relation to the application of Convention No. 87 and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), among others, and in other ILO supervisory bodies, where reiterated violations have been noted on which countless observations have been made with the related requests, which regrettably have still not been given effect.

Turning to the specific analysis of the case, first, I thank the Government for the information provided and for the detailed comments that it made to the Committee. Having said that, I am bound to say that we regret and express our deepest concern at the facts and omissions contained in this case, to which I will now refer.

With regard to Article 1, the Employers' group notes the information provided by the Government on the measures adopted to prevent anti-union discrimination. In particular, it notes the revision of the penalties, as explained by the Government.

We note the voluminous information provided by the Government on the trade union protection of municipal workers, which has also been explained by the Minister, and I will not repeat it. However, the Employers reiterate the importance of having clear provisions based on objective criteria in order to prevent any type of undue discrimination against the most representative organizations of workers and employers.

It appears to me that the Minister has expressed the will to resolve the problems that have been arising and overcome the backlog of commitments and obligations assumed with this Organization.



I believe that it is worth reiterating that freedom of association, in the same way as the freedom of collective bargaining and all the requirements deriving from the Convention, as well as from Conventions Nos 87 and 144, are not perceived and do not take the form in this Organization of the exclusive vision of the Workers. This freedom covers both workers and employers and, in this enthusiasm for compliance in relation to workers that has been expressed, we also call for it to include employers. If it does not include employers, there will be no compliance with the obligations deriving from these Conventions.

The Government would need to receive technical assistance in order to heed and understand this approach better, which is the approach that is identified by the Committee of Experts, and is recognized by all those who are present today, and is the result of the analyses of all the cases carried out by the Conference Committee.

Under the terms of Article 2 of the Convention, workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. That is the text word for word.

This is reflected in the General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008, which specifically indicates that discrimination against representative employers' organizations, such as their exclusion from participation in the preparation of labour legislation or from consultations on social and economic matters, is not in accordance with the principles of the Convention.

The Minister did us the favour of explaining the processes that are being implemented in which solely and exclusively, as may be inferred from the analysis carried out by the Committee of Experts, they are being carried out with the involvement of workers' organizations. Accordingly, based on the interpretation of the specific application of this Convention, it is necessary to bring employers on board through the ANEP, which is the most representative organization, as we have indicated and noted for very many years.

Regrettably, in the present case, we note that the Government has consistently maintained an approach that is contrary to these prescriptions as, since May 2020, the Government has simply ignored in practice and publicly the ANEP, which is the most representative organization of employers, breaking off any formal or informal channels of communication, and has also engaged in a campaign of attacks, threats and pressure with the objective of weakening its operation, isolating it and discouraging its financing, which is not only serious, but also inadmissible for the ILO.

We have to emphasized that, within the framework of this persistent approach, which is contrary to the Government's obligations, through the reform of 23 laws, which was also mentioned by the Minister, employers' organizations have been deprived of the possibility of freely electing the representatives who should be able to participate in bipartite and tripartite bodies, leaving their designation to the power of the executive authorities, thereby disregarding the plurality and autonomy that should be pursued as a principle objective of the tripartism that we advocate here.

The measures adopted by the Government in this regard constitute direct acts of interference with the provisions of Article 2 of the Convention. I do not think that this is so abundantly clear for the Government, and so it is very important for it to note these considerations. In this context, the Employers reiterate the urgent need to establish balanced and institutionalized social dialogue in accordance with the fundamental principles of the ILO,



and in particular the principle of non-interference, to which I referred earlier in relation to the Convention.

The Employers reiterate that they are willing to listen to the Government, but call for their appropriate participation in dialogue processes, which have to be held within a framework of mutual respect, legal certainty and balance between rights and responsibilities. In this regard, the Employers consider it to be fundamental that any policy for the promotion of collective bargaining is not based on a unilateral vision, but that it fully integrates employers as essential partners in the industrial relations system. We therefore urge the Government to change its position and to promote participation and tripartite dialogue with the inclusion of the ANEP, which is the most representative organization, in accordance with the obligations flowing from the Conventions referred to.

In light of what the Workers have said, with which, I insist, we do not agree in relation to the description that they have made of the analysis by the Committee of Experts, and taking into consideration the establishment of a dialogue forum, up to now with workers, who need to be joined by employers in order to give effect precisely to the Convention and the other obligations assumed by the Government in order to be able to institutionalize this effort, it appears to me that the Government should request technical assistance from the Office in order to ensure that this collaborative spirit that they have shown and, as they have now taken a very important step in relation to the workers, should also be implemented in a tripartite manner and include employers through their organizations, without denying that there are also other organizations that represent them. There are organizations recognized by the ILO and I believe that the ANEP would be delighted to take up such responsible dialogue once again with the Government alongside the workers with a view to reaching appropriate conclusions on promoting the development of employment for the good of workers and society as a whole.

Worker member, El Salvador – I wish to convey a fraternal greeting on behalf of the Trade Union Unity Confederation of El Salvador (USS), the most representative workers' organization in El Salvador, which brings together 90 per cent of the trade unions in the country. We are an organization committed to the defence of labour rights and the construction of a more just and equitable society.

On this occasion. I am addressing you as the spokesperson of the workers of El Salvador and I am accompanied by companions who together are affiliated to international trade union confederations, such as Public Services International (PSI) and TUCA, among others. Our position is therefore legitimate, not only representing trade union unity, but also the great majority of organized workers in the country. I will accordingly allow myself to share our position on the right to organize and collective bargaining in El Salvador.

For many years now, we have achieved the formal commencement of genuine social dialogue in El Salvador. As a trade union movement, we can also say that this dialogue goes beyond organized workers and that we represent the genuine and authentic working class, as we have ensured the inclusion of various social organizations in the existing mechanisms for the building of consensus around the labour challenges in our country.

We are bound to recognize that, as a result of this joint effort with the Government and the opening described by the Ministry of Labour, we have been able to ensure the more flexible and transparent delivery of credentials for our organizations, which strengthens the legality and legitimacy of the trade union movement and ensures active and effective participation in dialogue forums and decision-making.



As a trade union movement, we reaffirm our will to fight for a comprehensive reform of the Labour Code, while also expressing our greater willingness and openness to the necessary dialogue with a view to updating and modernizing our labour legislation, ensuring greater protection for workers, recognizing the historic rights that have been denied and harmonizing it with the international Conventions ratified by our country. This is something that previous governments failed to place on their agenda.

As the working class we have recently achieved, with the support of the Government and as a result of tripartite social dialogue, one of the principal milestones for the working class. Through negotiation and social conscience, the National Minimum Wages Council unanimously agreed to a new rise in wages in El Salvador. This agreement reflects the power of consensus and the will to improve the quality of life of the working class.

We also urge the Government of El Salvador to establish the Higher Labour Council as a body that can focus national dialogue on labour matters and will undoubtedly open up a new phase in the formulation of public policies with a tripartite and participatory approach while guaranteeing the participation of representative actors, not only for political reasons, but also based on the will and predisposition to work honestly for the people of El Salvador.

As the genuine trade union movement of El Salvador, we have used this forum in recent years, not only to share our position on the vision for El Salvador, but also to denounce certain injustices and to make the respective calls for action. And we regret that this is not an exceptional occurrence, as we have to reiterate our warning concerning the political interests of the ANEP, an association that has been the political tool of the right in El Salvador and which has traditionally promoted, and is continuing to do so, rejection of the trade union movement and labour flexibility without guarantees. We are aware that the ANEP does not faithfully represent the interests of employers, but a more political and electoral agenda.

Nevertheless, we also wish to acknowledge that a fair group of employers' organizations are open to dialogue and respect trade unionism, and we have concluded collective agreements with them that have been of great benefit to workers.

On the other hand, we wish to denounce and draw attention to the manner in which El Salvador has been included on the list, as there has been clear acknowledgement by national workers' organizations from all sectors that there is an open process of dialogue in El Salvador and agreements on making progress to achieve freedom of association. This was conveyed emphatically and through official channels to the international spokespersons, together with information on the agreements concluded, not only by ourselves, but also by the Trade Union Confederation of Workers of El Salvador (CSTS) and the Autonomous Central of Salvadorian Workers (CATS), which are national organizations that have access to these discussion forums. It is therefore strange to us that the international spokesperson negotiated the inclusion of El Salvador in the list, when other more serious problems and violations of labour rights exist in other latitudes which require the urgent attention of this Committee and the solidarity of the international trade union movement. Therefore if, as a trade union movement, we have not been heeded, that means that the inclusion of El Salvador on the list has more to do with factual than political issues. It is therefore necessary to provide information on and promote the progress that has been made, and the good will expressed for the strengthening and protection of freedom of association in El Salvador.

I would like to announce that we have recently initiated the development of understandings between the most representative federations and confederations in the country with the Minister of Labour, Mr Rolando Castro, for the joint promotion of benefits, in relation to which we have received the following undertakings from the Ministry: (i) the



immediate delivery of credentials to all trade unions that have complied with the requirements set out in the respective legislation; (ii) the establishment and reactivation of tripartite bodies, such as the Higher Labour Council, with the effective participation of the most representative trade union confederations and federations; (iii) the reform of the legislation respecting trade union executive committees so as to ensure the extension of their mandate from one to three years, in accordance with the longstanding recommendations made by the ILO; (iv) the establishment of a joint mixed commission composed of representatives of the Ministry and of signatory unions with a view to reviewing the complaints made to the ILO and promoting effective compliance with its recommendations; and (v) the implementation of a process of exhaustive review of the progressive reinstatement of trade union leaders who have been dismissed, which on our side will include direct follow-up for the support and inclusion of any of the working class who so need it.

As the representatives of the trade union movement, and in light of the responsibility that this involves, and our commitment to mutual social dialogue, we have also adopted commitments within the context of this agreement towards the people of El Salvador, including the provision of objective and expeditious information to international representatives. The purpose is to immediately inform ILO bodies and affiliated international organizations, such as PSI, TUCA, the International Transport Workers' Federation (ITF), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), the Latin American Federation of Public Control Workers (ULATOC), the Coordinating Body of Latin American Bananas and Agro-industrial Unions (COLSIBA), the Confederation of Municipal Workers of the Americas (CONTRAM-PSI) and the International Federation of Workers in Control Bodies (UITOC), as well as to inform them periodically of progress in the field of freedom of association, the protection of workers' rights and the true achievements of the working class in El Salvador.

Government member, Poland – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia**, and **Ukraine**, the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and El Salvador have established a close relationship based on the Association Agreement between the EU and Central America which includes three main pillars: political dialogue, cooperation and trade. Through this agreement, the EU and El Salvador have also committed to effectively implement the fundamental ILO Conventions. The Committee of Experts has repeatedly emphasized the importance of reforming penalties for anti-union discrimination in order to ensure their deterrent effect. We acknowledge El Salvador's efforts to address these concerns through Legislative Decree No. 519 of 31 October 2022. It is crucial, however, that any legislative amendment leads to tangible results. We take note of the information provided by the Government about the fines imposed for acts of anti-union discrimination for 2024. We regret that the Government continues to exclude municipal workers from the protections of the Labour Code, failing to guarantee adequate protection against anti-union discrimination for this category of workers.

While we note the Government's response indicating that alternative complaint mechanisms exist for municipal workers, as well as its further clarifications about recent labour



inspections, we reiterate the call of the Committee on Freedom of Association and the Committee of Experts for the adoption of all appropriate measures. This includes the need for legislative amendment, decided upon in consultation with representative social partners from the sector, to ensure that municipal staff have access to effective protection against acts of anti-union discrimination.

We acknowledge the establishment of a technical round table to discuss reforms to the Labour Code aimed at addressing the Committee of Expert's long-standing concerns and ensuring full conformity of national legislation with Articles 2, 4 and 6 of the Convention. We endorse the Committee's request for comprehensive information on the current status of these discussions, as well as detailed clarification regarding the employers' and workers' organizations participating in the consultation process. We hope to observe concrete progress in the near future and call for meaningful tripartite social dialogue within the Higher Labour Council to resolve all pending issues.

According to ILOSTAT data, the coverage rate for collective bargaining in El Salvador was 4.6 per cent in 2018. We take note of the agreements registered in the period 2022–24, when 20 new collective agreements were signed in the public sector and 35 in the private sector. We urge the Government to build on this trend and address the low coverage rate which, according to the Committee, may stem from the restrictive requirements set forth by the legislation on collective bargaining.

Finally, we recall the serious concerns regarding Convention No. 87, as discussed during the 2024 Conference Committee and we reiterate the Committee's call for the immediate cessation of all acts of violence, threats, persecution, stigmatization, intimidation, or any other forms of aggression directed at individuals or organizations in connection with the exercise of legitimate trade union activities and the activities of employers' organizations.

We urge the Government to take all necessary measures to prevent any recurrence of such acts.

The EU and its Member States remain committed to constructive engagement with El Salvador and encourage the Government to further strengthen its cooperation with the ILO, the social partners, and the international community in order to fulfil its obligations under ratified Conventions.

Government member, Peru – I am speaking on behalf of a group of countries in the Latin American and Caribbean region consisting of **Plurinational State of Bolivia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Panama, Paraguay** and **Peru**. We thank the Government of El Salvador for the information provided and express our appreciation at the progress made in generating decent employment, the support provided for vulnerable sectors and the promotion of social dialogue and freedom of association.

We note the efforts made by the Government to promote freedom of association through public visibility, recognition and administrative measures to facilitate registration, and we encourage the continuation of efforts to extend the validity of the credentials of trade union executive committees.

We welcome the institutionalization of awards, such as the National Decent Work Award and the National Collective Bargaining Award as incentives to promote freedom of association and generate decent conditions of employment.



We welcome the recent increase in the minimum wage in El Salvador, adopted unanimously by the National Minimum Wage Council, as a result of the active participation of the three partners in its analysis and discussion.

We note the efforts made through labour inspections in municipalities to guarantee the protection of labour rights for all public employees, and we urge the adoption of the necessary reforms to provide the legal guarantees recommended by the ILO under the Conventions ratified by El Salvador.

We urge El Salvador to continue availing itself of ILO technical assistance for the effective follow-up of the cases before the CFA, and to carry out a comprehensive reform of the Labour Code in accordance with current conditions in the world of work.

We encourage El Salvador to continue prioritizing economic improvement in order to consolidate the progress made in relation to security, with a view to making progress with its model of prosperity, promoting decent work, social justice and tripartite dialogue.

Finally, we commend El Salvador's efforts in recognizing freedom of association and supporting the trade union movement, and its openness to direct dialogue, while also urging it to keep such channels of dialogue open and institutionalized.

Employer member, Honduras – As representatives of the employers of Honduras, we have analysed comprehensively all the developments in El Salvador and thank the Government of El Salvador for the information provided. However, at the same time, we cannot disregard the inappropriate and even aggressive attitude by the Government authorities of El Salvador towards the ANEP, the country's most representative employers' organization. This is reflected in the fact that the ANEP is not represented at the Conference, which is not conducive to social dialogue, a process that is based on and sustained by respect for the social partners.

The ILO promotes and supports institutionalized social dialogue and social cooperation for consensus-building as a means of facilitating a process of development with inclusion and social justice, with a view to achieving decent work for all. We therefore call for respect for the right to social dialogue of the most representative organizations in El Salvador, as in the case of the ANEP, an organization that has been excluded from the various tripartite dialogue forums.

No action by governments to discredit the social partners is acceptable, as they are the ones that should be demonstrating maturity and tolerance. There will always be differences between the social partners, but it is through respect and dialogue that agreements are built over those differences, which is not currently evident in El Salvador. While there may be many organizations with differing views, it is the duty of governments to bring the parties together and to promote, while respecting the independence of the social partners, the broad consensus that contributes to development and social well-being.

In a divided society, where differences are encouraged, it is impossible to achieve successful social dialogue, which is the cornerstone of social peace. We therefore take this opportunity to call on the social partners and the Government of El Salvador to seek solutions to their differences and to move beyond attacks that sow division. Until that happens, this Committee will continue to hear cases of non-compliance with ILO Conventions, as is the case today with the present Convention, which protects employers' and workers' organizations against anti-union discrimination, as all ILO Conventions are based on respect and social dialogue.



Worker member, Uruguay – On behalf of the Workers, we would like to make several points. First, as noted in the report of the Committee of Experts, is the existence of structural problems affecting industrial relations, freedom of association and the right to organize, and the problem of violence, as documented in the report and described to us here. Second, we welcome the reference made to a type of initiative that appears to be fostering dialogue between the various stakeholders in El Salvador, which we welcome and enthusiastically support. Third, as workers in the education sector, we have been aware of and have been following recent collective bargaining processes in El Salvador.

One such example was the recent convocation issued in October 2024 by the Ministry of Education and the Office of the President to organizations in the education sector. During the negotiations, wage-related matters were agreed upon and, in particular, emphasis should be placed on the establishment of three dialogue forums: one on educational matters, another focusing on specific labour demands, and a third to analyse legislative changes. These forums offer a space to continue dialogue on key issues. However, while in 2024 each forum met on three occasions, they have not continued to meet in 2025. In addition to these forums, another body met on an urgent basis in May. However, unfortunately, it failed to provide solutions or responses to the concerns raised by teachers in El Salvador.

Clearly, this lack of continuity has caused concern and uncertainty among teachers, particularly as the teachers' federation in El Salvador, composed of six organizations, is open to dialogue and to support the Government's proposal known as "My New School".

To make progress with this reform, it is therefore necessary for the Government of El Salvador to effectively promote social dialogue bodies so as to bring together the various partners, and to create collective bargaining forums to address issues relating to working conditions and the educational concerns of teachers in El Salvador.

Employer member, Guatemala – Although this is the first time that the Committee has examined a case under this Convention, the Committee of Experts has made comments on a number of occasions since 2019 on matters that are also related to Conventions Nos 87 and 144. They have been examined by this Committee and have given rise to missions to the country, and we are therefore very familiar with the issues.

We reiterate our deep concern at the fact that in El Salvador the practice persists of interference and exclusion of the most representative employers' organization, the ANEP, which has been left aside by the Government, as confirmed moments ago by the representative of the Government of El Salvador, which has also engaged in a campaign of attacks and pressure aimed at silencing and weakening the ANEP.

We recall the reform of 23 laws a few years ago, which deprived employers' organizations of their right to freely elect their representatives on joint and tripartite bodies, with this power instead being taken over by the executive authorities, amounting to direct interference in clear violation of Article 2 of the Convention.

The Government has provided information on the establishment of new forums for social dialogue intended exclusively for trade union organizations, which has been confirmed to us today by the Workers. No reference has been made to the most representative employers' organizations, which demonstrates the lack of commitment to promote tripartite dialogue and the clear bias against our organization in the country.

We reiterate the urgent need to re-establish genuine social dialogue in conformity with the fundamental principles of the ILO, respecting the principle of non-interference established in Article 2 of the Convention, which must include the most representative employers'



organization in El Salvador, and not merely those organizations that are most convenient for the Government.

Government member, Panama – We thank the Government of El Salvador for the information provided to the Committee and take due note of the progress made by our neighbouring country, as well as certain good practices that can promote development of our region.

We wish to highlight El Salvador's initiative to continue working towards a comprehensive reform of the Labour Code. It is essential to address the modern-day challenges of the world of work. We therefore encourage this initiative and hope that it will be accompanied by ILO technical assistance, while continuing to promote freedom of association and decent work.

As the Government of Panama and a member of the Council of Ministers of Labour of Central America and the Dominican Republic, we have had the opportunity to learn first-hand of the good practices in El Salvador, which is why we emphasize that modernization is one of the keys to enabling more efficient social, trade union and institutional practices.

The labour market information system implemented in El Salvador stands as an example of the objectives we are pursuing together, namely, seeking to ensure that technology and systems bring services closer to the people and that they are essential tools for guaranteeing successful employment policies, decent work, effective social dialogue and the efficiency of trade union services and protection for workers.

We encourage El Salvador to continue making the necessary efforts to achieve effective compliance with the international Conventions and Constitution of the ILO, and we look forward to exchanging good practices in future regional forums.

Employer member, Costa Rica – From our perspective, this case raises serious concerns regarding effective respect for tripartism and the right to organize of employers. The principles enshrined in the Convention do not only protect workers, but also employers and their organizations, which they must be able to establish, operate and participate in without undue interference from the Government.

In this regard, we wish to clearly express our solidarity with the ANEP, the most representative employers' organization in El Salvador. The ANEP represents the country's productive and economic strength, bringing together 48 organizations from 55 economic subsectors and more than 15,000 formal enterprises, the vast majority of which are micro, small and medium-sized enterprises. This plurality and diversity confer unquestionable legitimacy upon the ANEP for social dialogue.

As representatives of the Costa Rican business sector, we reject any type of interference aimed at fragmenting the unity that the ANEP has embodied for 60 years. Tripartite social dialogue must be built on respect for the representativity of workers' and employers' organizations.

We also deeply regret that the legitimate positions of employers are being discredited by ascribing to them political motivations and interests contrary to national well-being. Defending tripartism, denouncing exclusion and requiring compliance with the Convention is not an attack on the Government, but an act of responsibility towards the principles promoted by the ILO. We therefore respectfully urge the Government of El Salvador to guarantee the full and free participation of the ANEP without interference in social dialogue forums.

We also call on the Committee to reaffirm that tripartism can only function when all three pillars have their own legitimate and recognized voice.



The employers of Costa Rica will continue to defend multilateralism based on legality, institutional respect and cooperation, which are essential elements in making progress towards freer, more prosperous and democratic societies.

Finally, we regret that, for the third consecutive year, the employers of El Salvador have not been accredited to the Conference. In its conclusions, the Committee must request the Government to accredit the ANEP as from 2026 as part of the official delegation to participate in the 114th Session of the Conference and in subsequent sessions, as the most representative employers' organization in El Salvador.

Employer member, Mexico – Before making my statement, I would like to endorse what has already been said by the Employer spokesperson in this case. Although the Government of El Salvador has submitted a report to this Committee, we consider that the facts and failings in this case are a source of concern, for the reasons I will mention below.

Even though the Labour Code has been amended, as indicated by the Government, it is vitally important to have specific standards in place to prevent any form of undue discrimination against workers, trade unions and representative employers' organizations.

The Government of El Salvador excludes the ANEP from dialogue and participation, and today claims that it is not representative, when it is the most representative employers' organization in El Salvador. The fact that it is not allowed to participate in formal and informal discussions, isolating its participation, is a situation that must be considered serious and cannot be allowed to continue.

In addition to the above, the fact that the legislation in El Salvador deprives employers' organizations of the right to freely elect their representatives to participate in joint and tripartite bodies, and reserves this power for the Government, is a violation of the independence that employers should enjoy. Independence is one of the characteristics that enables effective representativity, which has always been protected by this organization, and acts of direct interference in violation of the provisions of the Convention and of Convention No. 144 must be avoided.

The right to organize and collective bargaining cannot be based on unilateral action by the Government, as workers and employers must participate equally in accordance with tripartism, and employers must not be excluded, as they, with workers, are the essence of any industrial relations system.

It is therefore vital for the Government of El Salvador, with ILO technical assistance, to promote effective social dialogue in which representative workers' and employers' organizations are recognized and participate. This will certainly bring benefits for both workers and the productivity of enterprises.

Government member, Plurinational State of Bolivia – Bolivia welcomes the distinguished delegation of the Government of El Salvador and gives thanks to the Minister for the information provided on the measures taken for the application of the Convention. We have listened carefully to the information provided on the protection of these rights and the measures taken by the Government to guarantee them. The detailed description provided, and we are also grateful to Mr Ortiz for the information he has provided representing the trade unions of El Salvador, has helped us to gain a much better understanding of the different positions on this matter.

For Bolivia, the right to organize is a fundamental basis to ensure progress towards better living and working conditions. It is a right that is established in our Constitution, and this is



why we consider it extremely important to analyse it in these forums, avoiding any politicization of the issue and promoting compliance with the Convention through constant constructive dialogue.

In this regard, we would like to commend the efforts described by the Government, including the increase in the minimum wage, the creation of labour forums with a focus on vulnerable population groups, incentives to guarantee the right to organize, and the creation of decent jobs. These measures should not be overlooked and should be appreciated.

While we also appreciate the work of the Committee, we encourage it to continue working together with the Government on the implementation of the requirements of the Convention in a context of respect for sovereignty and non-interference in the country's internal affairs. We also encourage the Government to continue its efforts and constructive approaches. We consider the role of our Organization to be very important. Far from dwelling on differences, it must always promote respect for dialogue, technical assistance at the request of the Government and joint work to guarantee labour rights.

Employer member, Colombia – First of all, I would like to refer to the obligation of the Government of El Salvador to comply with the terms of this fundamental Convention, which implies, first, the independence of employers' and workers' organizations; second, participation on an equal footing in social dialogue bodies; and third, protection against interference in their administration and functioning.

In this regard, we would like to reiterate that it is for workers' and employers' organizations to determine the conditions for the election of their leaders, and the authorities should refrain from any undue interference in the exercise of this right.

This is why we note with concern that, on the one hand, the Government is continuing to fail to recognize the ANEP as the most representative employers' organization in El Salvador, as shown by the fact that it has not been accredited for three consecutive years at the Conference, and also by the Government's persistence in prohibiting the ANEP from meeting and from participating in tripartite social dialogue forums.

I would like to emphasize that the creation of dialogue forums intended exclusively for workers' organizations also demonstrates disregard for tripartism and social dialogue with the social partners, which is the cornerstone of this Organization.

We therefore call for greater importance to be given to protecting the role of representative social partners, especially their independence and autonomy, as a means of consolidating robust, inclusive and sustainable institutions that guarantee effective and respectful social dialogue.

Finally, we call on the Government, with ILO technical assistance, to make progress in bringing its law and practice into line with the provisions of the Convention, and the full restoration on an urgent basis of social dialogue forums, as well as respect for the independence, autonomy and representativity of the most representative employers' organization.

Observer, International Organisation of Employers (IOE) – The IOE defends and represents the autonomy and independence of employers' organizations worldwide, in over 150 countries. Freedom of association covers employers' organizations and trade unions, I repeat, both employers' organizations and trade union organizations. We are surprised by the lack of reference to employers' organizations and to their freedom of association by the



distinguished trade union representatives and Government members when referring to this case.

The Minister infers that this case is the result of lobbying by international spokespersons. According to what he just said, it is a bargaining chip in a political game. This case has been the subject of repeated observations by the Committee of Experts, currently under Convention No. 98, but also under Conventions Nos 87 and 144.

The Committee of Experts has reiterated the serious and troubling nature of the facts examined. Particularly since 2020, but already before then, the ANEP was the subject of a sustained campaign of exclusion, interference and threats.

All institutional dialogue with the Government has been suspended, member enterprises have been pressured to leave the organization, and they have continued to receive threats of economic sanctions and even reprisals against their assets.

We are surprised by the Minister's words. The proof – as previous speakers have said – is that he has not accredited the ANEP. However, this year, he has not accredited any employers' organizations. There is also agreement with trade unions on the gravity of this case, and the decision concerning the Labour Commission of the Legislative Assembly is evidence of the situation in the country.

Even this year, attempts have been made to encourage organizations to take over the representation of the ANEP at this Conference. The members of the ANEP comprise 48 employers' organizations from sectors including agriculture, agroindustry, industry, commerce, services, tourism, exports and the distribution of goods, technology, small enterprises, consultancy, financial services, media, advertising and construction. Despite all the pressure by the Government, these organizations have not left the ANEP. The issue is that the ANEP is an independent organization that defends and promotes the legitimate interests of enterprises in a very hostile context.

The Government has referred to the feeling of freedom and security. Freedom and security cannot come at just any cost. Economic development cannot be built on exclusion. It cannot be built on the absence of institutional stability. It cannot be built in the absence of social dialogue.

Reference has been made to a window of social dialogue. There is currently no window of social dialogue with employers' organizations, not that we can see, and we reserve the right to have recourse to all the procedures of the supervisory system if the Government's attitude does not change in relation to this case.

Observer, International Trade Union Confederation (ITUC) – The core mandates of this Organization include the promotion of social dialogue as a key tool for ensuring decent work. For this purpose, the ILO has several mechanisms that facilitate institutional dialogue and the development of shared road maps that allow us to make progress towards specific goals.

Within this framework, our Committee occupies a key position, not only in terms of its role in the supervisory system, but also because it allows an in-depth and substantive discussion with the direct participation of the social partners. Their participation should not be merely to provide evidence, but should also contribute effectively to the development of genuine and sustainable solutions.

It is in this spirit that we wish to emphasize that, since the publication of the long list of cases selected for the Committee, the Government has called on the trade union federations affiliated with the TUCA to initiate a process of dialogue with the aim of reaching agreements



that would make it possible to address the observations made by the Committee of Experts, as well as other key concerns of the trade union movement.

The trade union federations and the TUCA saw this call as a signal of openness, a door of understanding – as we defined it – that needs to be put to good use. That is why we accept the Government's invitation to initiate this preliminary dialogue, as we believe that a willingness to engage in dialogue should be met with a willingness to build.

The negotiation of this agreement, although still in progress, is not straightforward. There are differing views on the economic, political and social situation in the country. Despite that, last week, the beginnings of an agreement were reached, the main points of which are those outlined by the Worker spokesperson. The agreement that is being developed should only be the starting point for a broader and more inclusive agreement. We consider that it is fundamental to extend this agreement to the entire trade union movement of El Salvador, including all independent and representative trade union organizations, with no exclusions, with full respect for plurality, and, of course, based on tripartism.

The TUCA wishes to place on record that it considers the openness of this space for dialogue could enable a constructive solution to this case, which is what we are stating publicly. We understood that, in this context, the inclusion of El Salvador on the short list could be reconsidered. However, it was not possible to reach consensus on this during the general negotiations on drawing up the list. These are the rules of the game.

We hope that this door of understanding that has been opened will become a reality next week with the signature of the agreement right here in Geneva, with the ILO as witness and party to the process, and that this act will mark the beginning of a new chapter in the relations between the Government and the trade union movement of El Salvador, and we also extend this to employers.

We reaffirm our commitment to dialogue, freedom of association and the development of sustainable solutions that guarantee the rights of workers

Observer, Public Services International (PSI) – The PSI would first like to express its support for the statements made by the Worker spokesperson and other Worker members. However, we wish to emphasize that this case shows tangible signs of progress. We observe that the Government has made gradual but steady progress in complying with its obligations in relation to freedom of association and collective bargaining, in accordance with ILO Conventions. This marks an important difference with respect to other cases examined by this Committee, in which either no improvements or even backward steps have been observed.

In this regard, we wish to emphasize the constant dialogue maintained by the Government with the trade union movement, and the improvements in the formalities for the accreditation of leaders, which has facilitated the more timely delivery of credentials and reinforced the exercise of freedom of association, and the increase in the minimum wage, which was approved unanimously, thus representing an example of strengthened tripartite dialogue.

The Government has shown willingness to receive proposals from workers' representatives during the process of reforming the Labour Code, a process that we hope will continue to be inclusive and constant.

Measures have been adopted to protect municipal workers from anti-union discrimination, in direct response to the observations of the Committee of Experts.



We also wish to recognize the constructive role of the ILO supervisory bodies and of this Committee, particularly in supporting this process and achieving these developments.

We believe that it is important to emphasize this point, as we often express our frustration when the established procedures do not yield the expected results. On this occasion, we consider it fair to recognize the achievements of the supervisory system. That said, as has been indicated in other statements, significant challenges remain. We wish to highlight two of them.

First, progress with legislative reforms is urgently required to align the national legislation with the Convention, particularly, as far as we are concerned, in terms of amending the constitutional provisions and the Civil Service Act, which exclude certain public servants from the right to organize and collective bargaining.

Second, it is fundamental to strengthen dialogue with employers. Genuine social dialogue requires the effective participation of all the social partners, for which it is key to find common ground and build mutual trust.

We recognize the progress achieved and therefore trust that El Salvador will continue to pursue this path of dialogue, inclusion and respect for fundamental rights.

Government representative – I have listened attentively to what has been said by the working class and Employers, as well as to the different points of view expressed by Governments and States. I would like to place this in context by recalling that we are reporting on Convention No. 98, which deals clearly and categorically with the right to organize and collective bargaining. When we analyse everything that has been said by the various groups, in practice the employers have referred more to a Convention on which we are not reporting, namely Convention No. 144, which the ANEP would like to be brought before this body. We have not heard anti-union sentiments from national and international workers.

We have heard absolutely everything expressed forcefully by the trade union movement of El Salvador concerning the significant progress achieved, and that this progress has not been taken into account or given due weight.

We have heard the views of the trade union movement at the international level, and more specifically those of the TUCA and PSI, in relation to which, in our view, we should not be called upon to provide information, in view of the significant progress that the State of El Salvador is making in relation to the trade union movement. In relation to the Convention as such, which refers to the right to organize, it is totally clear that significant progress has been made.

The Employers do not recognize the progress achieved, and indeed continue to raise the issue of the exclusion of the ANEP and claim that the ANEP is the most representative organization in El Salvador. They show a clear and categorical lack of knowledge of the manner in which the productive fabric in El Salvador works. However, I would like to dwell a little on the position taken by the trade union movement of one country, and of the international spokespersons, and especially of those who engage in negotiations at the international level.

When we see acknowledgement, not only at the national level, but also by the TUCA and PSI, which are global organizations, that they clearly and categorically recognize the significant progress achieved in El Salvador in labour matters, they have generally accepted the progress made in our country in relation to the trade union movement.

Nevertheless, the negotiators at the highest elite level are not heeding the role played by the trade union movement, or in other words are not heeding the situation as described by their representatives. From a position of much knowledge, I am able to say that when a trade union leader exercises the representation of the members represented, the spokespersons



and the decisions taken should be focussed on the matters on which they are exercising representation.

It is now totally established, not only in relation to the ILO, but also with the world onlooking, that there are on one side the views expressed by the trade union leaders of the country through confederations, such as the TUCA, PSI and others, who represent the views of the workers, who are in total disagreement on the request for a report from the country, because it is in contradiction with the progress that is being made internally.

In some ways, both in our country, on this side of the ocean and on the other side of the Atlantic Ocean, where you are, when representatives engage in negotiation, they should engage loyally in the negotiation of the rights of those that they represent, and not the interests of oligarchs and the powerful.

I also raise this for reflection by the trade union movement, not only at the national but also the international level, that when their representatives do not negotiate the rights of those they represent but, as was well put by the representative of the TUCA, submit to the rules of the game. When they submit to the rules of the game, they are denying to a certain extent the legitimacy of the whole trade union movement, which should give pause for thought for trade unionism at the international level.

I would like to dwell a little on the manner in which the Employers have taken advantage of the opportunity of the examination of this Convention to turn the discussion to the ANEP in relation to tripartite social dialogue.

The national legislation sets out the procedure for appointment, and I am reading out the actual wording, "the members representing the Government shall be designated by decision of the President of the Republic, and shall include officials of the ministries and institutions most closely related to the labour issues in the country". There is clearly no reference to the social partners.

It adds that the representatives of labour, the worker members shall be designated by the trade union federations and confederations registered with the Ministry of Labour and Social Welfare on the basis of their representativity, and their designation shall be communicated to the Ministry of Labour.

And turning to the wording concerning the representation of employers, it provides that employer members shall be designated by each of the following institutions, ANEP, ACI, the Industrial Chamber of Commerce of El Salvador, AMPES, CONAPES, USAPROEX, CASALCO, PROCAÑA. While many of these do not exist, they play a specific role in relation to the duty of representation and the duty of the most representative to be members of the Higher Labour Council, rather than just being names.

And why is this so? Because, when these rules were drawn up, the procedure was not tripartite, and there was no input from workers, from employers or the Government, as they were drawn up in practice by the employer in the Government office, who wrote down names and family names. And what justification do you have for claiming that the ANEP is the most representative organization in El Salvador? What is the data that you are using? If I am bringing to light outdated rules, which even refer to organizations that no longer exist in the country, why should the issue not be raised that the drafting of rules should be carried out under conditions of equality?

This clearly and categorically shows the role played by the ANEP, which was not based on representativity, but was just a matter of indicating names and family names. How many



bipartite and tripartite institutions are there in El Salvador? Some 70 per cent of the bipartite institutions have historically included representation by the ANEP and the Government, which explains the calls for the participation of workers in the development of tripartite bodies. Barely 30 per cent of the State of El Salvador has tripartite bodies. Why is this? Because the whole of the formulation of rules and labour policies was carried out solely and exclusively by the ANEP. And the ANEP was not an employers' organization, but was historically a political actor, as proven by the fact that the former President of ANEP became the President of the Republic, Elías Antonio Zapa, and the ministers in the Cabinet of the Zapa Government and the ARENA governments are the current advisors to the ANEP, who were outsourced, as its employees took on those positions. It was for that reason that there were never any complaints then. No one would denounce ANEP the employers' organization to ANEP the Government of El Salvador. We are only describing what happened, and it is to be hoped that one day you will know. I give the benefit of the doubt to employers from other countries who refer to greater representativity because they do not know the real situation in the country.

There was one person who used to say, and now that person permanently speaks on behalf of the employers in Guatemala, including now on this Convention, that these employers' representatives did not say anything in the past about the murders, including murders of trade union leaders. I am referring to neighbouring countries which, during their history, have followed the same anti-union trajectory, to the prejudice of the most important universal human right, namely the right to life, which they did not defend. They were neighbours who we know very well indeed.

In the end, I believe that we have shown very clearly how the scales were tipped, as there are clear rules of the game so that workers and employers have equal representation. We are constantly holding meetings, forums and participatory social dialogue. The best example is that we have just approved in the National Minimum Wage Council, based on tripartite agreement, the first wage increase following a period of 14 or 15 years when there were no unanimous agreements, and decisions were only made on a majority basis, with the Government either taking the side of the workers or the employers, with decisions being imposed on sectors under the pretext of tripartite social dialogue. Based on the legitimacy of ILO Conventions, we have preferred not to reach agreements unless they are duly agreed unanimously, because the country is everyone's, and both employers and workers have to participate on an equal footing for the first time in the history of El Salvador.

I am bound to recognize that, as a country, as a State, as a Government, we have made some errors. We are human, we are not perfect, and we can make mistakes. However, the construction of dialogue serves to give consideration to these types of mistakes. The national trade union movement is therefore very important, particularly when it is represented at the international level. Because you have just heard the explicit will of the trade union movement, and it has been seen by the whole world. It is unified and the position adopted by the negotiator, especially the ITUC negotiator, is not the genuine expression of the will of the workers. Moreover, we have convincing evidence of the historical role played by the ANEP, as I have indicated.

Nevertheless, I can now announce that next month we will begin developing proposals for the new Higher Labour Council, where the membership will include the most representative employers' and workers' organizations, together with Government representatives. But not with specific names, because representation has to be governed by equal conditions for tripartite social dialogue. Moreover, there are still many organizations whose names were included because that was the time that the technical advisors of the ANEP were reaching the Legislative Assembly and the executive authorities and were imposing the names that they



wanted to be included, thereby failing to follow the rules of representativity. And yet, I repeat two fundamental elements. As of next month, we will already be indicating the procedure for the new Higher Labour Council, with emphasis on representative tripartite social dialogue for all the partners.

I reaffirm my commitment to representing the Government of President Bukele, and we will continue to strengthen tripartite social dialogue, which will be the transversal pillar to build a more just society for everyone. The commitment is totally firm and we will, of course, improve some things that will have to be revised as a whole and under equal conditions. I also express our most sincere gratitude to the ILO.

I also wish to reaffirm that we have very effective communication with the ILO Office in San José, and we will continue requesting technical support, as we have done for successful programmes, such as the Capacity-building for Improved Monitoring and Evaluation of Labour (CIMEL) programme, which we are the second country in Latin America to implement with ILO support.

Employer members – I am rather disappointed by how this meeting has gone.

Up to now, we had afforded a certain credibility – a vote of confidence – to the statements made by the Minister of Labour, in the sense that he fully intended to restore social dialogue, sit round the table and amend the legislation. But I think this whole room has been able to see that, in the best case scenario, throughout the interventions, only bipartite dialogue is being advocated, which is not in line with the requirement for tripartite dialogue and social dialogue, in which this Organization believes. Not only do we have this belief, but it is supported by all the standards that govern us and in the commitments entered into voluntarily by the Government which is before us today.

I do not need to explain why a country is or is not on the list. But frankly it seems to me that we were late in placing El Salvador on the short list. There are many elements in the whole explanation and examination carried out by the Committee of Experts. At the start of the meeting, the Worker members described just a few of the many things, perhaps the most important, contained in the analysis by the Committee of Experts.

This is how it is in this room. Explanations are given for non-compliance. But what is certain is that there has not been compliance. That is to say, they say that they are willing to comply, that they are analysing the legislative reforms, that they are looking at ensuring freedom of association for workers and employers, but the truth is that they have not done that.

So, I deeply regret that, following this disappointment, I have to say two things: the Employer members - and this is our position - support the right reserved by Roberto Suárez, the IOE representative, to have recourse to the relevant procedures of the Organization's supervisory system.

Our role, the role of the Office, workers and employers, is not to harass governments. Our role is rather to seek compliance through technical assistance and social dialogue, if the Government expresses the will to do so. But in all its interventions, has disregarded the participation of employers and of the ANEP, the organization that has traditionally represented, as already mentioned, the different employers' organizations in El Salvador. This is a clear forewarning that we are going to continue under the same or even worse conditions that we are in currently, because the Government has also told us that there will surely be other more representative organizations when, frankly, all of us here know that the ANEP is the most representative employers' organization. We know that despite everything the



Government has been doing to undermine representativeness, strength and dialogue from the ANEP, it remains the most representative organization which must be consulted in order to progress towards the fulfilment of commitments.

I hope that the workers, who are seeking an agreement on dialogue with the Government, understand clearly that without the participation of the most representative employers' organization, it will be a bipartite agreement, an agreement through which their issues may be resolved, but it will not be an exercise in social dialogue nor a bridge to meet El Salvador's commitments and obligations.

I would therefore like to emphasize, first, that technical assistance should be maintained, but should henceforth focus on the achievement of these reforms, and on ensuring that the Government knows how to fulfil its commitments relating to the obligation of non-interference, so that employers' and workers' organizations can enter into dialogue with the Government. In view of the gravity of the statements made in this room, of the failure to recognize the existence and participation of the ANEP, we would ask that a special paragraph be included so that we can follow up this important case appropriately and ensure the appropriate outcome. All this is notwithstanding, on behalf of the Employers, the right to have recourse to all the ILO procedures available to us in the supervisory system with a view to achieving and ensuring full compliance with the commitments and obligations of the Government in relation to this Organization.

Worker members – I came here with a clear conviction, but I am somewhat concerned because at various points I have heard, "I have achieved" or "I have shown...". I think that, if today it has come to this, it is because some parties lose. Our aim is to improve, not to focus on non-compliance or on listing cases, but to strengthen labour relations at the national level with the support of the ILO standards system.

That said, the case of El Salvador has brought us together once again, with its weight of history to which we have referred, and which we cannot ignore.

As we said in our opening intervention, difficulties in the exercise of freedom of association and collective bargaining, legislative restrictions, anti-union violence, the exclusion of partners from social dialogue, and the weakening of the rule of law, are neither isolated nor recent events. They are part of a trajectory that this Committee has been observing and commenting on for years, and which forms the basis of the report of the Committee of Experts.

In relation to this long list of recommendations, which have not been implemented, I highlighted in my opening intervention, a channel for bilateral – yes bilateral – dialogue between the Government and the trade union confederations affiliated to the TUCA. That is what I was referring to – I do not know of any other channel. This is not only seen as a positive signal but also a responsibility. But I also have to say that the agreement has not been signed.

Although indeed the door to an understanding has been opened, as we indicated earlier, a measure that has been taken has to be the first step towards a basic, structural and sustainable solution. But it is not enough just to engage in dialogue, not enough to reach an agreement, however important it is.

This outline of an agreement that I was talking about, which we will evaluate once it materializes, must be transformed into a public policy that is broader, more inclusive and more institutionalized.



The Workers' group advocates genuine tripartite social dialogue that includes employers and the whole independent and democratic trade union movement, based on clear rules for ongoing consultation and respect for the diversity of views.

If one partner feels excluded from the dialogue, it is not tripartite social dialogue, but it is worthwhile being listened to and included with a view to its consolidation.

We want the Government of El Salvador not only to engage in dialogue with certain partners, but also to build a permanent framework for social dialogue with all the representative partners. This is the only way of legitimately and effectively addressing the multiple challenges that this country faces in the world of work: pending legal reforms, working conditions, the protection of individual and collective rights, the inclusion of vulnerable groups, conflict prevention and the promotion of development with social justice.

In this sense, we want to make one thing clear: the report of the Commission of Experts must be the central input for the preparation of a road map. It is a question of taking advantage of the ILO's technical capacity, institutional prestige and accumulated standards to develop solid, verifiable and sustainable proposals for solutions. But the agenda cannot be partial or limited, because problems are not like that either. Hence, the dialogue that is developed must include analysis of all the issues we have described and must not exclude any partners. None of this will be possible without democratic guarantees, without institutions and without the rule of law.

We do not believe that social dialogue can be built on the basis of a situation of permanent exemption. El Salvador needs to embark upon a new phase based on respect for tripartism, plurality and full participation.

The Workers' group therefore applauds the first steps towards an agreement that we have referred to, which we would like to see materialize, without prejudice to the existence of other agreements. We reaffirm that the report of the Committee of Experts must guide the steps to be taken.

We call on the Government of El Salvador to broaden social dialogue and, in practice to make it tripartite, institutionalized and permanent.

We urge the Government to formally request ILO technical assistance to make progress in the implementation of the recommendations and the development of the road map based on social dialogue.

When this request has been made, we call on the ILO to actively support the process through sustained presence, cooperation and technical follow-up. Finally, we would like to place on record that we want the agreement to be concluded and to be signed as a first step towards an understanding. And yes, it is a bilateral agreement, but it should be the prelude to a dialogue and a tripartite agreement, because it is very important to us to sign this agreement. It is very important for us that we all listen to each other.

Chairperson – I would like to inform you that I have received a request for the floor from the Employer Vice-Chairperson.

Employer members – It is a relatively small matter, but significant. In his response or in his concluding remarks, rather, the Minister from El Salvador used language in reference to one of our members from Guatemala that we find to be inconsistent with the values of this house and may even be considered threatening. And so we just wanted to bring it to your attention, that appropriate steps be taken to ensure that the record of our proceedings reflects



whether it's in parliamentary language or in some way that language like that should really not be tolerated. And, yes, indeed, that is the concern from our side.

Chairperson – Thank you. We have taken note of your comment. It will be included in the record, with full respect for parliamentary language.

Conclusions of the Committee

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 allegations of ongoing violations of the Convention by the Government.

The Committee also expressed serious concern regarding the allegations of interference by the authorities in the activities of employers' and workers' organizations contrary to Article 2 of the Convention and reported acts of harassment against an employers' organization, namely the National Business Association (ANEP).

Taking the discussion into account, the Committee urged the Government to take effective and time-bound measures 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-establish, promote, and participate in institutionalized tripartite social dialogue and collective bargaining, conducted in a framework of mutual respect, and legal certainty in line with the Convention;
- establish genuine consultations with workers' and employers' representatives to discuss all matters relating to labour reform and the Labour Code, and reactivate, without delay, the Higher Labour Council (CST) to ensure the full participation of workers' and employers' organizations in social dialogue and tripartite consultations; and
- 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 recommendations.

The Committee requested the Government to prepare, in consultation with the most representative employers' and workers' organizations, a report to be submitted to the Committee of Experts by 1 September 2025, informing in detail on actions undertaken to progress in the full application of the Convention in law and practice, including information on any genuine consultations to address the concerns discussed by the Committee.

The Committee invited the Government to accept a technical assistance mission with the support of the International Trade Union Confederation (ITUC) and the International Organisation of Employers (IOE).

Chairperson – I invite now the honourable representative of El Salvador to take the floor.



Another Government representative – The delegation of El Salvador takes due note of the conclusions and wishes to reaffirm its unshakeable commitment to the principles and values of the ILO.

In the first place, we express our deep respect for the mandate of the ILO supervisory bodies and for the opportunity to describe the progress achieved in the implementation of the Convention. We have provided specific evidence of the progress made in relation to freedom of association and collective bargaining, among which we would like to place emphasis on the following:

- the ratification of Convention No. 154;
- the establishment of 80 new unions and the increase by 33 per cent in the collective agreements concluded; and
- the greater flexibility in the delivery of credentials to trade union representatives and the establishment of sectoral dialogue forums, particularly in the education sector.

With reference to employers' organizations, we strongly emphasize that in El Salvador freedom of expression and of association are fully and effectively guaranteed. The various associations of employers and workers, and their representatives, enjoy the independence to be elected as their leaders and to develop the conditions existing between sectors at the national level, for which reason we reiterate our invitation for them to also be balanced on the international stage.

We trust that this social dialogue will all the actors and sectors will offer a means of promoting decent work and social cohesion, and we also request and appreciate ILO cooperation and technical assistance, and we undertake to provide regular information on the progress made in the future.

Georgia (ratification: 1999)

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

Written information provided by the Government

The Government appreciates the opportunity to respond to the observations made by the Committee of Experts regarding the Law on Transparency of Foreign Influence (the Law), adopted on 28 May 2024 by the Parliament of Georgia, particularly regarding its potential implications for workers' and employers' organizations under the Convention.

In response to the Committee's observations, we would like to offer clarifications concerning the purpose and scope of the Law, while affirming its full compatibility with the Convention in both principle and application. We would also like to emphasize our expectation that the Law – which has unfortunately become artificially exaggerated as a political issue – will not become subject to politically biased discussions within forums that should remain free from such partiality.

The Law primarily aims to ensure the transparency and accountability of non-governmental and media organizations operating in Georgia that receive substantial foreign funding and engage in political activism.



In Georgia, as in all democratic nations, the foreign financing of political processes is prohibited. Regrettably, there have been cases of covert foreign political interference through certain large non-governmental organizations (NGOs). In response, this Law establishes a mechanism to identify and disclose to the public biased political influences within the non-governmental sector that might undermine the country's political and economic stability.

At the same time, the Law contains no provisions restricting freedom of association, as it does not limit organizations' operations or their ability to receive funding in any form. This has never been – and under no circumstances could become – the intention or objective of the Government of Georgia.

The Law does not limit in any way the right of any organization, including workers' or employers' organizations, to affiliate with international bodies or receive financial support from them. Any suggestion that the Law impedes freedom of association under the Convention is based on a misinterpretation of its scope. The sole purpose of the Law is to prevent covert political interference and ensure transparency. Consequently, it cannot, and will not, impede the legitimate activities of trade unions and employers' associations.

Under the Law, the registration and reporting obligations of an "organization pursuing the interests of a foreign power" apply exclusively to non-entrepreneurial (non-commercial) legal entities that receive more than 20 per cent of their total income during a calendar year from foreign sources. The financial reporting requirements established by the Law are both proportionate and non-discriminatory. Registered entities are only required to submit their financial declarations electronically once per year – a minimal bureaucratic burden that cannot reasonably hinder an organization's operations.

Regarding the monitoring process for the enforcement of the Law, it serves to ensure organizational transparency and incorporates only those mechanisms necessary for effective implementation. Penalties apply strictly in cases where an organization deliberately refuses to comply with the Law and declines to transparently report its funding sources and intended uses – a fully legitimate demand that the State is entitled to make.

It should also be emphasized that Georgia's approach is not unique but rather reflects a broader international concern about the potential for foreign interference in national governance. The Law is based on, and adapted to, well-established legislation and practices in democratic States, including the US Foreign Agents Registration Act; Israel's NGO Transparency Law, which imposes similar transparency requirements on foreign-funded entities; a draft European Union directive under consideration by the European Parliament aimed at enhancing the transparency of foreign influence; and a draft law adopted by the French National Assembly (lower house of Parliament) introducing stricter oversight of foreign-funded organizations.

Furthermore, the Law is fully consistent with the principles established by the European Court of Human Rights and the Court of Justice of the European Union, which recognize that States may impose legitimate transparency measures to safeguard democratic processes.

Furthermore, the Court of Justice of the European Union, in its ruling on Hungary's analogous legislation, explicitly recognized the public's right to information regarding the funding sources and objectives of NGOs. The primary focus of the Law lies outside labour relations.

Nevertheless, extensive public debates, stakeholder discussions and parliamentary deliberations took place prior to the Law's adoption, ensuring ample opportunity for input



from all interested parties. The legislative process was conducted in full compliance with Georgia's constitutional and parliamentary procedures.

In conclusion, we reiterate that Georgian society has the same fundamental right to information about foreign funding objectives as citizens of any democratic State. We wish to reaffirm Georgia's commitment to the principles of the ILO, including the right of workers and employers to freely associate, organize their administration and engage in collective bargaining.

We trust that the Committee will give due consideration to the arguments presented above, which render further individual examination of Georgia's case at the 113th Session of the International Labour Conference unwarranted.

Discussion by the Committee

Chairperson – It is my honour to welcome the distinguished representative of the Government of Georgia, Acting Head of the Department for Social Protection and Labour Policy.

Government representative – On behalf of the Government of Georgia, I appreciate this opportunity to address the Committee of Experts' observations regarding the application of the Convention in Georgia. The right to form and join trade unions is guaranteed by the Constitution of Georgia for all citizens of the country.

In 2018, the Law on Trade Unions was granted the status of Organic Law. This legislation establishes the legal foundations for the creation of trade unions, their rights and the guarantees of their operations. Since 2019, several amendments have been introduced to the Law of Georgia on the Elimination of All Forms of Discrimination, in line with the commitments undertaken under the Association Agreement between Georgia and the European Union. Specifically, the principle of equal treatment has been extended to include membership in, and activities of, workers' organizations, employers' organizations or other associations whose members may belong to professional groups.

Subsequently, within the framework of the 2020 Labour Code reform, the same principle was incorporated into the Labour Code of Georgia. Moreover, as part of this reform, an agreement was reached to lower the minimum number of members required to establish a trade union from 50 to 25. Georgia does not face significant challenges in ensuring the protection of freedom of association as a fundamental labour right. This is supported both in court practice and by data from the International Labour Organization itself. For instance, Sustainable Development Goal (SDG) indicator 8.8.2 which, as you know, measures national compliance with fundamental labour rights, particularly freedom of association and collective bargaining, stands as low as 0.1 for Georgia, according to the most recent data from 2023. Moreover, this indicator has shown a declining trend since 2015. We have thoroughly reviewed the Committee of Experts' concerns regarding the Law on Transparency of Foreign Influence, adopted on 28 May 2024 by the Parliament of Georgia, particularly regarding its potential implications for workers' and employers' organizations. We would like to offer clarification concerning the proposed scope of the Law, while affirming its full compatibility with the Convention in both principle and application. We would also like to emphasize our expectation that the Law on Transparency of Foreign Influence, which has, unfortunately, become artificially exaggerated as a political issue, will not become subject to politically biased discussions within a forum that should remain free from such partiality. The Law primarily aims to ensure the transparency and accountability of non-governmental and media organizations operating in Georgia that receive substantial foreign funding and engage in political activism.



In Georgia, as in all democratic nations, foreign financing of political processes is prohibited. This Law establishes a mechanism to identify and disclose political influences within the non-governmental sector that might undermine the country's political and economic stability. At the same time, the Law contains no provisions restricting freedom of association, as it does not limit organizations' operations or their ability to receive funding in any form. The Law does not limit in any way the right of any organization, including workers' or employers' organizations, to affiliate with international bodies or receive financial support from them.

Consequently, it cannot and will not impede the legitimate activities of trade unions and employers' associations. Under the Law, the registration and reporting obligations apply exclusively to non-commercial legal entities that receive more than 20 per cent of their total income during the calendar year from foreign sources. The financial reporting requirements established by the Law are both proportionate and non-discriminatory.

Registered entities are only required to submit their financial declarations electronically once per year, a minimal bureaucratic burden that cannot reasonably hinder an organization's operations.

Regarding the monitoring processes for the enforcement of the law, it serves to ensure organizational transparency and incorporates only those mechanisms necessary for effective implementation. Penalties apply strictly in cases where an organization deliberately refuses to comply with this Law and declines to transparently report its funding sources and intended uses, which is a fully legitimate demand that the State is entitled to make. It should also be emphasized that Georgia's approach is not unique, but rather reflects a broader international concern about the potential for foreign interference in national governance. Furthermore, the Law is fully consistent with the principles established by the European Court of Human Rights and the Court of Justice of the European Union, which recognize that the State may impose legitimate transparency measures that safeguard democratic processes. The primary focus of the Law lies outside labour relations. In the end, we wish to reaffirm Georgia's commitment to the principles of the ILO, including the right of workers and employers to freely associate, organize their administration and engage in collective bargaining.

We remain committed to continuing our cooperation with the ILO and our social partners, including through the framework of the Tripartite Social Partnership Commission. This includes our readiness to engage in dialogue with our partners regarding the recently adopted legislative amendments and their potential implications. The above-mentioned Commission, at its most recent meeting in March 2025, played a pivotal role in addressing a labour dispute in one of the municipalities of Georgia, and all parties affirmed the importance of holding quarterly meetings of this Commission. We remain committed to advancing the protection of workers' rights in Georgia, including through the consideration of the Committee of Experts' recommendations. We would also welcome technical assistance from the ILO in support of aligning our legislation with international labour standards.

Employer members – We thank the Government of Georgia for the oral and written information on this case, of which we have fully taken note. The Employer members stress the importance of the States' compliance with the application of this ratified core Convention. The Convention was ratified by Georgia in 1999. Since 2005, the Committee of Experts has issued nine observations, and this case has not been discussed in the Committee before. The Government provided written information, which was published on 19 May 2025. On the Law on Transparency of Foreign Influence, which was adopted by the Parliament on 28 May 2024, the Employer members would like to highlight three points:



- About the process: The Committee of Experts noted that the Law adopted without prior consultations with the social partners. They referred to the Urgent Opinion of the Venice Commission of the Council of Europe, which expressed deep concern at the fact that this Law was adopted in a rushed way with no meaningful consultation process. According to the position of the Government, the legislative process was conducted in full compliance with Georgia's constitutional and parliamentary procedures. The Employer members would like to ask the Government whether the draft legislation was preceded by free and frank consultation with the most representative employers' and workers' organizations.
- About the registration as an organization pursuing the interests of a foreign power: According to sections 2(1)(a) and 4(1), non-commercial legal entities receiving over 20 per cent of their annual income during a calendar year from a foreign source must register as "organizations pursuing the interests of a foreign power". Except for those non-commercial legal entities which are expressly excluded, this definition potentially encompasses employers' and workers' organizations affiliated with international bodies. According to section 1(2), the Law shall not restrict the activities of an entity registered as an organization pursuing the interests of a foreign power. The Government mentioned in its written contribution that the Law does not limit organizations' operations or their ability to receive funding. Furthermore, they believe that the Law does not limit in any way the right of any organization, including workers' or employers' organizations, to affiliate with international bodies or receive financial support from them. However, our group would like to note that the Venice Commission of the Council of Europe considered that, by repeatedly referring to an organization as "pursuing the interests of a foreign power," the Law could have the effect of stigmatizing. The Employer members doubt that the fact that one fifth of the annual budget is provided by a third party would justify the designation of "pursuing the interests of a foreign power".
- On additional obligations: Workers' and employers' organizations covered by the Law are subject to additional obligations. This includes submitting annual financial declarations and providing requested information immediately during investigations or monitoring. The Law also foresees that all organizations are subject to monitoring. The grounds for initiating monitoring are a decision of a person authorized by the Ministry of Justice, or a written application submitted to the Ministry of Justice, which contains appropriate information related to a specific organization pursuing the interests of a foreign power.

The Committee of Experts observed that this provision is unlimited in scope and that it provides for no precise criteria as to what entities or individuals may submit statements to trigger monitoring, nor does it constrain the discretion of the Government agents.

Furthermore, significant fines in case of non-compliance with the Law are foreseen:

- for failure to register or to submit a financial declaration;
- for failure to fill in the registration statement or to remedy a shortcoming;
- in cases of the continuation of such failures; and
- or failure to provide the information requested by the person authorized by the Ministry.

According to Article 5 of the Convention, workers' and employers' organizations have the explicit right to affiliate with international organizations of workers and employers. Article 3 of the Convention grants workers' and employers' organizations the right to draw up their own constitutions and rules. It also stipulates that public authorities must refrain from any interference that would restrict this right or impede its lawful exercise. The Employer members



believe that the burdens of the Law, for example, the severe sanctions and broad governmental discretion, could interfere with the autonomy of workers' and employers' organizations according to Articles 3 and 5 of the Convention.

Furthermore, the Employer members urge the Government to evaluate a possible amendment to the legislation, in consultation with the social partners, particularly with regard to the issue of excluding employers' and workers' organizations from the scope of the legislation. Finally, and to conclude, we recommend that the Government provide information on all measures taken in this respect.

Worker members – This is the first time that the Committee has been called upon to examine the application of the Convention by the Government of Georgia. The Worker members express grave concern about recent legislative developments that pose significant threats to the fundamental freedoms and rights of workers and their organizations, as well as to the broader democratic space in the country.

In its observation, the Committee of Experts raised serious concerns about the Law on Transparency of Foreign Influence, adopted in May 2024, which requires any non-commercial organization receiving over 20 per cent of its funding from abroad to register as a so-called "organization pursuing the interests of a foreign power". The definition of "foreign source" includes international trade unions and other associations established under foreign or international law. Organizations labelled as "pursuing the interests of a foreign power" face strict obligations, including annual financial reporting and immediate disclosure of information upon request by the Ministry of Justice. All organizations may be monitored at the Ministry's discretion or based on third-party complaints. Non-compliance carries significant fines, ranging from 5,000 to 25,000 Georgian lari (up to approximately US\$9,200).

In April 2025, the Parliament passed a new Foreign Agents Registration Act (FARA), which reinforces the Law on Transparency of Foreign Influence of May 2024. The FARA targets any person (legal or physical) who is deemed to be "under the control of, or acting at the direction of, a foreign power and acting in the interests of that foreign power", but remains vague as to its scope. Failure to comply with the FARA is punishable by up to five years of imprisonment, a fine of up to 10,000 lari (approximately US\$3,600), or both.

The Worker members are deeply concerned by the broad scope and potentially far-reaching consequences of these laws, which remain vague in both intent and application. Sweeping definitions, vague criteria, and expansive monitoring powers pose a serious threat to the rights of workers and trade unions guaranteed under the Convention, particularly the right to organize, to administer their own affairs and activities freely, and to affiliate with international organizations, as enshrined in Articles 2, 3, and 5. We also echo the concerns of the Venice Commission of the Council of Europe regarding the Law's potentially stigmatizing language, which risks delegitimizing organizations that receive international funding. We emphasize that the FARA has the same deterrent effect for individuals.

In line with the Committee of Experts' request, we urge the Government to amend the Law on Transparency of Foreign Influence and the FARA, in consultation with the social partners, so as to explicitly exclude trade union activities and trade unions from their scope of application.

Turning to the amendments to the Law on Public Service adopted in December 2024, the Worker members express serious concern over the significant deterioration of employment conditions for public servants, which negatively impacts their ability to exercise their rights and freedoms under the Convention. The Law effectively abolishes employment security by



replacing stable contracts with one-year temporary contracts, which may be terminated at any time with only one month's notice and compensation equivalent to one month's salary. Additionally, civil servants are now subject to annual performance evaluations by their immediate supervisors, in which a single unsatisfactory rating results in a 20 per cent salary reduction, and a second such rating leads to dismissal.

This reform creates unprecedented job insecurity and weakens the labour protections of civil servants against arbitrary dismissal. Such conditions severely undermine the environment necessary for civil servants to freely exercise their trade union rights, raising serious concerns in relation to the Convention and the Labour Relations (Public Service) Convention, 1978 (No. 151), which Georgia ratified in 2003.

It is deeply regrettable that none of these legislative changes were preceded by meaningful consultation with the social partners. Effective social dialogue is not only a cornerstone of democratic governance and sound labour relations, it is also a legal obligation under international standards. The absence of such dialogue seriously undermines the legitimacy of both the legislative process and its outcomes. The Government of Georgia has a clear responsibility to engage with workers' representative organizations in the development and implementation of legislation affecting their rights and interests. We therefore urge the Government to review the recent amendments to the Law on Public Service through a genuine process of consultation with workers' representative organizations. This is essential to restore key labour protections, ensure employment security in the public sector, and safeguard the ability of civil servants to freely exercise their rights to organize and bargain collectively.

We express grave concern over the legislative initiatives being advanced by the Government, including the expedited adoption of amendments to the Code of Administrative Offences, the Criminal Code, and the Law on Assemblies and Manifestations. Of particular alarm are the measures aimed at criminalizing peaceful protests, such as the imposition of heavy fines for roadblocks and the introduction of preventive detention based solely on suspicion.

In the context of widespread public demonstrations and social tensions, these measures severely constrict democratic space and infringe upon the fundamental civil liberties of workers.

The Worker members urge the Government of Georgia to immediately repeal these punitive legislative measures, to fully respect the right to peaceful assembly and protest, and to engage in meaningful dialogue with workers' organizations to ensure that fundamental civil liberties and democratic rights are guaranteed, in line with the Convention

Worker member, Georgia – It is an honour for me to speak on behalf of the Georgia Trade Unions Confederation (GTUC). We should note that the draft Law on Transparency of Foreign Influence was criticized by the GTUC during the discussion stage of the initiative, as it hinders democracy, European Union integration and the protection of human rights in the country, although it was ultimately adopted last year without consultations with social partners.

Moreover, the adoption of legislation inconsistent with fundamental labour standards continued, including in the field of labour, such as amendments to the Law on Public Service. The GTUC believes that amendments to the Law on Public Service, introduced at the end of last year, have significantly worsened the guarantees of protection for public servants and, as a result, contradict international labour standards, the Association Agreement with the



European Union, the Constitution of Georgia, and the well-established practice of the Constitutional court and common courts of Georgia.

The involvement of the most representative workers' organization in the country, the GTUC, was ignored in the process of preparation of the draft law, thus violating the fundamental standards of the International Labour Organization, which oblige Member States to ensure effective consultations with employers' associations and trade unions on labour issues.

Although we criticized the amendments at the initial stage and demanded their withdrawal, the draft law deteriorated sharply during the parliamentary hearings, and, as a result, we ended up in a worse situation than we had with the Labour Code adopted in 2006, which, based on our reports, had been the object of sharp criticisms by the International Labour Organization for years.

It took us many years of struggle to use international mechanisms and the direct involvement of the International Labour Organization to change the neoliberal, one-sided labour legislation adopted with complete disregard for employees' rights.

We believe that amendments supported by Parliament have undermined the progress achieved to date in the labour legislation regulating the public service.

We have approached the International Labour Organization for an expert opinion on the adopted amendments, which are in complete disregard of international and national standards, and we are preparing the case for the Constitutional court as well.

The heads of the primary structural unit of a public institution and their deputies are no longer considered as public servants, but as persons employed under administrative contract. The term of validity of the contracts of such persons shall not exceed the term of office of the head of the relevant public institution. The termination of the authority of the head of the institution shall result in the termination of their authority. The heads of the primary structural unit and their deputies may terminate their contract at any time with one month's notice and shall receive only one month's compensation.

The specified regulation effectively leaves those employed in very important positions in the public service vulnerable, which also affects public servants.

All public servants are evaluated every six months instead of once a year. In the event that a public servant receives an unsatisfactory evaluation, 20 per cent of his or her official salary will be withheld until the results of his or her next evaluation, a measure which did not exist before. If he or she is assessed unsatisfactory twice, he or she will be dismissed from service. The head of the public institution is authorized to change the evaluation prepared by the public servant's immediate supervisor within one month of this evaluation.

The mobility rule no longer applies in cases of reorganization, although mobility is an important instrument for maintaining jobs in the civil service system in general. Appealing dismissal decisions does not suspend the adopted acts, and a favourable court ruling on behalf of a person dismissed from service on the grounds of reorganization does not lead to the reinstatement of the illegally dismissed person. Even in the event of winning the dispute, the dismissed public servant will receive compensation in the amount of three months of official salary.

Under the above-mentioned regulation, public servants who are members of trade unions are at particular risk. In the event of dismissal from service on the grounds of trade union membership in the context of reorganization, or possibly under other legal grounds, they will



not be able to restore their rights. This will have a significantly negative impact on trade union members, causing them to leave trade union organizations out of fear, especially when no single collective agreement has been signed in the sector concerned.

We demand that public servants, through social dialogue formats, receive legislative guarantees so that their job stability and fundamental rights, including freedom of association and the right to collective bargaining, are not put at risk.

As the Government representative already mentioned, we do have a national tripartite framework at the national level, which is the framework in which we should consider and discuss all issues related to employment. We already have an action plan, which was adopted a few months ago and now needs to be implemented.

We do consider that this time, as has happened before in the history of Georgia, the recommendations of the Committee will be sufficient to ensure better protection of workers' rights – in this case, public servants' rights in Georgia.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Georgia was given a European perspective on 23 June 2022. In December 2023, the European Council granted Georgia candidate status on the understanding that the relevant nine steps set out in the Commission recommendation of 8 November 2023 were taken. Since 2016, an association agreement between the EU and Georgia has been in force, and together we have been deepening political association and economic integration with the EU, including through a commitment to respect and implement the internationally recognized core labour standards, as embodied in the fundamental ILO Conventions.

We express our serious concern with the latest observation by the Committee of Experts regarding the adoption of the Law on Transparency of Foreign Influence in May 2024. The Law creates obligations for all non-commercial legal persons, including trade unions and employers' organizations, receiving more than 20 per cent of their income from foreign sources, to register as "organizations pursuing the interests of a foreign power". We underline that this Law has been adopted without proper consultations with the social partners, violating established principles of social dialogue, and without prior consultation on legislation impacting workers' and employers' organizations.

We recall the Urgent Opinion of the Venice Commission of the Council of Europe, which strongly recommended repealing the Law and expressed its deep concern about the fact that the Law was adopted in a rushed way and without a meaningful consultation process. The Commission also considered that the Law sets restrictions on the rights to freedom of expression, freedom of association and privacy, and has serious implications, as it undermines both the financial stability and credibility of the organizations targeted, as well as their operations.

We concur with the Committee of Experts' consideration that the Law on Transparency of Foreign Influence restricts the right of trade unions and employers' organizations to organize



their administration and activities protected by Article 3 of the Convention, by imposing excessive obligations on those deemed as “pursuing the interests of a foreign power”. This includes mandatory registration, excessive administrative and financial control, as well as heavy financial penalties for non-compliance. We also underline that the Law raises the risk of arbitrary intervention in the unions’ activities, as it lacks clear limitations on the discretionary power of authorities.

We recall the Committee of Experts’ observation that this legislation infringes the principles concerning the right to affiliate with international organizations laid down in Article 5 of the Convention. We concur with the conclusion of the Committee on Freedom of Association (CFA) that international trade union solidarity constitutes one of the fundamental objectives of any trade union movement and underlies the principle that any organization, federation or confederation shall have the right to affiliate with international organizations of workers and employers. Accepting financial assistance from international workers’ and employers’ organizations is a legitimate right which stems from this affiliation.

In line with the Committee of Experts’ recommendation, we urge the Government of Georgia to immediately take steps to bring its legislation into conformity with the Convention in consultation with social partners, and to provide information on progress and on all measures taken in this regard.

We took note of the Government’s written submission on the Law on Transparency of Foreign Influence. Recently adopted legislation represents further aggressive action by the Georgian authorities to suppress dissent, restrict freedoms, and shrink the space for activists, civil society, and independent media. This includes the Foreign Agents Registration Act and amendments to the Law on Grants, which mark a further restrictive step from the Law on Transparency of Foreign Influence, among others, by introducing criminal liability. These laws unduly restrict fundamental freedoms and human rights, and erode democratic decision-making.

In its conclusions from June, October and December 2024, the European Council found that the authorities’ course of action jeopardizes Georgia’s EU path. We note that the accession process is currently de facto halted and shall remain so, as long as the authorities fail to take credible steps to reverse democratic backsliding.

We reiterate our support to the Georgian people’s European aspirations. The EU and its Member States stand ready to support Georgia with the aim to address the issues raised and in meeting its obligations under the ratified Conventions.

Worker member, United Kingdom of Great Britain and Northern Ireland – I speak on behalf of the workers of the United Kingdom and also those of France and Germany. Noting the Committee of Experts’ recollection in this year’s observation that “the introduction of any draft legislation affecting the rights and interests of workers and employers should be preceded by free and frank consultations with their most representative organizations”, we note the Urgent Opinion of the Venice Commission issued on 3 March this year, following changes to the law governing demonstrations and potentially harsh sanctions for those that fall foul of them.

We note that, as the Venice Commission points out, the Government of Georgia did not engage with the social partners in any discussion on laws affecting their rights and interests. As workers in the United Kingdom know all too well, laws drafted on trade union rights or rights essential for the proper exercise of trade union freedoms, that are not preceded by



proper discussion with trade unions tend to have serious problems. It is therefore no surprise that the Venice Commission calls the changes “fundamentally flawed”.

Peaceful protest is a crucial tool available to trade unions to protect the interests of their members and therefore falls under the Committee of Experts’ exhortation for free and frank consultation. Of course, like some of the bad legislation aimed at United Kingdom workers between 2016 and 2023, which we are very glad to see being dismantled by our current Government, not all those flaws might be a product of clumsiness or ignorance. The other issues being raised in this case give us cause to question the good faith of the Georgian Government. But whatever the motive, the overly broad prohibitions, coupled with just as overly severe sanctions on perfectly peaceful activities, are of great concern. For example, the law prohibits the use of “pyrotechnics” but does not define what it means by that.

Of greater concern are two clauses governing what peaceful demonstrators may wear.

First, the law bans covering the face, and I quote, “with a mask or any other means”. Even allowing for the fact that there is no reason why peaceful protesters should not be able to cover their face, this law, through misstep or design, is damagingly vague.

The Venice Commission notes that the prohibition is so broad as to potentially cause confusion for both protesters and those enforcing the law as to what is allowed and what is prohibited. Does it include medical face coverings which many vulnerable people still wear as a precaution when in close proximity to large crowds? How much of the face must be uncovered? Can I wear a scarf on a cold day? Should I be worried about my facial hair? Again, it is hard to imagine that such a poorly drafted law would have survived a meaningful consultation with the trade unions.

The law further outlaws wearing clothes “similar to police uniforms”. Once again, it does not say how similar clothes can be – does it mean high-vis elements or uniform-style hats, or just wearing dark blue with grey? And who decides?

Given increased penalties for non-compliance with the lawful order of a law enforcement officer, even in the context of a completely peaceful demonstration, it is even more important that both parties can judge the limits of what such an order could lawfully be.

Of course, our concern is not only about the disproportionate power this gives the police to interpret these laws as they see fit, though they could have a chilling effect on the exercise of free political expression, but also that the law directly and negatively affects the interests of trade unions without there having been any effort to consult the most representative social partners as very clearly called for in the Committee of Experts’ comments. The result is a hasty, ill-thought-out piece of legislation that creates potential bear traps for completely peaceful protesters and could be exploited as a means to suppress free expression of issues core to the defence of the interests of trade union members.

As the Venice Commission notes, these laws “introduce numerous restrictions on freedom of assembly and other fundamental rights which appear to be incompatible with the principles of lawfulness, necessity and proportionality”.

We, therefore, call on the Government to, as a matter of urgency, commit to a review of both the Assemblies Law and the Code of Administrative Offences, and to carry it out in full consultation with the social partners with a view of clarifying the provisions of the law and removing obstacles to free expression through peaceful protest.

Worker member, Finland – I am speaking on behalf of the Nordic Trade Unions. While it may sound self-evident, and perhaps one day will no longer need to be said, the Convention



contains in essence the foundations upon which the ILO is built. Yet the need to reaffirm and protect these fundamental principles remains pressing. Today, we are confronted with the case of Georgia, a case that brings into sharp focus the continuing challenges surrounding the Convention's proper application.

As has been repeatedly emphasized by the ILO's supervisory bodies over the decades, the Convention exists to protect the autonomy and independence of workers' and employers' organizations in their establishment, their functioning and in their dissolution, and crucially, in their relationship with the public authorities.

One of the most essential components of this protection is the obligation to ensure that any legislative initiative affecting the rights to organize, to bargain collectively or to influence the terms and conditions of employment must be preceded by full and frank consultation with the most representative employers' and workers' organizations. This is not merely good practice, it is a necessary condition for legitimacy and sustainability.

Yet in the case before us, the Government of Georgia has enacted legislation in a rushed and unilateral manner without meaningful dialogue or prior consultation with the social partners. The facts are deeply concerning. Legislation adopted within an extremely short time frame in a process devoid of transparency and inclusive participation. This course of action stands in clear contradiction to both the letter and spirit of the Convention. It undermines the fundamental notion that legislation affecting the rights and interests of workers and employers must be developed not only for them, but with them.

The Committee of Experts has rightly echoed the Urgent Opinion of the Venice Commission of the Council of Europe. The mere fact that the Government proceeded in this manner should raise serious alarm among all members of this Committee.

Tripartite consultation is not merely a formality. It is the very foundation of genuine social dialogue and democratic governance in the world of work. It must take place before legislation is introduced, not after it has been drafted behind closed doors. It must be open, timely and inclusive, and it must extend beyond technical labour law to the broader realm of public policy that affects working people's lives, including labour, social and economic matters.

Equally important is also the quality of consultation. It must be effective, not symbolic. The supervisory bodies of the ILO have consistently underlined the need for consultation to be full and frank. This also means timely notice. This means access to draft texts well in advance of adoption. And above all, this means a genuine willingness to listen, to engage and to take into account the views of social partners.

Consultation is not an end in itself. It is a means to foster stability, trust and mutual respect in industrial relations. Harmonious labour relations cannot be decreed from above. They must be built on the foundation of participation, dialogue and institutional trust between the government, workers and employers.

Freedom of association, the very core of this Organization, cannot be realized in an atmosphere of repression. Workers' and employers' organizations must be able to operate free from interference, harassment, threats and efforts to discredit their leaders. Intimidation, whether overt or subtle, undermines democratic trade union activity and is fundamentally incompatible with the requirements of the Convention. This incompatibility, sadly, is what we are witnessing in Georgia today, where undermining social dialogue continues. The most recent amendments in labour law were enacted last December, and again without proper involvement of the social partners.



It is not enough to proclaim respect for international obligations. These obligations must be lived in practice. Political will, or lack thereof, does not absolve any Member State of its duties under the ILO Conventions it has ratified.

The situation in Georgia is not just about a single law or a single movement. It is about whether the fundamental principles of freedom of association and tripartism, the pillars of our shared commitment, are upheld or eroded. Trade unions are not actors, I quote, “pursuing the interests of a foreign power”, they are an integral part of civil society and genuine social dialogue.

We urge the Government of Georgia to bring its actions into line with the obligations it has freely accepted. We call for the full restoration of meaningful dialogue with representative social partners in a climate of trust and in accordance with the Convention.

Government member, United Kingdom of Great Britain and Northern Ireland – The United Kingdom is closely monitoring the situation in Georgia. We have repeatedly registered our deep concern about the Georgian Dream Government’s anti-democratic actions. This includes the introduction of repressive legislation such as the Law on Transparency of Foreign Agents (2024) and its successor, the Foreign Agents Registration Act (2025), and recent moves by the Georgian Dream Government to restrict freedom of expression and freedom of association, including through the use of excessive force in response to legitimate protests. We have repeatedly made clear that a vibrant civil society is a key part of a thriving democratic Georgia.

We support the observations of the Committee of Experts that recent legislation imposes excessive bureaucratic requirements in contravention of the right to organize freely and to affiliate with international organizations which is set out in Article 5 of the Convention. We further share the Committee of Experts’ concern that the legislation was adopted in a rushed way without meaningful consultation with those affected, including workers’ and employers’ rights organizations, as well as many other groups across Georgian society.

The United Kingdom calls on the Georgian Dream Government to take swift action to reverse its democratic backsliding and ensure the fundamental rights of all citizens are upheld. This should include the withdrawal of repressive legislation such as the Foreign Agents Registration Act, and accountability for those implicated in excessive use of force against protesters, journalists and politicians, and in doing so, once again pursue a Euro-Atlantic trajectory.

Worker member, Poland –I am speaking on behalf of Solidarność (NSZZ). We note the adoption on 28 May of the Law on Transparency of Foreign Influence. The bureaucratic burdens it imposes on trade unions or employers’ organizations receiving financial assistance from abroad, including from an international trade union or employers’ organization to which they are affiliated, as well as the various hefty penalties that can be imposed on organizations, are not in conformity with the Convention.

We noted that the Law on Transparency of Foreign Influence has been adopted without prior consultation with the social partners, in a rushed way, with no meaningful consultation process.

We noted that the amendment of the Law on Public Service was adopted on 9 December 2024, four days after the announcement of the draft by the Government. We noted with concern that the Law on Public Service was adopted in a rush, without prior consultation with the most representative workers’ and employers’ organizations.



We noted that the amendment creates serious risks to the basic labour rights of public service workers, including protection against unfair and arbitrary dismissal, with negative implications for freedom of association and collective bargaining.

The new Law changes the status of the heads of primary structural units for public institutions and their deputies from civil servants to staff members employed under administrative contract, under conditions deprived of employment security and allowing for unjustified discretionary dismissals and other discretionary sanctions. We share the concern that the Law on Public Service may create the risk of negative impact on the exercise of trade union rights. Job insecurity makes workers more vulnerable and susceptible to anti-union discrimination, as well as bullying and harassment. It has a chilling effect and restricts the take-up and exercise of freedom of association rights. We are deeply concerned by the failure of the Government of Georgia to engage in meaningful negotiations with trade unions concerning the new amendments.

We recall that the introduction of any draft legislation affecting the rights and interests of workers and employers should be preceded by free and frank consultations with the most representative organizations. We observe with concern the rushed adoption of amendments to the Code of Administrative Offences, the Criminal Code and the Law on Assemblies and Manifestations, which have a far-reaching effect on Georgian society. We recall that Governments should hold consultations with the most representative workers' and employers' organizations before submitting drafts to the Legislative Assembly.

We recall the importance that the CFA attaches to holding consultations with sufficient advance notice and, in particular, to ensuring that the drafts of laws or decrees are submitted to these organizations for consultations well before the adoption by the Government, as a prerequisite for consideration by Parliament.

We encourage the Government of Georgia to take without delay all necessary measures in consultation with representative employers' and workers' organizations, including withdrawal of the latest amendments to the Law on Public Service and the Law on Transparency of Foreign Influence, to guarantee that the above provisions do not impede the exercise of the mandate of trade unions and their leaders to defend the interests of their members.

We encourage the Government of Georgia to hold consultations with the most representative workers' and employers' organizations with sufficient advance notice before submitting drafts affecting the rights and interests of workers and employers to the Legislative Assembly.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – In relation to the case under consideration, we wish to express our deep concern regarding recent actions by the Georgian administration and law enforcement authorities, which interfere with the structure and functioning of the Georgian Agriculture, Commercial and Industry Workers' Trade Union, also known in the country as "Labor". The Labor trade union has been affiliated with IUF for over a decade. It is one of Georgia's most active organizations, and has led or supported nearly 20 campaigns in recent years. The campaigns resulted in improving working conditions and pay level in the food and allied industries. The union also plays a visible role in peaceful public demonstrations organized by the democratic movement in the country. On 24 April, officers from the investigation service of the Ministry of Finance conducted the search of the Labor trade union's office.



Additional searches were carried out at three other locations: the union's former office, the home apartment of the union's chairman, Giorgi Diasamidze, and the venue where the union's recent congress was held. These searches were reportedly authorized by a ruling from the Tbilisi City Court, in connection with a criminal investigation under two articles of Georgia's Criminal Code – one carrying penalties of fines or up to three years' imprisonment, and the other carrying a potential sentence of 7 to 11 years of prison. Neither the prosecutor's motion nor the court ruling clearly specify the grounds for conducting these searches. It remains unclear what items were sought, why these particular locations were targeted or how the searches met the threshold of reasonable suspicion required by law. The legal basis for restricting property and privacy rights in this case is highly questionable. The search resulted in the seizure of documents belonging to the union, along with a computer processor. This contained the personal data of union members, confidential information related to collective labour disputes and details of cooperation with foreign partners. The confiscation of this material significantly hinders activities of the trade union and has a deterrent effect on both current and potential members.

Moreover, these investigative actions, marked by significant procedural violations, lack a sound legal foundation and represent an escalation of the pressure previously exerted on the union. This includes prior discreditation campaigns in the media, threats to individual activists and restrictions on access to the State register of organizations. These developments must be viewed in the broader context of systemic repression against independent civil society actors in Georgia, including the media and non-governmental organizations. The targeting of trade unions marks a particularly dangerous phase aimed at suppressing freedom of association and undermining the protection of workers' rights. We urge the Government of Georgia to immediately return the seized property; immediately cease the harassment and persecution of the Labor trade union and its leadership, first of all the union president, Giorgi Diasamidze; conduct an effective independent and impartial investigation into the legality of the searches and related actions; uphold both constitutional and international commitments to safeguard freedom of association and the right to organize independent trade unions free from State interference; and strengthen juridical oversight of investigative actions and ensure effective remedies against their abuse.

Observer, Public Services International (PSI) – Public Services International is particularly concerned at the recent legislative process relating to the draft amendments to the Law on Public Service. I must therefore repeat some of the matters raised by other speakers.

Firstly, regarding the process, this draft was submitted to Parliament on 9 December 2024, processed very quickly and, just four days later, on 13 December, adopted at its third reading. The amendments then came into force on 29 December. The Committee of Experts has yet to issue an opinion on whether these changes comply with Georgia's obligations under the ILO Conventions. The country's most representative trade union organization, however, expressed grave concerns from the outset. It warned, for example, that the amendments diminish guarantees for public officials, contradict international labour standards and also go against national legislation and the jurisprudence of the courts.

We also regret the exclusion of that trade union from the process. We wish to recall that the ILO supervisory bodies often request that such processes take place in consultation with the social partners.

We are also deeply concerned that between December 2024 and April 2025, around 700 public officials were dismissed, supposedly for criticizing the Government.



At the same time, coincidentally, certain legislative changes were made that weakened labour protections for public employees, particularly in the Ministry of Defence and Tbilisi City Council. These facts seem, *a priori*, to constitute acts of reprisals and could violate freedom of expression.

In this context, we would like to recall that freedom of expression is a basic right and is essential if persons and organizations are to be able to defend their rights, including labour rights. At its 54th Session in 1970, the Conference adopted a resolution that makes that relationship very clear. The resolution gives particular importance, and I quote, to “freedom of opinion and expression and in particular the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”, and it also highlights the importance of the right to assembly.

For these reasons, we respectfully request that the Government takes these concerns into consideration.

Observer, IndustriALL Global Union – I am speaking on behalf of Building and Woodworkers International (BWI) and IndustriALL Global Union. It is a matter of deep concern and disapproval that the Government has recently undermined the rights to freedom of peaceful assembly and association by imposing limitations through the adoption of the amendment to the Law on Assemblies and Demonstrations of February of 2025 without consulting the social partners on holding demonstrations and administering excessive financial sanctions on workers and union leaders for minor violations. This is also an attack on freedom of speech.

Moreover, we also find the adoption of the amendments to the Law on Public Service from December of 2024 unacceptable, as they came into force without being drafted in consultation with the social partners. The unilateral adoption of legislation that may directly or indirectly affect trade unions without any form of consultation opens the door to further restrictions on the rights of workers and their organizations. It creates an environment in which the Government could potentially introduce additional measures limiting union activities, curtailing freedom of association or imposing administrative burdens under the guise of transparency or national security. Concerning the Law on Transparency of Foreign Influence, which was adopted in May 2024 without prior consultations with the social partners, we call on the Government to clarify its scope of application and confirm in writing that it does not apply to trade unions.

The Committee of Experts has consistently recalled that meaningful consultations must precede the introduction of any legislation that affects the rights and interests of workers and employers. This obligation derives not only from good governance principles, but also from the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which Georgia has ratified. The absence of consultation represents a serious breach of these international obligations and raises significant concerns about the future of social dialogue in the country. We call on the Government of Georgia to seek technical assistance from the ILO to assist the Government in putting in place a robust system of tripartite consultation and adopting legislation that is in full respect of the Convention.

Government representative – As we mentioned, the Law on Transparency of Foreign Influence primarily aims to ensure transparency and the accountability of non-governmental and media organizations operating in Georgia, as they receive substantial foreign funding and engage in political activities.



The Law does not limit in any way the right of any organization, including workers' or employers' organizations, to affiliate with international bodies or receive financial support from them. Any suggestion that the Law impedes freedom of association under the Convention is based on a misinterpretation of its goal. The sole purpose of the Law is to prevent covert political interference and ensure transparency. It is also noteworthy that, even a year after the Law's adoption, there has been no recorded instance of any organization encountering problems with its activities.

As for the Foreign Agents Registration Act, this Law was modelled on the United States' Foreign Agents Registration Act and has been adopted as an educational measure to help effectively mitigate external interference in the functioning of State institutions.

It is also important to emphasize that exactly seven days have passed since the Law entered into force, making it premature to assess its potential impact on the freedom of association for employers' or workers' organizations. However, as the Law is implemented in practice, it is expected to demonstrate that it does not hinder the activities of such organizations or infringe upon the principles of freedom of association. On the contrary, its scope, its sole purpose, is to reinforce national security and safeguard the country's sovereignty.

As for the recent amendments to the Law on Public Service, it should be mentioned that under the 2025–28 Government Programme, a comprehensive reform is planned in the public service sector. In particular, a public service development strategy will be developed. The strategy will establish a unified vision focused on creating an attractive public service, introducing modern management standards, strengthening human capital within the public sector, promoting professionalism, supporting the effective operation of strong and accountable public institutions, and defining appropriate responsibilities at the political level to ensure the coordinated implementation of the reform.

The Law regulates matters concerning the appointment of civil servants to vacant positions through competitive selection, the performance evaluation of civil servants by their direct supervisors, and processes related to institutional reorganization. The Law was adopted following consultations with the heads of public institutions, and several recommendations from the Public Defender were also taken into consideration.

The amendments introduced by the Law do not restrict the freedom of association for employees, as they do not involve any direct or indirect changes regarding the right of association on professional grounds. Furthermore, since the enactment of the Law on 13 December 2024, the Minister of Labour has received ten notifications requesting the appointment of a mediator in collective labour disputes.

In all ten cases, a mediator was appointed and in seven of these cases, mediation took place within State institutions, specifically legal entities under public law. Notably, in one of these institutions, mediation requests were submitted from two separate employee associations.

The nature of the disputes is diverse and concerns not only remuneration, but also various employment conditions, including the conclusion of collective agreements. This demonstrates that, rather than restricting freedom of association, employees in public institutions are actively organizing, forming independent trade unions and working to enhance their labour rights.

In conclusion, we remain firmly committed to advancing labour rights in Georgia and to ensuring the effective implementation of the Convention. We are prepared to engage in



constructive dialogue with our social partners regarding the recently adopted legislative amendments and their potential implications.

Worker members – We thank all the speakers who participated in this discussion. The Worker members reiterate their profound concerns regarding the legislative developments in Georgia that threaten fundamental workers' rights and the democratic space within the country. We emphasize once again the grave implications of the Law on Transparency of Foreign Influence and the Foreign Agents Registration Act. These laws impose sweeping registration requirements, vague definitions and expensive monitoring powers on organizations receiving foreign funding, which could negatively impact trade unions and trade union activities. The risk of stigmatization and undue interference is real and alarming. We strongly support the Committee of Experts' call for the Government to amend this legislation, explicitly excluding trade unions and trade union activities from its scope in full respect of the Convention.

As regards the amendments to the Law on Public Service, we note with concern the drastic erosion of employment security for civil servants now subjected to precarious one-year contracts and punitive evaluation regimes that threaten their livelihoods and ability to freely organize. Such regressive reforms contravene Georgia's obligations under the Convention and undermine the very conditions necessary for the full exercise of freedom of association rights.

We recall that legislative changes were adopted without any prior consultation or meaningful engagement with workers' organizations. This lack of social dialogue not only undermines democratic principles, but also violates Georgia's obligations under international labour standards. Meaningful and timely consultations with trade unions are essential to ensure that the rights and interests of workers are duly taken into account in legislative reforms. We recall that Georgia has an established forum for dialogue with the social partners, the Tripartite Social Partnership Commission. We urge the Government to engage meaningfully with this body on any legislative reforms affecting the rights of workers and their organizations.

Moreover, we express deep concern regarding the legislative changes that further restrict democratic freedoms, including the criminalization of peaceful protests through excessive fines and preventive detention measures. These actions constrict democratic space and curtail civil liberties crucial for workers to enjoy and to exercise their rights.

In light of these concerns, the Workers' group calls on the Government of Georgia to amend the Law on Transparency of Foreign Influence and the Foreign Agents Registration Act to ensure that trade unions and trade union activities are excluded from their scope; review and revise, in consultation with workers' representative organizations in the sector, the Law on Public Service amendments to restore secure employment and protect trade union rights in the public sector; repeal all the provisions that criminalize peaceful assembly and protests; and engage in meaningful and timely dialogue and consultations with the social partners on all relevant legislative initiatives affecting the social partners.

We urge the Government to reactivate and strengthen the Tripartite Social Partnership Commission, ensuring it functions as a meaningful and effective forum for dialogue and consultation. And we call on the Government of Georgia to accept a direct contacts mission.

Employer members – The Employer members thank the various speakers who took the floor for the interventions and the information provided, of which we have fully taken note. We reiterate that the Convention is a fundamental Convention and that we strongly condemn non-compliance relating to the application of this Convention.



In light of today's discussion, the Employer members would like to recommend the following. First, we ask the Government to provide further information on the legislative process concerning the Law on Transparency of Foreign Influence, including past engagement and planned future involvement of workers' and employers' organizations. Second, the Government should consider amending the legislation, in consultation with the social partners, particularly with regard to the issue of excluding employers' and workers' organizations from the scope of the legislation. Third, we recommend that the Government provide information on the progress and all measures taken in this respect.

To conclude, we count on the collaboration of the Government regarding meaningful engagement with social partners and the implementation of these recommendations.

Conclusions of the Committee

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

The Committee recalled that the introduction of any draft legislation affecting social partners should be preceded by consultations and that the right to accept financial assistance from an international organization should be guaranteed based on the right to affiliate with international organizations set out in the Convention.

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

- **in consultation with the social partners, to amend the Law on Transparency of Foreign Influence and the Foreign Agents Registration Act and the Law on Public Service, in line with the Convention; and**
- **engage in meaningful and timely dialogue and consultations with the social partners on relevant legislative initiatives affecting the social partners, and on the functioning of the Tripartite Social Partnership Commission, as an effective forum for tripartite consultation.**

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

The Committee also requested the Government to submit a detailed report to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.

Chairperson – I invite the distinguished representative of the Government of Georgia to take the floor.

Another Government representative – I would like to express our appreciation and respect to the Committee for the opportunity to discuss Georgia's case, and for the recommendations provided. As previously stated by our delegation, we believe that the legislation recently adopted in Georgia is aligned with the Convention. These laws are designed to enhance transparency and the accountability of non-governmental and media organizations operating in our country, without imposing restrictions on freedom of association – on any organization. It is important to note that they do not hinder organizations' operations, their ability to receive funding, or their affiliation with international organizations.

Regarding the Committee's conclusion on the Georgian Law on Public Service, we find the reference to the Convention somewhat unclear, as this Law does not regulate the activities of workers' or employers' organizations. Consequently, it cannot – and does not – restrict their affiliation with international organizations or their access to funding. The amendment



introduced in the Law does not limit workers' freedom of association, as it does not entail changes concerning the right to associate on professional grounds.

We are committed to constructive engagement with the ILO, focusing specifically on the application of the Convention, rather than broader legislative matters unrelated to workers' and employers' interests. Once again, we remain committed to constructive dialogue with our social partners within the tripartite social partnership framework to address any legislative initiatives affecting the social partners.

Ghana (ratification: 1986)

Maternity Protection Convention (Revised), 1952 (No. 103)

Written information provided by the Government

The Government, since becoming a member of the ILO in 1957, has taken steps to ensure the rights of all workers are respected without discrimination. The Government has always lived up to its obligations and taken measures to address comments by the Committee of Experts on the Application of Conventions and Recommendations with the objective of ensuring compliance and the achievement of decent work for all. The Government, together with its social partners, has taken cognizance of the concerns raised by the Committee of Experts regarding the implementation of the following provisions in the Convention:

1. Article 3(2) and (3) of the Convention. Compulsory maternity leave. The Government has taken note that section 57 of the Labour Act, 2003 (Act 651) does not expressly provide for at least six weeks' compulsory maternity leave after childbirth as required under Article 3(2) and (3) of this Convention. The Government would like to inform the Committee of Experts that it will seize the opportunity under the ongoing labour legislative review, together with the tripartite partners, to give requisite effect to Article 3(2) and (3). The Government wishes to assure the Committee of Experts of its commitment to adhere to the fundamental principles and rights at work as provided for in the Convention.
2. Article 3(4). Extension of maternity leave in the event of late childbirth. The Government has further noted the Committee of Experts' comment that section 57 of Act 651 does not clearly mainstream late childbirth and that any late childbirth should be added to the prescribed maternity leave under the Act. The Government wishes to assure the Committee of Experts that it will engage with the tripartite constituents to consider the amendments of section 57 of Act 651 in the ongoing labour act review to include late childbirth and related matters. The Government will also request technical support from the ILO to assist in addressing the gaps in the current Labour Act.
3. Article 4(4) and (8). Cash benefits. The Government has taken note of the concerns raised in respect of cash benefits under the maternity social scheme contained in this Convention. The Government requests technical assistance to explain the dynamics of cash benefits within the context of this Convention.
4. Article 6. Prohibition against giving notice of dismissal during the protected period or giving notice of dismissal at such a time that the notice would expire during the protected period. The Government continues to assure the Committee of Experts of its efforts to bring the Labour Act into line with the Convention and will seize the opportunity to amend the Labour Act to reflect the prohibition against giving notice of dismissal during the



protected period or giving notice of dismissal at a time that the notice would expire during the protected period. The Government requests technical assistance in this regard.

5. "The Committee of Experts therefore encourages the Government to envisage the possibility of ratifying the Maternity Protection Convention, 2000 (No. 183), as the most up-to-date instrument in this technical area". The Government wishes to reiterate its commitment to protect the rights of women and considers the ratification of Convention No. 183 important. The Government wishes to express its gratitude for the opportunity to respond to the concerns of the Committee of Experts, and to request technical assistance to facilitate and improve the ongoing processes in order to bring the country's labour laws into line with the requirements of the ILO Conventions.

Discussion by the Committee

Chairperson –I have the honour of giving the floor to the distinguished representative of the Government of Ghana, the Chief Labour Officer within the Labour Department.

Government representative – The Government of Ghana, since becoming a Member of the International Labour Organization in 1957, has taken steps to ratify ILO Conventions to ensure that the rights of workers and employers everywhere are respected without discrimination and shall not renege on its responsibility to abide by its obligations to the ILO and its tripartite partners. The Government has always taken measures to address comments and observations made by the Committee of Experts aimed at ensuring compliance and achieving decent work for all. The Government has taken cognizance of the concerns raised by the Committee of Experts regarding the implementation of provisions in the Convention.

In relation to compulsory maternity leave, the Government has noted that section 57 of the Labour Act 2003, Act 651, does not expressly provide for at least six weeks' compulsory maternity leave after childbirth, as required under Article 3(2) and (3) of the Convention. The Government will seize the opportunity under the ongoing Labour Act review, and in consultation with the tripartite partners, to give requisite meaning to Article 3(2) and (3). The Government, therefore, requests ILO technical assistance in this regard.

On the issue of the extension of maternity leave in the event of late childbirth, the Government has further noted the Committee of Experts' comments that section 57 of Act 651 does not provide for the extension of leave in case of late childbirth and will take the necessary measures to provide for it under the Act. Currently, female workers are entitled to maternity leave of at least 12 weeks, which is extended by an additional two weeks where confinement is abnormal or where two or more babies are born. Where an illness medically certified by a medical practitioner is due to confinement or childbirth, a female worker is entitled to leave as certified by a medical practitioner. The law also provides for nursing mothers to be able to breastfeed their babies. Female workers on maternity leave are entitled to full remuneration and other benefits without risk of losing their jobs while on maternity leave. The Labour Act is being reviewed, and maternity leave of a minimum of 14 weeks has been considered by the tripartite partners, in addition to the incidental leaves as indicated earlier. The Government wishes to assure this Committee of its commitment to the welfare of female workers and will further engage the tripartite constituents to consider the recommendations of the Committee of Experts in relation to late delivery and related matters. To this end, the Government wishes to request technical assistance to address the identified gaps.

Concerning cash benefits, the Government has taken note of the concerns raised in respect of cash benefits under the maternity social insurance scheme to be provided with public funds as contained in Articles 4(4) and 8 of the Convention. In this specific case, the



Government requests technical assistance to explain the dynamics of cash benefits within the context of this Convention and how this scheme would be considered within our country's context, given also that our national health insurance scheme and paid leave protections already cover workers on maternity leave.

On the matter of prohibition to give notice of dismissal during the protected period or to give notice of dismissal at such a time that the notice would expire during the protected period, the Government continues to assure the Committee of its commitment to the dignity and respect of female workers in Ghana and thus will seize the opportunity, in consultation with workers' and employers' organizations, to reflect on the prohibition to give notice of dismissal during the protected period or to give notice of dismissal at such a time that the notice would expire during the protected period. The Government again requests technical assistance in this regard.

While assuring you of its commitment to incorporating your observations under the Convention through tripartite consultations, the Government wishes to reiterate its commitment to protecting the rights of female workers and considers the ratification of the Maternity Protection Convention, 2000 (No. 183) – the most up-to-date Convention on maternity protection – important to bring on board the necessary provisions.

The Government further wishes to express its gratitude to this Committee for the opportunity to respond to the concerns raised by the Committee of Experts and to request technical assistance to facilitate and expedite the ongoing processes in Ghana to incorporate the relevant provisions into the bill before it becomes law. The Government assures the Committee of its continuous allegiance to the rights of workers and employers and will collaborate with them to respect the fundamental principles and rights at work without inhibition.

Employer members – Ghana ratified the Convention in 1986, and since then the Committee of Experts has issued nine observations on the case, most recently in 2024. This is the first time that the Committee on the Application of Standards has discussed the application of the Convention by Ghana. Since its first observations in 1999, the Committee of Experts has observed persistent shortcomings in the application of the Convention.

Before analysing the case, the Employer members would like to thank the Government for submitting relevant information to this Committee. This information is very promising, as is the commitment expressed by the Government representative with regard to compliance with obligations under the Convention.

Firstly, with respect to Article 3(2) and (3) of the Convention, on compulsory maternity leave, the Committee of Experts has noted with concern that although the Labour Act 2003 provides for at least 12 weeks' maternity leave, it does not expressly state a compulsory leave of at least six weeks after childbirth, as required under the Convention. The Committee of Experts has requested repeatedly that section 57 of the Labour Act is amended to include that provision expressly. The Employer members welcome with satisfaction the fact that the Government has taken note of this concern and has committed to addressing the matter during its review of labour legislation in consultation with the social partners, and we note that it has requested technical assistance to that end.

Secondly, with regard to the provisions of Article 3(4) on the extension of maternity leave in the event of late childbirth, the Committee of Experts highlights that although these provisions seem to be applied in practice, there is a need to introduce a specific provision into legislation to provide for an automatic extension to prenatal leave when the childbirth takes



place after the expected date and without any reduction of the compulsory period of maternity leave after childbirth. The Employer members highlight that the Government has recognized this shortcoming and provided assurances that it will adopt the necessary measures to include such a provision in the Act, and it has also requested technical assistance in this area.

Thirdly, with regard to cash benefits, we echo the concern expressed by the Committee of Experts that, although the matter has been under discussion for decades, Ghana is yet to make the transition from a system of individual employer responsibility to a system of cash benefits provided by means of compulsory maternity social insurance or out of public funds, as required under the Convention. The Employer members are of the view that this longstanding normative gap requires urgent attention. In that regard, we view with optimism the fact that the Government is considering alternatives with the social partners and that it has requested technical assistance to understand the dynamics and how to implement such a system in the country's context. We must, however, highlight the gap of almost 40 years between the ratification of the Convention and this discussion.

Maternity protection through a social insurance system or public funds constitutes a key policy to promote women's entry into the labour market, improves the lives of worker women, guarantees the health and nutrition of women and children and contributes to gender equality.

The Employer members also recognize maternity protection as a political instrument to address the demographic challenge of an ageing society, reducing infant mortality and slowing the decrease in the working age population and the increase in the dependency ratio.

We reiterate our request to the Government to step up its efforts in implementing the necessary legislative amendments, to ensure the transition to a social insurance system for cash benefits and to continue to engage in tripartite consultation with the country's most representative employers' and workers' organizations to design effective and efficient policies that consider the particular characteristics of the country and its economic and social framework.

Moreover, with regard to Article 6 on prohibition to give notice of dismissal during the protected period or at such a time that the notice would expire during the protected period, the Committee of Experts has noted that amendments to sections 57(8) and 63(2)(e) of the Labour Act 2003 were being considered.

The Employer members regret that the Government's last report did not include information on the progress of these amendments. We echo the comments of the Committee of Experts and hope that, once adopted, these amendments will ensure that worker women are not dismissed and do not receive notice of dismissal during the protected period.

We encourage the Government to continue to request technical assistance and to work together with the country's most representative employers' and workers' organizations to design a normative framework that ensures compliance with these obligations.

We believe that it is important to highlight a complication stemming from the Convention's status. This Convention is considered an outdated instrument, and the ILO Governing Body, at its 349th Session in November 2023 and on the recommendation of the Standards Review Mechanism Tripartite Working Group, confirmed its classification as such and decided to consider placing an item concerning its possible abrogation on the agenda of the 121st Session of the International Labour Conference in 2033, that is, in eight years' time.

It must be recalled that until its effective abrogation, the Convention is fully in force and ratifying States are required to honour the obligations assumed under it.



The Employer members therefore highlight the Government's position insofar as it has expressed interest in ratifying the more recent Convention No. 183, which is the most up-to-date instrument in this area. We further note that the Government has expressed interest in incorporating the necessary normative provisions to align with the text of the newer Convention. We draw attention, however, to the persistent non-compliance, and we encourage the Government to redouble its efforts to achieve, as soon as possible, compliance with the Convention that it has already ratified. It is not redundant to recall that an expression of interest in ratifying a more up-to-date Convention does not automatically improve current non-compliance. The Employer members recall our view that, prior to the ratification of an instrument, countries must carry out an analysis in consultation with the social partners to identify the policies that should be promoted with a view to ensuring effective compliance with a Convention in law and in practice, bearing in mind the characteristics of their legal, institutional and productive frameworks.

We trust that the firm commitment expressed with regard to this case, and particularly with regard to the consultation being undertaken with the social partners, will translate as soon as possible into effective measures that ensure compliance with the provisions discussed here. We note that Ghana has repeatedly requested the ILO's technical assistance in relation to the reported problems in compliance with the Convention. We do not, however, have relevant information on the specific technical assistance provided by the Office to Ghana. We encourage the Government to continue to seek the ILO's assistance and to work in close cooperation with the social partners to develop and implement the necessary measures to ensure effective maternity protection.

Worker members – Ghana is being discussed in relation to a Convention which, although technically outdated, still provides protection to workers, and to that extent we welcome the opportunity to examine Ghana's application of this Convention in law and practice. Ghana ratified this Convention in 1986. This case has not previously been discussed in this Committee, but the Committee of Experts has made several comments, the latest being in 2024. Let me take the issues one after the other.

The Committee of Experts has requested that Ghana amend section 57 of the Labour Act 2003 to ensure that at least six weeks of compulsory leave is granted after childbirth, as expressly required by the Convention. We will all agree that this provision is essential for protecting maternal health and ensuring time for recovery and infant care. Voluntary leave alone cannot guarantee this protection, particularly for women in vulnerable employment or under pressure to return to work early. We welcome the commitment of the Government to addressing this observation by the Committee of Experts as part of the ongoing labour law reforms. We urge it to seek ILO assistance in this regard.

Secondly, the Committee of Experts has noted that, while Ghanaian law provides for the extension of maternity leave in cases of illness, it lacks a specific provision for extensions when childbirth occurs later than expected. Clearly, the absence of this provision means that some women may lose part of their postnatal leave due to delayed deliveries. The Convention is clear that this time must not be deducted from the period following childbirth. So, again, we note the commitment of the Government to addressing the comments of the Committee of Experts on this matter.

Thirdly, one of the other concerns raised by the Committee of Experts is the issue of cash maternity benefits. The Convention provides that such benefits should be financed through compulsory social insurance or public funds. We urge the Government to seek ILO technical



assistance to first understand and better appreciate the nature of its obligations in respect of this provision and to take steps to implement them with the support and guidance of the ILO.

Finally, the Committee of Experts has expressed regret over the lack of recent information from the Government regarding pending amendments to sections 57(8) and 63(2)(E) of the Labour Act. These amendments are crucial to ensure that no woman can be dismissed during maternity leave or in a way that allows the notice period to overlap with this protected time. The absence of legal certainty on this point continues to leave women vulnerable, especially in workplaces with no trade unions or collective bargaining. We therefore urge the Government to address these matters immediately and to ensure that such protection is expressly provided as part of the ongoing labour law reforms.

Employer member, Ghana – The Employers’ delegation fully supports the statement issued by the Government. This was the result of extensive consultations among the social partners following the concerns raised by the Committee of Experts regarding compliance with some of the key provisions under the Convention. The Labour Act is currently under review, as was indicated by the Government, and the changes shall be reflected in the new legislation. Currently, the social partners are in consultation on how we can ensure full compliance with Ghana’s commitments under international labour instruments, including the Convention, and the ratification of Convention No. 183. As the Government rightly indicated, it is an opportune time for us to seek technical assistance from the ILO to make sure that Ghana is fully compliant.

Worker member, Ghana – We welcome the observations of the Committee of Experts on the application of the Convention in Ghana. We acknowledge the important role of the Committee of Experts in drawing attention to the gaps in implementation. This provides important guidance for the proper application of labour law in line with ratified Conventions and also serves as an important contribution to our socio-economic development.

Equally importantly, we commend the Government for submitting its recent report to the Committee of Experts, and we wish to emphasize that this submission was the result of a tripartite process. The social partners were actively engaged in these discussions, demonstrating the spirit of good faith, mutual respect and equality of partners in the dialogue process.

Allow me to speak to the broader policy environment as it relates to the application of the Convention. Ghana is currently undergoing a labour law review, a process that has become increasingly urgent. The concerns raised by the Committee of Experts are timely and reinforce the need to accelerate this legislative process and to ensure that the revised law aligns with our international labour standards commitments.

We have emphasized at home that this review must not be a mere legal exercise; it must be an inclusive, participatory process involving the tripartite constituents and must ultimately result in a legal framework that reflects the evolving needs of Ghanaian workers, especially women and young people. We therefore urge the ILO to support this national reform process by providing technical assistance, including support for tripartite dialogue platforms, tools for gap analysis and any specific considerations for the legislative drafting of labour laws. The support of the ILO is critical if we are to ensure that our revised labour law meets both the letter and spirit of our international labour standards commitments, including the application of the most modern maternity protection Convention, No. 183, as we move away from Convention No. 103.

Let me now address the substantive concerns raised by the Committee of Experts and echoed by workers in Ghana. Ghana currently provides 12 weeks of maternity leave which may



be used before or after childbirth. While flexibility is important, in some cases, in practice, it often results in inadequate recovery time for mothers post-delivery. Some women may choose or be encouraged to use more of their leave before delivery, leaving them with insufficient rest and bonding time after childbirth. Moreover, though maternity leave extension is available to women on the production of a medical certificate, the law does not especially provide for the automatic extension of maternity leave in cases of late childbirth, a situation which is not uncommon and leaves affected workers uncertain about their entitlements. We strongly recommend that, in line with current standards, the revised law establish a minimum of six weeks of compulsory postnatal leave. This will not only safeguard maternal health, but also eliminate legal ambiguity and enhance enforcement.

The question of cash benefits during maternity leave is also critical. Currently, Ghana relies on two main arrangements: healthcare covered under the national insurance scheme and the payment of wages during leave, including maternity leave, by the employer. While these mechanisms are important and must continue, the law review may explore additional income protection options, especially for mothers who may seek further extended leave, as well as vulnerable workers, especially those in the informal economy or in precarious employment who may not receive income during maternity leave or may be discouraged from taking the full leave they need.

On the issue of protection against dismissal, the current Labour Act rightly states that a woman shall not be dismissed because of her absence on maternity leave. However, as workers, we are concerned about enforcement in practice. Cases of dismissal or discrimination on grounds of pregnancy may go unreported, either because women fear retaliation or because the systems to lodge complaints are inaccessible or ineffective. Some violations escape labour inspections and remain undocumented. We therefore propose that the legal protections be strengthened in two ways: first, through clearer and stronger legal language that defines discriminatory practices and sets sanctions; and second, through the establishment of effective enforcement mechanisms, including improved labour inspections, grievance redress systems and data collection tools that can capture violations more accurately. Where collective bargaining exists, protections are safeguarded. So, encouraging and promoting the full development and utilization of the right to organize and voluntary collective bargaining will be appropriate. Furthermore, we call for education and awareness-raising campaigns targeted at employers and workers to reinforce their obligations and promote a culture of respect for maternity rights, on one hand, and assistance and its take-up, on the other.

As workers, we strongly support the ratification of Convention No. 183. We are encouraged that in our discussions at home the Government intends to table for consideration the ratification of Convention No. 183. That Convention reflects the modern realities of work and motherhood. It offers broader and more comprehensive protection for maternity than Convention No. 103, including extended leave, improved health protection, job security and protection from discrimination. To support the ratification process, we request ILO technical assistance to provide pre-ratification assessment, including legal gap analysis and alignment plans, capacity-building for social partners and support for tripartite consultations, public sensitization and implementation planning. Regardless of our capacity, we will strongly urge our Government to ratify the most modern Conventions, which will reflect the aspirations of the country for its workers and in most cases have in-built flexibilities for their progressive realization. We are also certain in this regard that we will secure post-ratification ILO technical assistance to ensure proper application of the ratified Convention.



Maternity protection is not just about individual rights. It is about social justice, gender equality and national socio-economic development. When women are protected during pregnancy and childbirth, it strengthens families, improves childhood outcomes and enhances workforce participation. Maternity protection is an investment in future generations and resilient economies and societies. We believe that no woman should have to choose between motherhood and employment, and no society should accept that childbirth leads to job loss or poverty. We affirm our commitment to workers to work with the Government and employers to advance maternity protection in Ghana. When we protect pregnant women at work, we protect the future of our society.

Government member, Norway – Maternity protection is not merely a legal obligation, it is a fundamental matter of dignity, health and equality. When women are denied adequate time to recover from childbirth or face uncertainty regarding income and job security during this critical period, the consequences extend beyond the individual, impacting children, families and society at large. We note with concern that Ghana's current legislation does not yet guarantee a compulsory six-week period of leave after childbirth, nor does it clearly provide for an extension of leave in cases of late delivery. These are not minor technicalities. They are essential safeguards for the well-being of mothers and newborns. Every woman should have the right to rest, recover and bond with her child without fear of losing her livelihood.

Norway has long prioritized strong maternity and parental leave policies, not only because they are fair, but because they work. They support public health, promote gender equality and contribute to a more inclusive and productive workforce. At its core, maternity protection is about valuing care, supporting families and ensuring that no woman has to choose between her job and her health. These are values we all share, and they are central to the mandate of the ILO.

We take note of Ghana's indication that it is considering steps to address the concerns raised, including possible amendments to the Labour Act. While this is a positive signal, the current legal framework does not yet fully reflect the provisions of the Convention. We encourage Ghana to continue its efforts to align its legislation with the Convention and to consider the benefits of transitioning to the more up-to-date Convention No. 183

Worker member, Eswatini – The workers of the Republic of Botswana align themselves with this statement. In its comments of 2024, the Committee of Experts, among other requests, requested the Government to amend section 57 of the Labour Act, specifically to:

1. expressly establish a period of compulsory maternity leave of at least six weeks after childbirth;
2. establish an extension of prenatal leave when the childbirth takes place after the expected date and without any further corresponding reduction of the compulsory period of maternity leave after childbirth.

The Committee of Experts expressed firm hope that the amendments would ensure that worker women are not dismissed or receive notice of dismissal on any grounds during the protected period or at such time that the notice would expire during the protected period. These requested amendments are in line with Article 3(2), (3) and (4) of the Convention.

The High Court of Ghana has been at the forefront of recognizing the protection of the rights of women workers guaranteed by the Convention. In the High Court case of *CHRAJ v. Ghana National Fire Service and the Attorney General*, the Court held in favour of two women workers whose services were terminated on the basis of pregnancy. The Court, in its findings, developed very important principles resonating well with the context of the Convention which



must be considered by the social partners when reflecting on the necessary legislative reform. We note with interest the willingness of the Government and its social partners to take measures to comply with the Convention. We believe the social dialogue structures in Ghana are competent to make the necessary amendments without delay. We further urge the Government to ratify Convention No. 183, which is the latest instrument.

Worker member, Norway – I am speaking on behalf of the trade unions in the Nordic countries. The Labour Act provides for 12 weeks of maternity leave but does not expressly state a compulsory leave of 6 weeks after childbirth nor extend the leave in the event of late childbirth. At the moment, it is the responsibility of the employers to pay maternity benefits. This may disadvantage female workers, as some employers see them as a cost.

We would like to take the opportunity to share our approach as an example on the topic. Each Nordic country offers laws and benefits to ensure that parents can balance work and family life effectively. All the Nordic countries pay compensation for loss of income during the last few weeks prior to childbirth and at least the first few months afterwards. The amount paid depends on both previous income and the length of the leave. Workers are entitled to higher compensation under collective bargaining agreements, in some cases full compensation. The law is not only in compliance with the Convention, but offers better protection.

In Norway, parents are entitled to a total of 12 months of parental leave. The leave includes a mandatory period for the mother around childbirth and a dedicated quota for each parent which encourages both parents to take time off. Parental leave is funded through the national social security system. Mothers are entitled to 18 weeks of leave; a minimum of three weeks must be taken before giving birth and six weeks must be taken after the birth. After the period reserved for each parent, the remaining leave can be shared between the parents as they wish. Parental benefits in Norway are calculated based on the parent's income, up to a certain ceiling. Parents can choose between 49 weeks of leave with full pay or 61 weeks with 80 per cent pay. There is a minimum benefit for parents with low or no income.

The trade unions in the Nordic countries strongly encourage the Government to amend the labour laws so that the period of compulsory maternity leave will be at least six weeks after childbirth. Further, we urge the Government to engage with its social partners to ensure that cash maternity benefits are guaranteed without disadvantaging the beneficiaries and in accordance with the national context and ILO guidance.

Worker member, United Kingdom of Great Britain and Northern Ireland – We note that there are several clear failures of compliance with the Convention by Ghana that would not necessarily be failures of compliance with Convention No. 183, depending on context. But it is important that, until such time that any Government moves its commitments to a more modern Convention, or until the old Convention is agreed to be obsolete by tripartite consensus, we continue to hold them to account.

There are 40 other ILO Member States that are still bound by the Convention despite the availability of the more up-to-date Convention No. 183. We hope this case will draw attention to the need to embrace the modern version as soon as possible. To reflect on our own situation for the purpose of comparison with the challenge facing Ghana, the United Kingdom has not ratified either Convention No. 103 or No. 183, though we are discussing the possibility with our new Government.

British unions are also currently in dialogue with our Government on improving our current maternity provision as part of a major consultation which we hope will have positive outcomes for working parents. Our own experience has been long in its development and has



resulted in a complex, multilevel coverage of maternity pay that continues to leave some workers behind. In following the advice of the Committee of Experts, therefore, we urge the Government of Ghana to consult meaningfully with social partners and to avail itself of ILO technical assistance to ensure a good outcome for all.

This year is the 50th anniversary of the Employment Protection Act that established statutory maternity pay and employment protection for pregnant women in the United Kingdom for the very first time, the legislation being brought forward during the Social Contract period between the Government and unions of the 1970s. This introduction also coincided with a major restructuring of social insurance taxes, with national insurance becoming pay-related for the very first time and considerably higher to keep pace with the additional expenditure required.

Noting the Committee of Experts' request that maternity pay should be paid from a social insurance fund or public funds, statutory maternity pay in the United Kingdom is now funded by national insurance contributions for both employers and employees, currently typically 8 per cent for employees and 15 per cent for employers. It is also worth noting in any comparison with other social insurance systems that most United Kingdom employers also have to contribute a minimum of 3 per cent to a typical employee's non-state pension scheme, making the effective cost of all social insurance on United Kingdom employers around 18 per cent of average wages.

In the United Kingdom, employers have always had the responsibility of paying the statutory maternity pay through their payroll systems, as maintaining the link between the mother and the workplace is rightly seen as important. Employers can draw down from the State the equivalent of 90 per cent of the mother's salary for the first six weeks of maternity leave. After this, it falls to £187 a week, or still 90 per cent of salary if that is lower than £187, until the end of 39 weeks.

Two thirds of United Kingdom employers use the statutory pay as a subsidy rather than the full payment and voluntarily offer some enhanced maternity pay over and above the different statutory minimums. Therefore, the majority of cash maternity benefits in the United Kingdom are made by some combination of social insurance and direct employer contribution, at least for the first few weeks. In short, moving to a new system of contributory compulsory social insurance from maternity pay often costs employees the same as making direct payments, but it does remove the incentive for employers to discriminate against younger women during recruitment. Noting that the history of examination by the Committee of Experts of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in relation to Ghana seems to suggest a positive history of tripartite consultation, we hope that the Government can work with the social partners in finding the right way forward for Ghana, just as the Social Contract worked for the United Kingdom those 50 years ago.

Observer, Building and Wood Workers' International (BWI) – The BWI expresses serious concern over the Government's continued failure to reform its maternity leave system in line with the provisions of the Convention. Maternity leave is a cornerstone of decent work and gender equality, and its importance is particularly pronounced in the construction sector, an industry characterized by physical labour, extended working hours and exposure to hazardous environments. For women in this sector, access to adequate, fully protected maternity leave is not merely a matter of health and safety, it is fundamentally a matter of human rights, dignity and workplace justice which impacts the health and economic security of mothers and their children, enabling women to balance their reproductive and productive roles. In the absence of such protections, women are forced to make impossible choices



between economic survival and their well-being, often jeopardizing their health and that of their unborn children.

Construction work frequently involves the manual handling of heavy materials, exposure to noise, dust, chemicals and extreme weather conditions that pose elevated risks during pregnancy. In such a high-risk environment, the lack of targeted occupational health safeguards for pregnant workers underscores the critical need for accessible and fully paid maternity leave. Restricting or denying this leave not only increases the likelihood of serious health complications and workplace accidents, but also contributes to the early and often permanent exit of women from the sector, further exacerbating gender disparities in an already male-dominated industry. Ensuring maternity protection is critical to promoting the sustained participation of women in the workforce. According to recent reports, women constitute only 3 per cent of the workforce in Ghana's construction sector. In an industry where female representation remains disproportionately low, the provisions of comprehensive maternity leave alongside guaranteed job security before, during and after pregnancy are essential for attracting, retaining and advancing women in construction. Strengthening maternity protection not only supports gender inclusivity, but also addresses one of the sector's pressing challenges: a persistent shortage of skilled labour.

The BWI emphasizes that maternity protection is not a privilege, but a right embedded in international labour standards. In this regard, the BWI strongly supports the ratification of Convention No. 183 as the most up-to-date instrument in the field. In line with the recommendations of the Committee of Experts, the BWI encourages the Government to take all necessary steps towards the ratification of Convention No. 183, thereby strengthening legal protections for working women and aligning national legislation with contemporary international standards.

Government representative – The Government of Ghana appreciates the opportunity to clarify its position on the issues raised by the Committee of Experts regarding some provisions of Convention No. 103. We are grateful to all delegates for the quality and wealth of information shared on the matter. The Government wishes to assure this Committee of its unwavering commitment to upholding the rights of workers, especially working women, in law and practice. In the spirit of tripartism, the Government will engage the tripartite partners at the national level to consider the recommendations of the Committee of Experts, bearing in mind the inputs from various delegates, while considering the ratification of Convention No. 183. In conclusion, I would like to re-emphasize the Government's request for the ILO's technical assistance to effectively incorporate the recommendations of the Committee of Experts into law for implementation by all parties

Worker members – We want to encourage the Government of Ghana to formally request technical assistance from the ILO. This support will be critical in reviewing the Labour Act in line with the Convention but, more importantly, in ratifying the more modern Convention on maternity protection, which is Convention No. 183.

Specifically, we urge the Government:

1. to amend section 57 of the Labour Act to expressly include a mandatory six-week maternity leave period after childbirth;
2. to expressly provide for an automatic extension of leave in the event of late childbirth;
3. to transition from employer liability to a compulsory social insurance scheme for financing maternity cash benefits, in line with Article 4 of the Convention;



4. to amend legislation to ensure protection against dismissal during maternity leave and during the protected period;
5. to seek ILO technical assistance to support legislative reform, financing analysis and capacity-building;
6. to initiate national consultations on the ratification of Convention No. 183 with support from the ILO.

These steps will not only bring Ghana into full compliance with the Convention, but also demonstrate leadership in promoting the rights of working women and advancing social protection. We look forward to meaningful progress by the next reporting cycle.

Employer members – In our final observations on this case, we would like once again to thank the Government for the additional information provided to this Committee and repeat that we find it to be promising and that we welcome with satisfaction the firm commitment expressed by the Government to meeting its obligations. We also thank all delegates for their participation and contributions.

Given the complexity of the situation and the persistent gaps in compliance with the Convention, we reiterate our concern at this case. Once again, we recall that although the Convention is considered an outdated instrument and its abrogation is planned for 2033, it will remain in force until then, and ratifying States must honour their obligations. We therefore believe that this case illustrates that abrogations planned so far in advance are unsuitable for the standards supervisory system. A closer date would give us more certainty and would function as a clear incentive for the ratification of more up-to-date Conventions by countries that have yet to do so.

The Employer members call on the Government to:

1. intensify its efforts with the aim of ensuring that the Labour Act 2003 is amended to expressly establish a period of compulsory maternity leave of at least six weeks after childbirth, as required by Article 3(2) and (3) of the Convention;
2. include a specific provision in legislation for the automatic extension of prenatal leave when the childbirth takes place after the expected date, without any reduction of the compulsory period of maternity leave after childbirth, in accordance with Article 3(4);
3. transition to the provision of cash benefits through a compulsory maternity social insurance system or out of public funds, doing away with the system of individual employer responsibility, as required by Article 4(4) and (8) of the Convention;
4. ensure that worker women are not dismissed or receive notice of dismissal during the protected period or at such a time that the notice would expire during the protected period, amending sections 57(8) and 63(2)(e) of the Labour Act 2003, in accordance with Article 6 of the Convention;
5. continue to undertake tripartite consultation with the country's most representative employers' and workers' organizations to design and implement the necessary policies to comply with the provisions of the Convention, bearing in mind the particular circumstances of the country, and provide information on the measures adopted and the experience gained during their implementation in the country.

We note the Government's repeated requests for ILO technical assistance with regard to the reported problems in compliance with the Convention, and we encourage the Government to continue to seek the ILO's assistance and to work in close cooperation with the social



partners to make progress towards adopting the necessary measures to ensure compliance with the Convention.

We welcome with satisfaction the fact that the Government is considering ratifying Convention No. 183, the most up-to-date instrument in this technical area, and that it deems it important to incorporate the necessary provisions to comply with the obligations assumed under both Conventions Nos 103 and 183.

The Employer members reiterate our view that, prior to the ratification of an instrument, countries should carry out an analysis in consultation with the social partners to identify the amendments that should be promoted with a view to ensuring effective compliance with a Convention in law and in practice, bearing in mind the characteristics of their legal, institutional and productive frameworks.

We trust that the firm commitment expressed with regard to this case, and particularly with regard to the consultation being undertaken with the social partners, will translate as soon as possible into effective measures that ensure compliance with the maternity protection provisions discussed here.

Conclusions of the Committee

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

The Committee welcomed the efforts by the Government to meet its obligations under the Convention while noting the persistent gaps in implementing the Convention.

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

- **initiate legislative measures, including to amend or review the Labour Act and the Employment Act, with regard to (i) mandatory maternal leave, (ii) automatic extension of prenatal leave, (iii) a compulsory social insurance scheme, and (iv) prohibition of dismissal during the protected period, considering recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention;**
- **develop policies necessary to comply with the provisions of the Convention;**
- **ensure the transition to a maternity social insurance scheme or public funding for cash benefits in line with the Convention.**

Taking note of the Government's request for technical assistance, the Committee invited the Government to follow up on this request with the Office in order to address these recommendations.

The Committee requested the Government to, in consultation with social partners, provide detailed and complete information on measures taken and progress made on all of the above issues in its next report to the Committee of Experts.

Chairperson –I invite the distinguished representative of the Government of Ghana to take the floor.

Government representative – The Government has taken note of the conclusions as adopted by this Committee. The Government shall work in concert with its social partners to give effect to the recommendations utilizing technical assistance from the ILO. The



Government wishes to assure the Committee of its unwavering commitment to the rights of female workers. We shall continuously work with our social partners to ensure that the recommendations are realized.

Guinea-Bissau (ratification: 1977)

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

Discussion by the Committee

Chairperson – I have the honour of giving the floor to the distinguished Government representative of Guinea-Bissau, the Director-General of Labour.

Interpretation from Portuguese: **Government representative** – The Government of Guinea-Bissau has requested the Director-General of the ILO, through the office in Dakar, to provide us with technical assistance, including a feasibility study to support our constituents in the process of setting and adjusting our national minimum wage. This request was made so that we could have a better picture of the state of the labour market in Guinea-Bissau, and so that we could look at various possibilities of setting a new minimum wage. We wanted to have more statistics on the labour market in our country so that we could then proceed with the setting of a new minimum wage.

Setting a new minimum wage requires taking into account the national context. You know what our business and economic situation is. We do unfortunately face difficulties in all sectors because our country in general is fragile. The main employer is the State and the minimum wage in the public sector at the moment is 50,000 CFA francs, but we feel that what we need is a new concept for the setting of the minimum wage with more updated statistics on which to rely. We do have a Standing Council on Social Cooperation in Guinea-Bissau, whose responsibility is to deal with the minimum wage in the public sector, and we have had technical assistance from the ILO when it comes to setting our minimum wage in the private sector.

As I said, most of those who do have work in Guinea-Bissau are working in the public sector. Circumstances in the private sector are somewhat different and so is the picture with regard to the minimum wage. Then there is the informal economy and agriculture, which unfortunately are not, at the moment, covered by the setting of the minimum wage rules and regulations.

We have held discussions with the representative employers' and workers' organizations in our country but unfortunately it was difficult for us to reach a compromise that would take into account the need to have sustainable businesses, growing businesses in the private sector, which is already very weak and fragile, and the interests of workers and their families.

We are trying to improve the minimum wage in the private sector but, generally speaking, it is lower than the minimum wage which is guaranteed in the public sector. The study which we used for updating the minimum wage was submitted to our tripartite social partners and a presentation was made on exactly what the proposal for a more viable figure for the private sector would be. We want to have the same level of minimum wage in both sectors, public and private, and we hope that that figure would be 50,000 CFA francs. However, for that to happen we need to have the approval of our tripartite constituents.

We realize that the 50,000 figure is going to have to be revised for the public sector as well. We cannot just leave it eternally unchanged. When we make the change for the public



sector, we will do it for the private sector as well, so we do not have a discrepancy between the two sectors.

We have a study on raising the minimum wage level in the private sector. We are now working with relevant bodies in Guinea-Bissau to establish a wage structure for both sectors, public and private, so that we do not have these differences. We hope we will be able to do this by the end of 2026 at the latest. The problem is that we are a bit short of funds in our national budget to do this. We have taken the decision to do it but we are not absolutely certain we will be able to when we want to.

Of course, we know we have responsibilities to guarantee fundamental rights at work, because we support the ILO policy. That means that we have to do what the Conventions we have ratified stipulate, and that goes for this Convention as well.

Naturally, the issue is that our circumstances do not always allow us to do it as and when we would have wanted. We have observed that companies pay over the minimum wage, although there are companies that pay less than the minimum wage as well. Often, when that happens, it happens in the informal sector and we are trying to work to remedy the situation in that sector and encourage companies and businesses that are working in the informal sector to come in to the formal economy because, there, their workers would have much better guarantees of receiving the minimum wage as set than they do at the moment in the informal sector. They would enjoy better rights at work too.

If we are going to reduce poverty and improve social and economic conditions in Guinea-Bissau then we really do have to do something about the minimum wage, because we are not going to achieve very much if we do not. At the moment, we have a high level of extreme poverty in our country as I am sure you are aware of. If we can get more companies into the formal sector and cut down on the size of the informal sector we will increase tax income, we will be able to provide better working conditions, but at the moment, the whole situation is very fragile.

We do want to make it, including with this issue of the setting of the minimum wage, but in our circumstances, it really is very, very difficult.

We might get more companies and enterprises into the formal sector if we could give them an incentive to move over from the informal sector, but that is equally difficult.

Regarding this Convention and its application by our country we have been encouraged by the ILO to promote and increase social dialogue. We are strong believers in it. We are great supporters of it. Our tripartite constituents, of course, are our partners in trying to promote and further development in Guinea-Bissau. We cannot get sustainable development and growth unless we have the support and involvement of our tripartite partners. We are well aware of that. So we are doing our best to involve employers and workers and their organizations and civil society in improving the situation.

Our Standing Council on Social Cooperation, which is responsible for these issues, has met about three times this year. Everybody there has the right to contribute. We have freedom of association in Guinea-Bissau, so that means we can involve the workers' representatives as well.

We had a few difficulties which affected the smooth operation of the Chamber of Commerce, our business association. At the moment, we are intending to adjust the minimum wage for the private sector to bring it into line with the one in the public sector by the end of 2026 and we are then going to look at the possibility of increasing it again.



We would be very grateful for further technical assistance from the ILO regarding the formalization of the informal economy because it has always been a strong partner when it comes to creating and furthering decent work in our country, and with respect to trying to cut down on the size of the informal sector, we are trying to do something about it, but without technical and financial support, it is very, very difficult because the size of our informal economy is huge. When it comes to social security, only 2 per cent, I repeat, 2 per cent of our workers are actually covered by it. So you can see how fragile and difficult this situation really is. I take advantage of having the floor at this meeting to urge the ILO to give our Government the support it desperately needs.

I said we have freedom of association and that is true. We have legislation on the statutes regarding the protection of workers' rights in Guinea-Bissau. There are no legal restrictions on the freedom of association at home but unions have to organize, they have to get workers to affiliate and they need support as well. If they are to develop and strengthen the workers' organizations and movement again, they are going to need assistance to do it, and I request the Workers' representatives to support them. Sometimes indeed, we have differences within and between trade union organizations and that can complicate tripartite dialogue and the efforts that we, as constituents in Guinea-Bissau, and the ILO make to meet our obligations and develop our country.

We have a programme which is under way in Guinea-Bissau at the moment to help us reduce the scale of child labour, which is a real scourge in our country, with the aim of eradicating it entirely.

In conclusion, we want to sort out the situation with respect to minimum wage setting in our country and we hope to make progress over the next year, with ILO support.

Employer members – We have noted with interest the information that was shared by the Government of Guinea-Bissau. This case was previously discussed in the Committee in 2023 and there have been multiple observations involving this case in each of the years from 2019 to 2024. This case involves the application and law and practice of the Convention, in Guinea-Bissau. The Convention is a technical Convention adopted in 1928. The Convention remains one of the most widely ratified ILO Conventions, with 105 ratifications, demonstrating a broad consensus for its mandates and, in our estimation, reflecting the flexibility with which its mandates can be achieved. Guinea-Bissau has ratified 34 Conventions including eight of the ten ILO fundamental Conventions. Although Guinea-Bissau ratified the Convention in 1977, it has not ratified the Minimum Wage Fixing Convention, 1970 (No. 131), which has much broader application. Notably Convention No. 26 was designed to apply to workers in certain sectors where no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low. Convention No. 131, by contrast, covers all wage earners and requires the consideration of certain relevant socio-economic factors such as the needs of workers and their families, general wages, the cost of living, social security benefits and the relative living standards of other social groups.

Convention No. 26 instead requires ratifying countries to create or maintain machinery whereby minimum rates of wages can be fixed for workers in those discrete sectors that are covered in Article 1 of the Convention. According to Article 2 of the Convention, ratifying countries shall be free to decide in which trades or parts of trades the minimum wage-fixing machinery shall be applied. The Convention also carries certain consultation requirements.

According to Article 3(2)(1), representatives of the employers and workers concerned, including representatives of their respective organizations, if any, shall be consulted before the minimum wage-fixing machinery is applied in a sector or a part of a sector. Under



Article 3(2)(2), the employers and workers concerned shall be associated in the operation of the minimum wage-fixing machinery. Under Article 3(2)(3), minimum wage rates which have to be fixed shall be binding on the employers and the workers concerned.

It is Guinea-Bissau's failure to set minimum wage-fixing machinery for its private sector that brings us here today. The Employers' group notes that the Committee of Experts has again observed that Guinea-Bissau has not provided any information on the operation of the minimum wage-fixing machinery.

We also note that the Government failed to provide its required report in 2024 and we further note with regret the reports of insufficient consultation and, perhaps most problematically, that a planned ILO mission scheduled for April 2024 was postponed when the Government refused to include the participation of the most representative labour organization in Guinea-Bissau. We further note our trade union colleagues' reports of violence and threats against workers.

The Government's compliance with Article 3 of the Convention has stalled for some time. We note that, 14 years ago, a study regarding the development of national minimum wage standards was being finalized. That study, as we understand, was not finalized. We further note that publicly available sources indicate that Guinea-Bissau has fixed the minimum wage for public sector workers, yet notably minimum wages for the private sector were last set over 30 years ago.

Technical assistance has been requested – including today – and has been provided with the exception of the notable example I just mentioned, including in the form of a one-week tripartite workshop in November 2022 and then again in 2023.

Although we can appreciate that making and implementing policy can take time and other resources, and that political and other realities can complicate and delay this already difficult process, we urge the Government to finalize this important work with deliberate speed in consultation with the social partners and without engaging in violence or threats in a manner befitting a sovereign State responsible for its people's working lives.

The time to finalize this work is now. Under its relatively new Labour Code, in sections 153 and 154, the minimum wage shall be payable to all workers, including rural workers, without distinction based on sex or any other grounds, in an amount fixed annually by the Government after consultation with the social partners.

We look forward to hearing the views of other groups on this case.

Worker members – This is the second time that our Committee is examining the application of the Convention by the Government of Guinea-Bissau. The case was already discussed in this Committee in 2023. Regrettably, we are forced to address this case once again due to the lack of progress.

The facts are very clear. The Convention is a technical Convention on minimum wage-fixing machinery. It was ratified by Guinea-Bissau in 1977. A decree setting the minimum wage was adopted in 1988. Since this date, already 37 years ago, minimum wages have stagnated with no significant modifications, except for a small adjustment for the public sector in 2018, which clearly remains insufficient compared with real prices.

The Committee of Experts has raised several concerns since 2019 on the delay in the readjustment of the minimum wage in the private sector and the failure by the Government to ensure properly functioning wage-fixing machinery in consultation with the representative employers' and workers' organizations.



Our discussion in 2023 resulted in clear conclusions that required a review of the minimum wage for the public and private sectors without delay, in accordance with the Convention, the establishment of the minimum wage-fixing machinery in consultation with the social partners with a view to fixing and updating the minimum wage on a regular basis, and the strengthening of social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice. This Committee also requested the Government to provide the Committee of Experts with a copy of the promulgated and published version of the new Labour Code. We therefore requested the Government to avail itself of ILO technical assistance in close cooperation with freely established and independent workers' and employers' organizations. None of these requests have been addressed.

The report of the Committee of Experts for the Conference in 2024 noted the Government's indications that the Ministry was working with the social partners and was in the process of recruiting a consultant to conduct a preliminary study and determine the minimum wage criteria, in accordance with section 154 of the Labour Code. We understand that the Government has requested technical assistance but has refused to include the most representative trade union, the National Federation of Workers of Guinea-Bissau – Union Center (UNTG-CS), in the consultations planned, and its Secretary-General, Mr Júlio Mendonça, which constitutes a violation of freedom of association and of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

However, no additional information has been provided since then, and according to the observations of the trade union members, no further progress has been made. Therefore, the minimum wage-fixing machinery is still not operational, and wages continue to decrease.

We express our deep concern at the failure by the Government to comply with the requirements of the Convention and to set up an effective minimum wage-fixing machinery, and a lack of political will to guarantee decent wages for workers. The situation is becoming increasingly unsustainable for workers due to inflation and the rising cost of living, which is pushing them into poverty.

Furthermore, social dialogue continues to be difficult. We are deeply concerned at the continued hostility and attacks by the Government against the country's independent trade union organization. The representative trade union, the UNTG, continues to be the subject of suspicions and open hostility by the Government.

We recall that, on 4 May 2023, the offices of the UNTG were attacked and forcibly taken over by individuals under the control and direction of the Government with the goal of replacing the democratically elected union leadership with a pro-government leadership. More generally, we are concerned about the current state of democracy, as Parliament has been suspended since December 2023.

Lastly, the Government has completely neglected to provide the information requested on this matter. This lack of reports is worrying. We observe that there are currently 20 outstanding comments by the Committee of Experts on several Conventions, including 11 from last year to which the Government has not replied. It therefore appears that the Government is completely neglecting its obligations to submit reports.

The workers of Guinea-Bissau are facing persistently low wages due to the failure by the Government to comply with the obligations under the Convention to implement minimum wage-fixing machinery. Furthermore, social dialogue continues to be difficult, with pressure put on the UNTG and its legitimate leadership.



We urge the Government to take the necessary measures to readjust the minimum wage for the public and private sectors without delay and with tripartite consultation. We urge the Government to fully recognize the UNTG and its leaders as the most representative trade union and to cease all hostile actions against them, so as to enable them to operate safely and independently as required by ILO standards.

We therefore join the call by the Committee of Experts on the Government to adopt all measures necessary to follow up on the conclusions of the Committee without delay, and to provide detailed information on the measures adopted in that respect.

Interpretation from Portuguese: **Worker member, Guinea-Bissau** – I am speaking on behalf of two trade union organizations: the UNTG and the General Confederation of Independent Trade Unions – Guinea-Bissau (CGSI-GB). I am the Secretary-General of the UNTG. I am a member of the central committee, which is part of the congress, and we participated in the fifth ordinary congress of the UNGT from 28 to 29 April 2023, and we adopted the decisions taken during the congress by means of a vote. After fulfilling our role, we decided to focus on two matters: firstly, the definition of the minimum wage; and secondly, an increase in the minimum wage for public servants, given that the situation of public servants is particularly drastic in terms of wages.

In 2023, we met on two occasions in the Standing Council to examine the matter under discussion. We furthermore completed work in 2023 through the two meetings that I just mentioned. We also met in 2024 with the trade unions and the Government. When I say trade unions, I am talking about the two trade union organizations that I am representing, the UNTG and the CGSI-GB.

At our last meeting in the Council with these representatives, we attempted to request the Government to take into account the policies of the social partners and the policy of the International Monetary Fund (IMF) and the World Bank. The two trade unions represented tried to reach a consensus with the World Bank and the IMF, with the aim that, by 2026 at the latest, the Government would increase the wages of public servants and that, before this date, there must be a definition of the minimum wage. And we have heard that there has been hostility against the UNTG, but this does not reflect the reality. There is no hostility within the UNGT. We are led by trade unionists. During the fifth congress of this organization, the new Secretary-General was publicly elected. It was following this election that the new Secretary-General took up his duties.

It has been said that there is an absence of dialogue between the social partners. This does not reflect the reality either, at least as far as we can see. When it comes to setting the minimum wage and increasing wages in the public sector, we have always focused on tripartite dialogue between the Government, employers and workers. We have always focused on this forum for consultation, this dialogue, which was absent over the past four years. Before that, between 2017 and 2022, this forum for dialogue did not function. Then, in 2023, when the new leadership assumed its duties, the forum for dialogue resumed and was reactivated. It is important, not only for settling disputes, but also for achieving consensus, in order to achieve social peace and genuinely deliver benefits for workers.

The forum for consultation and social dialogue continues to be operational, and we have forged a dialogue between the Government and the trade union confederations. And it is thanks to this dialogue that we are beginning to achieve results. We were able to reach consensus between the Government and the trade union confederations, in order to, by 2026 at the latest, increase the wages of public servants and determine the minimum wage.



We were also able to achieve the creation of a commission responsible for determining the minimum wage because the cost of living is increasing every day and the wages of public servants are very low. It is therefore essential for the Government to keep its promises and set a national minimum wage.

It should also be noted that there are disparities in the public service sector. On the one hand, there is a wage that has been defined more officially, and, on the other hand, there is a wage that has been defined more informally. Consequently, we consider that it is essential for the Government to assume its responsibilities regarding the fixing of the minimum wage in order to harmonize wages for public sector officials and for the private sector.

There is another essential element that was of concern to us. Here, we are talking about the public service and employees in the private sector. We have spoken about this. However, let us not forget that there are many migrant workers in our country and we therefore request the Government to define a policy on this matter, particularly with the National Social Security Institute.

Furthermore, we consider that it is important to standardize the information that we have on trade unions and employers – I am talking about the Chamber of Commerce – and on the Government, as we are all working towards a consensus for social peace. If there is no social peace, and in the light of the current economic situation, it is quite possible that the interests of workers will be overlooked. Without social peace, we are bound to have employment issues. If there is no production, the output will not match the expectations of workers and employers. Our philosophy is therefore to achieve social peace, to set ourselves the goal of obtaining responsible social dialogue and setting minimum wages for workers in the public and private sectors.

Furthermore, the CGSI-GB is treated unequally. We therefore request that this confederation be treated on an equal footing.

Another important point that we wish to make is that an ILO representative in Dakar in Senegal is interfering in our work and we therefore would like the ILO to ask its representative in Dakar not interfere in the work of trade unions. We have our own standards and do not want this representative to interfere in our internal affairs.

Moreover, it is true that trade union leaders do not have the necessary resources. They must therefore be provided with tools to build their capacities and respond to labour market requirements.

Employer member, Democratic Republic of the Congo – We fully endorse the comments of the Committee of Experts, which require no mitigation with regard to the Government of this sister country, and we vehemently deplore the Government's behaviour, which can be summarized as follows.

Already, the Committee of Experts had noted the discussion in this Committee, in June 2023, on the application of the Convention. In the light of the blatant violation of this Convention, not only Article 1 of the Convention has been violated, but the sister country Guinea-Bissau, which has ratified the Convention, should show its commitment to establishing machinery to set minimum wage rates for workers in sectors where there is no effective system for setting wages and also where wages are exceptionally low. Yet this is not the case. Moreover, in this country, the inflationary circumstances and increased cost of living make socio-economic life unsustainable for workers.



Furthermore, Article 3 of the Convention establishes that each Member which ratifies this Convention shall be free to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed in its operation. The Government therefore has an obligation, prior to implementing these methods, to consult the employers' and workers' representatives, and the representatives of the respective organizations. The employers and workers concerned should participate in the implementation of this minimum wage-fixing machinery. Furthermore, the minimum wage rates set must be mandatory for the employers and workers concerned. However, this is clearly not the case in our sister country. The Government is ignoring the aforementioned obligations under the Convention to which it is bound.

There is a lack of dialogue on this matter. What is more, the Government is using violence and threats against workers.

In this regard, we can share the experience of the Democratic Republic of the Congo, which provided for minimum wage-fixing machinery and the procedures for its application in a strictly tripartite framework, by means of Act No. 015/2002 of 16 October 2002 as amended by Act No. 16/010 of 15 July 2016 issuing the Labour Code, in sections 87, 94, 96 and 97, and bolstered by the Decree of 5 February 2006 establishing the operating procedures of the tripartite commission responsible for following up on the application of the guaranteed inter-occupational minimum wage, which has been amended. Furthermore, it not only adjusted the guaranteed inter-occupational minimum wage, but it also set a new one by means of the Decree of 30 May 2025 in accordance with the wage-fixing machinery provided for by our legislation. It therefore must be said that, in the Democratic Republic of the Congo, social dialogue is a living reality.

To conclude, we urge Guinea-Bissau, our sister country, to:

- accept assistance from the ILO to ensure genuine capacity-building for the tripartite constituents, especially regarding social dialogue. The Director-General of the ILO made a point of this at a recent Employers' group meeting;
- establish the minimum wage-fixing machinery in close consultation with the social partners;
- review the minimum wage for both the public and private sectors.

Interpretation from Portuguese: Worker member, Portugal – I am speaking on behalf of the Confederation of Trade Unions of Portuguese-speaking Countries. We will begin by stating that this is a matter that we are discussing yet again, and we reiterate that the legitimate representatives of the UNGT have not been accredited by the Government as representatives at this Conference. Furthermore, the Government has still not taken any action to set a minimum wage that also applies to the private sector. The last time that this matter was discussed, in addition to setting minimum wages in consultation with the social partners, the Government was requested to strengthen social dialogue.

Regarding the increase in the minimum wage, the rise in the cost of living, inflation and the increase in the price of essential goods, it is now more urgent than ever to set a minimum wage. It is therefore incomprehensible that, since 1988, 37 years ago, the minimum wage has not been updated for the private sector, and the increase in the public sector is insufficient. Guinea-Bissau has ratified this Convention but has repeatedly failed to comply with it. Guaranteeing a minimum wage that enables the workers of Guinea-Bissau to meet their basic needs is essential.

As recognized by the *acquis* of the ILO, that is, the Declaration of Philadelphia, the minimum wage guarantees the participation of all in the progress of a country. It is for this



reason that the minimum wage is essential for a fair distribution of wealth and the eradication of poverty.

According to recent reports received on wages, Guinea-Bissau is a low-income country. For example, between 2010 and 2019, the minimum wage in Guinea-Bissau decreased by 1.6 per cent, while productivity increased, clearly indicating that the wealth generated by workers is being confiscated and does not go to the majority of the population.

It is impossible to further strengthen social dialogue unless the UNGT's claims are taken into account. The UNGT, as we have already stated, has been attacked and has not been included or recognized at this Conference.

As we said the last time that we were in this Committee, when this matter was addressed, the UNTG was invaded and occupied, and many of its members were persecuted and prevented from acting.

In recent years, we have witnessed persecution against the UNGT. The workers of Guinea-Bissau are therefore fighting for the improvement of their living standards and wages, while the Government is hindering the functioning of trade unions. We need to demand that the Government ensure that trade unions are able to freely determine their functioning and have sufficient freedom to act, and that their interests are defended.

In addition to the need to submit reports and information on the policies developed, we consider that it is urgent for the Government to set a minimum wage for all sectors, including the private sector, to ensure a genuine minimum wage increase that guarantees improved living conditions, and to respect the legitimately elected leadership of the UNTG, of which Júlio Mendonça is the Secretary-General, thereby complying with ILO standards and respecting the right of organizations to establish their bodies themselves.

Worker member, Botswana – I would like to express my deep concern regarding the failure by the Government to submit a report to the Committee of Experts. The failure undermines the work of the supervisory system.

Article 2 of the Convention provides that there be social dialogue and/or meaningful consultations with social partners before the minimum wage-fixing machinery is set in operation. Article 3 provides for equality within the machinery as the laws of the country may determine and, lastly, that the minimum wages set, be communicated to the parties and shall be binding. Very fundamental to this Convention is the redress where one has been wronged in terms of Article 4. All these Articles clearly demonstrate the importance of having a minimum wage-setting machinery in operation in a particular country. Ratifying this Convention in 1977, the Government of Guinea-Bissau was committing to ensuring that the rights in the Convention will be enjoyed by all workers. Sadly, this has never seen the light of the day.

We want to point out and emphasize that the transposition of Conventions into national legislation can only exist and function where there are proper legislation structures or bodies. And supreme to these structures in a democratic society, is parliament. In a representative democracy, parliament is bestowed with this responsibility to legislate in the interest of the citizens including the workers.

We note with regret the suspension of Parliament in Guinea-Bissau, in May of 2022, which was further extended in December of 2023 to date. The absence of Parliament further complicates and/or rather renders the processes of legislation non-existent in Guinea-Bissau. If this is not rectified, the workers of Guinea-Bissau will continue to suffer the effects of not having such a minimum wage machinery as there is no legislature at the moment. The



Committee on Freedom of Association has pronounced that a system of democracy is fundamental for the free exercise of trade unions' rights. This Committee must call for the return of democracy in Guinea-Bissau to facilitate the establishment of a machinery for minimum wage fixing.

The Committee of Experts has pointed out the devastating effects of the absence of a minimum wage-fixing machinery as they are observed by the International Trade Union Confederation (ITUC) in their report, and they need not to be overemphasized.

The Committee of Experts' report further makes reference to the observed threats and use of violence on workers by the Government, on top of rising food prices and cost of living. These are far from being synonymous with democracy or any democratic society. All these are also exacerbated by the attitude of Government towards social dialogue and tripartite consultations, as once again observed by the ITUC. The Government continues to interfere in the affairs of the most representative workers' federation, the UNTG, by refusing to recognize its leadership despite a court order that ruled in its favour.

We therefore urge and encourage the Government to rectify these situations and to ensure the return of Parliament and allow it to carry its full legislative mandate. This, in our view, will kick-start a fresh opening for legislation not only for the minimum wage-fixing machinery but for any other legislation that may be beneficial to the workers of Guinea-Bissau.

Government member, Eswatini – In June 2023, the Committee urged the Government of Guinea-Bissau to, among other things, "review the minimum wage for the public and private sectors without delay, in consultation with the social partners, in accordance with the Convention". The Committee further urged the Government to "strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice". The Committee requested emphatically that the Government must consult and cooperate with freely established and independent workers' and employers' organizations, to ensure full compliance with the Convention.

There could be no genuine national tripartite consultation in an environment that is repressive and oppressive against independent trade unions. The right of workers' organizations to elect their own representatives freely is an indispensable condition for them to be able to act in full freedom and to promote effectively the interests of their members. For this right to be fully acknowledged, it is essential that the public authorities refrain from any intervention which might impair the exercise of this right, whether it be in determining the conditions of eligibility of leaders or in conducting the elections for trade union leaders.

The reports of government interference in the leadership succession of the UNTG-CS points to a Government hell bent on choosing "sweetheart" trade union leaders. The legitimate leaders of the UNTG-CS were removed and are barred from accessing their offices by the security forces. The government supporters are illegally occupying the offices. The Committee on Freedom of Association requested the Government to take necessary steps to return the offices of the UNTG-CS to its legitimate leaders and to provide information on the follow-up given to the legal action brought by them. The Government remains defiant.

The setting of the minimum wages in consultation with freely established independent trade unions remain stalled.



To address these violations, we call on the Government to:

1. Protect union autonomy: publicly denounce and investigate government interference in union activities, such as the 2023 UNTG-CS office seizure, and uphold court rulings supporting legitimate union leadership.
2. Engage in dialogue: establish functional collective bargaining mechanisms, such as revitalizing the Standing Council on Social Cooperation, to address wage and working condition disputes.

Interpretation from Portuguese: **Worker member, Spain** – I am speaking on behalf of the Galician Inter-Union Confederation, which is part of the Confederation of Trade Unions of Portuguese-speaking Countries, to demand respect for the labour rights of workers in Guinea-Bissau, and of trade unionists such as Mr Mendonça.

Only two years ago, the Government was the subject of discussion in this Committee due to its failure to comply with the Convention, which Guinea-Bissau ratified in 1977. However, in the meantime, it has not taken into consideration the conclusions and requests of this Committee, with regard to the review of the national minimum wage, which has not been updated since 1988, consultation with the social partners and the cessation of repressive measures against those exercising their legitimate right to protest in response to this unjust situation.

We are talking about wages that have not been updated in the last 37 years, with neither increases nor decreases. This has occurred against a backdrop of an increased cost of living and inflation exacerbated by the changes to the country's economy brought about by the adoption of the CFA franc as the official currency. This monetary system aimed at controlling the African colonies, which has been further reinforced by the changes in the world situation since the 1970s, with African countries encouraged to take on more debt, and following the imposition of the IMF's structural adjustment programmes.

It is of the utmost importance to periodically adjust minimum wages to ensure that workers have a decent standard of living. As a result of this failure to comply, the data from Guinea-Bissau are truly concerning: 69 per cent of the population live below the poverty line; only 0.9 per cent receive at least one social protection benefit in the form of social assistance or social security; school enrolment and literacy figures remain precarious; and the minimum wage is among the lowest in the world, together with that of other African countries. This situation is taking place in a continental context in which, far from having set in motion a fair process of redress for Africa, neocolonial policies are being revived, and the plundering of African resources, the exploitation of cheap labour and the constant attacks on the sovereignty of their populations continue, regardless of the violation of their rights, as reflected in the recent report by the Office of the High Commissioner for Human Rights following a session held between 28 April and 9 May 2025.

According to international organizations, Guinea-Bissau, which was formerly the Kingdom of Kaabu, is one of the poorest countries in the world. Since its independence led by Amílcar Cabral, it has been the victim of major political and economic instability, plagued by conflict and coups d'état, which have hindered its development and democratic consolidation.

In the light of recent events, there does not seem to have been any positive change at the hands of the country's authorities for now. The extensive training of which the current President boasts he received in several countries, including Spain, may have been effective in military matters, but not in terms of democratic values and human rights, as demonstrated by his decision to dissolve parliament, which is the legitimate representation of the population, in



December 2023, and by the lack of a government programme or general state budget, in addition to all the repressive measures recently applied, with threats, violent attacks against protesters, arbitrary arrests and torture.

We therefore request this Committee to take the necessary measures to put an end to the repeated non-compliance by the Government, and to call for it to implement measures to decide the nature and form of the minimum wage-fixing machinery, and the methods to be followed for its application, with due consultation of the social partners. We also call for the cessation of repressive measures regarding the ILO Conventions and Guinea-Bissau's national legislation, as provided for in the Freedom of Association Act, the Right to Strike Act and the legislation on the right to assemble and to protest.

Worker member, Nigeria – I am the Secretary-General of the Trade Union Congress of Nigeria and I speak on behalf of workers from West Africa under the umbrella of the Organisation of Trade Unions of West Africa (OTUWA). We appreciate the report of the Committee of Experts on this Convention. We wish to say that Guinea-Bissau is not alone in its situation of lacking a national minimum wage-fixing machinery. Therefore, we view the discussion of this Convention as an opportunity for Guinea-Bissau to make progress on this issue and for other economies, as members of this vital Organization, to learn from it, and also from some African countries like, Nigeria, my country.

We recognize and appreciate the importance of a minimum wage as a safeguard against wage poverty. No doubt, workers in Guinea-Bissau need the protection of a minimum wage as a safeguard against the exacerbation of rising poverty, occasioned by high unemployment and underemployment, as well as rising inflation, where the absence of minimum wage-setting machinery in Guinea-Bissau has increased the chances of workers being put back into poverty and hopelessness.

Guinea-Bissau, with a GDP per capita income of US\$494 and an informal sector accounting for over 70 per cent of economic activity, faces structural challenges. They are compounded by political instability, weak adherence to the rule of law and the lack of statutory wage-setting machinery, especially for private sector workers.

In such a context, poverty alleviation becomes elusive. Wages serve as the first line of social protection, more so in communal societies like Guinea-Bissau, where a single income often supports an average of six dependants. Nigeria's experience is instructive, although inflation has significantly eroded the real value of our minimum wage.

However, the existence of a national minimum wage-fixing mechanism allows for institutional responses to labour market pressure.

Trade unions have successfully negotiated a reduction in the statutory wage review period from five years to three years in Nigeria, helping to mitigate inflationary impact on workers' earnings.

We urge the Government to move beyond the reoccurring excuse of awaiting consultancy reports and instead take decisive steps to adopt and adapt proven approaches already within its reach.

Similarly, the absence of the right to organize, collective bargaining and structured social dialogue in Guinea-Bissau continues to erode the space and ambience for development of a fair and decent national minimum wage.

A good wage regime is an incentive to boost good work harmony and increase the morale and productivity of workers.



Additionally, it will guarantee wages and stimulate consumption and encourage investors to undertake production, leading to hiring of more hands in the production process.

The direct and indirect socio-economic benefit of a national minimum wage should not be reduced to a narrow and pedestrian analysis of increases in production costs but instead should be viewed as a production boosting mechanism. We therefore urge the Government to develop a pragmatic action plan within a timeline towards the development of an establishment of a national minimum wage-fixing machinery. Considering that wages were last reviewed 37 years ago, the fact that the Government is defying this Committee's conclusions is unacceptable.

As a result of the attack on trade union leaders, the wage-fixing machinery system has collapsed in Guinea-Bissau. This situation is unacceptable to all workers and needs to be addressed urgently.

Finally, I urge this honourable Committee to place the Government under a special paragraph.

Interpretation from Portuguese: **Observer, International Trade Union Confederation (ITUC)** – In 2023, the Committee examined for the first time the non-compliance of the Government of Guinea-Bissau with the Convention, ratified in 1977, with the last revision of the minimum wage introduced in 1988, through Decree No. 17 of 4 April.

However, the country adopted a new Labour Code through Act No. 7/2022 of 18 July, section 154 of which requires the executive authorities to set the wage at the national level in close cooperation with the social partners.

This legal requirement has not been given effect as private sector workers and retirees from the public administration receive remuneration that is never above €30 a month, which is less than the cost of 50 kilograms of rice, a staple food for the population.

The Labour Code requires effective collaboration with the social partners, yet this has not been the case, even though private sector wages are rarely above €30 a month, which is not enough to buy 50 kilograms of rice, the staple food of the population. Therefore, it has been 37 years since we last set a minimum wage. And since 2023, the recommendations of the Committee have not been implemented. The Government has received technical assistance, but it has not been taken into account.

Subsequently, in October 2024, the Committee on Freedom of Association, in Case No. 3448, continued to refer to this lack of a mechanism for workers, which calls into question the openness of social dialogue. Given this violation of trade union rights, as workers' representatives, we have no choice but to continue to exert pressure, since, as the legitimate representatives of workers, we cannot abandon our demands. Priority must be given to dialogue with the social partners, and there must be no threat of persecution against trade union leaders, in violation of Act No. 8/91 of 3 October and Convention No. 87, which was ratified in 2023. A case in point: the Government, through the Ministry of the Interior, raided the offices of our trade union federation, showing no respect for the union offices, in particular that of the Secretary-General, and changed the locks to prevent us from having access to our offices, and replaced us with persons who do not recognize our leaders or our federation. Even after a final court ruling recognizing and legitimizing us as the representatives of the UNTG-CS and the workers of Guinea-Bissau, the executive authorities have still not seen fit to return our headquarters to us. Thus, in an attempt to silence us, the Government violated the principles established in Act No. 9/91 of 3 October by blocking the payment to workers of several months'



wages. There was also a violation of Act No. 3/92 to prevent us from participating in peaceful demonstrations.

The Government prevents such demonstrations by resorting to arbitrary detention and the torture of demonstrators, trade union leaders, and members of civil society, as was the case most recently on 25 May of this year. Parliament has not been functioning for two years, and the Government has not adopted any legal instrument to protect workers. As a result, we are suffering under extremely high living costs, and politicians are disregarding all this hardship.

Every year we submit complaints to the Credentials Committee regarding our exclusion from the Conference delegation, but these have never had any effect, despite all our efforts. Nevertheless, we reaffirm our determination to pursue the struggle and continue to count on your support.

None of the recommendations that were made have been taken into account. We therefore request that a special paragraph be included on Guinea-Bissau to address all these forms of oppression.

Interpretation from Portuguese: Government representative – It is the second time that the Guinea-Bissau Government is in this plenary to speak about the Convention. In June 2023, we discussed the Convention here in the Committee. And after that debate, the Government did not sit idly by. The Government received the recommendations and moved forward towards compliance and implementing the recommendations. In July 2023, the Government addressed a formal request to the ILO for technical assistance in the indication of a consultant for a study with a view to updating the minimum wage in the private sector.

While Guinea-Bissau, at the moment, does not have a functioning legislative body, which is the National People's Assembly, it is interested in aligning itself with the guidelines of the ILO, so much so that it worked together with the consultant, with the representative organizations of the workers and with the representative organization of the employers.

We take note of the observations that we heard and want to highlight the following.

The Government does not interfere in trade union affairs. The Government noted that there is an internal issue of leadership within the UNTG-CS, and this was overcome, and it was communicated to us by the General Secretariat of the UNTG-CS. They are our partners, so much so that we met with the representatives and the members of the UNTG-CS. Perhaps Mr Júlio Mendonça, as was mentioned earlier, has not participated in the meetings, but his comrades, colleagues of the union, have participated in several meetings with the Government, in which the social front, which is a new structure that agglomerates the unions of the education sector and the health sector, has also participated.

In regard to the violation of the right to strike and freedom of association, Guinea-Bissau ratified Convention No. 87. This shows it has interest in ensuring workers' right to freedom of association.

The Labour Code also gives protection to freedom of association.

Many collective bargaining agreements in various economic sectors were reached. Since 2023, when the case of Guinea-Bissau was discussed, the Government has strengthened social dialogue, including the consultation mechanisms with the organizations of workers and employers, ensuring their independence and autonomy in law and practice.

There are two major trade unions in Guinea-Bissau that should be referenced. There is the UNTG-CS, which is the oldest, because it was the first to be created, but there is another



one, which is the CGSI-GB, which many times has suffered discriminatory treatment in some activities that are carried out, in which they are not taken into account. The Government, in all its activities, invites both the UNTG and the CGSI-GB to be represented.

The Committee of Experts also requested a copy of the Labour Code, which was promptly sent in June 2023, with the Government's request for assistance with the dissemination of the Code. This shows that the country is engaged, but the changes, the policies and their implementation are not made overnight. It is a process.

Two years ago, Guinea-Bissau was here to discuss this case. In fact, it is to be lamented that we took almost 40 years to discuss the update of the minimum wage, which was set in 1988. We are working, we are engaged, as I said.

We set social dialogue as a pillar for our Government, and we reached several agreements preventing strikes, mainly in the area of health and in the area of education. We are committed to workers' working conditions and their safety.

The minimum wage system in Guinea-Bissau, as was referenced by several speakers, goes back to 1988. Since then, there was no update and we are working on it. The report made by the specialist, has already been taken up by the Government and presented to the social partners. There were consultations with the social partners and their involvement in this work.

In March 2021, through Decree No. 01/2001, the Government created the Standing Council on Social Cooperation. In other words, it institutionalized social dialogue and the permanent consultation between the Government and the main organizations of workers and employers in the country, always mentioning the UNTG and the CGSI-GB. The Council's competencies include consultation on matters of labour policies, including the resolution of conflicts, to allow for indispensable structural changes to the modernization of our economy, which can thus be carried out in a concerted manner, in order to contribute to the definition and implementation of the socio-economic policies of the country.

The objective of this Standing Council on Social Cooperation is to promote and ensure that the voice of the interested parties, that is, of the organizations of employers and workers, is heard by the Government before the decisions are taken.

It is recommended that the definition of the new minimum wage, after the study that we carried out, cover, on the one hand, the needs of workers and their families, and on the other hand, the sustainability of the private sector.

If the minimum wage can contribute to the protection of the most vulnerable workers and to the fight against poverty, it would be counterproductive to establish a floor that goes beyond the payment capacity of the private and public sectors, as underlined in the Declaration of Philadelphia of 1944.

The Government has no problem with the UNTG-CS. In fact, in my first intervention, I requested the support of the UNTG-CS to help us overcome this problem that we see in the country. They are our partners, they are partners of development, they are partners that we want to work with.

It was said that the workers are persecuted in Guinea-Bissau. This does not correspond to the truth. The workers of Guinea-Bissau thought that they could strike and continue to receive their full salary.

The right to strike is a right that they have, but the employer also has the right to deduct the payment for the strike day. The union has to have a mechanism to be able to compensate for the strike day.



So, what happened is that the unions would strike and considered that they had the right to receive the full salary, which did not happen. They saw it as a form of repression by the Government, which is not true, as it is the law.

The absence is considered justified, but the Government cannot finance this. There is, at the moment, in Guinea-Bissau, a strike in the sectors of education and health. We are negotiating, there was even an intervention from the President of the Republic himself to try to have some social peace, because only with social peace can we create conditions for development, for the workers to work, for stability, for us to be able to advance. We ask the unions, the representatives of the workers, to have an open dialogue with the Government, and the employers too, so that we can see what is our reality, and within what is our reality, build bridges for us to be able to build and rebuild our country, which is a country that is already suffering, it is a country that, since its independence, has gone through consistent cycles of instability.

Indeed, Guinea-Bissau is interested in moving forward; we have the approved study, and we want to be able to make a simultaneous update of the private and public sector minimum wages, because the minimum wage value is extremely low. But we also have to acknowledge that Guinea-Bissau has an almost non-existent business sector.

So, we have to create conditions to improve the development of the country itself so that we can have salaries that can be at the same level as in other parts of the globe. But the Government reiterates its commitment, and I firmly believe that we will not go back to Guinea-Bissau being a case of discussion in this Committee about the Convention because we are aware that that this need is imperative.

We are operating with the expectation to hold elections at the end of the year, to have the legislative body in full operation so that we can have conditions to advance.

Worker members – We reiterate our concern about the Government’s persistent non-compliance with the requirements of the Convention by failing to establish effective minimum wage-fixing machinery and readjust minimum wage levels to ensure decent wages for its population. Concrete government action is long overdue. The Government must demonstrate its commitment to the principles and procedures established in the Convention. It is clear that no progress has been made since 2023.

The Government must urgently set up and maintain a proper mechanism to fix, regularly review and readjust minimum wages.

In accordance with Article 3 of the Convention, employers’ and workers’ representatives must be consulted before the machinery is applied and be associated in its operation, and a legitimate and freely elected representation of workers must be guaranteed in this process.

We note with regret that the interests of workers are being legitimately represented in neither Guinea-Bissau nor this Conference. We observe that the Worker member who spoke for Guinea-Bissau was not the true representative of workers in the country. We furthermore regret his attacks against the role of the ILO which is carrying out its mission in accordance with the standards established by this Organization.

We inform this Committee, once again, that the Worker members filed a claim before the Credentials Committee against the Government for interference in the nomination of genuine Workers’ delegates to the Conference.

We also refer to the 408th Report of the Committee on Freedom of Association, which was issued in October 2024, and which states: “the Committee expects that the Government will



adopt the necessary measures to afford the leaders elected during the 2022 UNTG-CS congress full freedom to exercise their functions without any interference by the authorities”.

We therefore urge the Government to immediately cease its attacks against the UNGT and ensure that the UNTG and its legitimate leaders are able to fully and independently participate in social dialogue and be included in consultations on the operation of the minimum wage-fixing machinery.

The situation is serious and urgent.

We reiterate the request of the Committee on Freedom of Association for the Government to immediately adopt all necessary measures to follow up on the conclusions of this Committee without delay.

This means, firstly, reviewing the minimum wage for both the public and private sectors without delay, in accordance with the Convention.

Secondly, the Government must establish the minimum wage-fixing machinery in consultation with the social partners, with the aim of setting and regularly updating the minimum wage.

Thirdly and lastly, the Government must strengthen social dialogue, including the machinery for consultations with workers’ and employers’ organizations, by ensuring their independence and autonomy in law and practice.

The Government is also requested to provide detailed information on the measures adopted in this respect, including on the tripartite consultations that have taken place on the minimum wage.

In the light of the Government’s failure to address the Committee of Experts’ comments and to comply with the requests stemming from this Committee’s conclusions in 2023, as well as the worrying situation concerning social dialogue and the independence of trade unions, we strongly urge the Government to accept a high-level tripartite mission and to provide information to the Committee of Experts, by 1 September 2025 at the latest, on the measures adopted to implement the recommendations issued by our Committee.

We furthermore request the Government to fully respond to the various further requests made by the Committee of Experts that have not yet been addressed.

Employer members – The Employer members would like to thank all the speakers who have taken the floor. We also thank the Government for the information it has provided.

The Employer members wish to again urge Guinea-Bissau to finalize – pursuant to Article 3 of the Convention – the minimum wage-fixing machinery for its private sector. We have heard the plea of the Government here that more businesses participate in its formal economy.

The Employer members welcome that kind invitation and note that one effective manner to persuade businesses to participate in a formal economy is to develop and implement clear and predictable legal regimes, including those that flow from the Convention.

After full consideration of the comments made today and that were made previously as part of this record, we respectfully request that the Government:

- take the necessary measures to complete the machinery for fixing minimum wages in line with Articles 2 and 3 of the Convention;



- communicate, in line with Article 5 of the Convention, on the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery, and the approximate number of workers covered; and
- engage in meaningful and constructive social dialogue and cooperate with the social partners on these issues now and indefinitely into the future.

We trust that the Government will implement such recommendations in a timely manner to achieve full compliance with the Convention.

Conclusions of the Committee

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

The Committee deplored the fact that two years after concerns were raised regarding violent attacks against and intimidation of the independent trade unions, nothing has been done to address those concerns, noting that such attacks undermine the obligation and meaning of consultations under the Convention.

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

- guarantee, without further delay, the independence of the trade unions to enable them genuinely and effectively to represent their members;
- review the minimum wage for both the public and private sectors without further delay in accordance with the Convention;
- establish the minimum wage fixing machinery in order to fix and update the minimum wage on a regular basis;
- strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice;
- provide detailed statistical and other information on the measures taken in this regard, including on the tripartite consultations that have taken place on the minimum wage.

The Committee requested the Government to avail itself of technical assistance from the ILO and to provide a detailed report on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Honduras (ratification: 1956)

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

Discussion by the Committee

Chairperson – I have the honour of inviting the Honourable representative of the Government of Honduras, the Minister of Labour and Social Security.



Government representative – The democratic socialist Government, which is led by the first woman President, Iris Xiomara Castro Sarmiento, reaffirms its unshakable commitment to the protection, promotion and safeguarding of workers' rights, and particularly the right to organize, and direct action to combat anti-union violence.

This period of democratic rebirth was preceded by the époque of the drug-dictatorship regime, which had its origins in the coup d'état of 28 June 2009 against former President José Manuel Zelaya, and was characterized by brutal repression, persecution and murders of political, social, environmental and trade union leaders, behind a fortress of impunity enthroned in State institutions. In this context, the ILO direct contacts mission arrived in the country and played a decisive role in the conclusion of the tripartite agreement of 2019 in which the parties committed to the adoption of joint governmental measures to combat anti-union violence.

Today, as a responsible State, we are taking the floor to report the significant progress made in the implementation of the recommendations of the Committee of Experts, and the decisions taken at our own initiative to overturn the repressive aftermath of the previous regime. We wish to enumerate the following measures in accordance with the recommendations of the Committee of Experts:

- (1) The operation of the Committee on Anti-Union Violence (COMCOVIA): the Secretariat of Labour formally convened all the key institutions of the State, including the judicial authorities and the Office of the Public Prosecutor, the three trade union confederations (the General Confederation of Workers (CGT), the Single Confederation of Workers of Honduras (CUTH) and the Workers' Confederation of Honduras (CTH)), the Network against Anti-Union Violence and ILO representatives, to re-establish and activate the Committee. For the first time, the rules of procedure of the Committee obtained tripartite approval, defining the functions, objectives, sectoral composition, decision-making procedures and all the regulatory aspects governing the work of the new institution for the protection of the right to organize.
- (2) Approval of the Work Plan 2025 of the COMCOVIA: for the first time, the Work Plan and schedule of the activities of the COMCOVIA were approved unanimously in the working groups, covering four strategic areas: institutional strengthening, protection measures, measures to expedite investigations and the promotion of trade union rights.
- (3) Cooperation agreement with the Office of the Public Prosecutor to prioritize the investigation and prosecution of crimes involving anti-union violence: under the drug-dictatorship regime, the situation of anti-union violence terrorized and took the lives of those unionized workers who fought to claim their labour rights, as well as for the return of democracy, and particularly against the fraudulent 2017 election. In view of this situation, we decided to move forward with the conclusion of the agreement, and on 9 May, in the presence of an ILO representative and of human rights protection bodies, we signed an inter-institutional agreement with the constitutional body responsible for criminal prosecutions. In contrast with the previous authorities, the new Office of the Public Prosecutor, represented by its chief, the Attorney-General, and the head of the Secretariat of Labour, yours truly, concluded an agreement to reinforce the criminal prosecution of crimes against trade unionists. This includes a rapid action mechanism for support, investigation and prosecution of crimes and the establishment of a Special Investigation Protocol for anti-union violence, which is currently being designed by technical teams appointed by both institutions and the members of the working groups of the Committee.



- (4) The establishment of a Specialized Trade Union Support Office: as a follow-up to the strengthening of the system of trade union protection, this unit was established within the General Labour Inspectorate, which will deal with charges of harassment, discrimination and the obstruction of collective bargaining. We have commenced operations in key areas, such as Tegucigalpa, San Pedro Sula and Choloma, with a view to improving access to labour justice.
- (5) Protection of trade unionists as human rights defenders: in the context of the points described above, and under the terms of the Act on the Protection of Human Rights Defenders, three trade unionists have already benefited from protection measures for human rights defenders. This opens the mechanism to trade unionists who require protection measures because they are at risk due to their trade union activities.
- (6) Transparency and judicial cooperation: we are working in coordination with the judicial authorities to combat anti-union violence and we are drawing near to the conclusion of an agreement to ensure specialized and priority treatment of judicial cases involving anti-union violence for both current and future cases.
- (7) Regular social dialogue and tripartite support: through the Economic and Social Council (CES), and with the approval of the rules of procedure of the Committee for the Handling of Disputes referred to the ILO (MEPCOIT), we have consolidated the will of the social partners to work together for a trade union environment free from violence.

This progress is tangible and is the outcome of the clear political will at the highest level and a deeply held conviction that respect for labour rights and trade unionism is a pillar of democracy as a whole. Nevertheless, we are not claiming that this progress is the point of arrival, but rather the point of departure. We recognize the persistence of challenges, but we are also reaffirming that the State of Honduras is committed to an active, coordinated and transparent agenda for the eradication of violence against organized workers and anyone else who wishes to organize, and at the same time to combat impunity.

We are grateful for the technical assistance of the ILO and the support of this Committee, and we reiterate our desire to continue working with you to consolidate a culture of full freedom of association, without violence at the workplace and without impunity for crimes that prejudice and restrict the right to organize.

Worker members – The case of Honduras requires the full attention of this Committee. The reiterated observations made by the Committee of Experts clearly show the persistence of structural challenges which impede the full exercise of the right to freedom of association, as guaranteed by the Convention. At the same time, the report also takes note of the progress achieved in recent years which allow a change in direction to be perceived in the labour policies of the country, with positive indicators for institutional strengthening, social dialogue and tripartite cooperation.

The Convention, which is the fundamental pillar of the ILO standards system, guarantees workers the right to establish organizations in full freedom without previous authorization, to organize their activities without external interference and to engage in trade union activities without fear or reprisals. This right, together with the principles of freedom of association and social dialogue, are essential elements for democracy, social justice and lasting peace in our societies.

We insist that the analysis of the situation in Honduras is of great relevance for the Committee, both in relation to the pending commitments and some of the signals of transformation that have been noted in recent years. The analysis of the Committee of Experts



shows a mixed picture. Although significant progress has been noted in terms of institutional strengthening and openness to social dialogue, there are still aspects that need to be addressed to achieve the full compliance of national law and practice with the Convention.

It also finds that legal obstacles persist which restrict the effective exercise of freedom of association, such as barriers to the legal recognition of organizations and an environment that is still conditioned by pressure factors and insecurity for those who endeavour to carry out trade union activities.

Nevertheless, the report recognizes progress in relation to the registration of unions, collective bargaining and inter-institutional coordination to address anti-union violence, which would give grounds for understanding that the country is advancing along a path of democratic reconstruction in the field of labour, even though a whole process of consolidation is still required.

The Worker members, through the information provided by their worker comrades in Honduras, note that the country is beginning to enter a different phase. Since the change of administration, the Government has been showing the political will to make progress with this institutional restructuring and the creation of more favourable conditions for the exercise of labour rights. This will has taken the form of the specific action referred to in the reports and in the information that we have received from the trade union movement. Among the action taken, we emphasize: the reactivation of tripartite mechanisms by the COMCOVIA; the implementation of new more accessible administrative procedures for the legal recognition of new organizations; the opening of regional offices of the Ministry of Labour in areas where there had previously been no institutional presence; and the adoption of initial measures for the coordination of inter-institutional efforts to address violence and guarantee the safety of the members of unions, in our case.

These signals are indicators that show a different direction. It is clear that the process of reconstruction requires time, resources and technical cooperation. But is it also necessary to support the political determination to consolidate the progress made and to stand up to any resistance that may arise at both the institutional and legislative levels.

In this context, we also refer to the observations of the Committee of Experts on the need to revise the national legislation, and particularly the trade union legislation.

The Worker members consider that Honduras needs to make progress towards a reform that guarantees the full harmonization of national law with the provisions of the Convention.

We also know, from our own information, that there are political difficulties and problems in the country, but we consider it essential for the Government to maintain the commitment to move forward in this process through genuine tripartite social dialogue, which includes in particular, in our case, effective consultations with workers and their representative organizations, as well as with our employer counterparts. It is not a question of imposed reforms or formal processes, but consists of rebuilding political social consensus on respect for freedom of association.

The recent history of the country, as we clearly heard from the Minister, cannot be overlooked. For many years, the conditions for trade union organization were seriously affected by the factors of violence, impunity and institutional weakness. The consequences of this period persist and explain many of the current difficulties. But it is precisely for this reason that the Workers' group wishes to acknowledge that, even though there has been progress, there are also issues that remain pending, and we have just heard that the progress that is being made is not the point of arrival, but the point of departure.



We therefore believe that it is necessary to reinforce the commitment through rigorous follow-up and active cooperation for effective compliance with the Convention.

Everyone in this Committee knows that compliance with international standards never depends solely on adequate national legislation, but on genuine application, specific implementation, the strengthening of labour institutions and effective guarantees and conditions of safety, independence and non-discrimination for those who hold trade union office.

We therefore believe that the Government of Honduras must consolidate the steps taken, broaden technical cooperation with the Office, work with the social partners for the design of a road map with time limits, objectives and regular evaluation, based on the recommendations of the Committee of Experts. The road map must reflect the commitment to social justice, with the consolidation of tripartite social dialogue and full compliance with collective rights in the country.

Employer members – We wish to thank the Minister of Labour of Honduras for being present in the Committee and for the information provided. First of all, I wish to refer briefly to the background to this case. This Committee has examined the application of the Convention on several occasions, most recently in 1991–92, 2018 and 2019, and since 2000 there have been a series of observations by the Committee of Experts. In all these observations we draw attention, among other aspects, to the concern expressed by the Committee at reports of anti-union violence, including physical aggression and murders, and the lack of punishment of those responsible.

In 2019, a direct contacts mission visited the country. The objective of the mission was to observe in situ the situation of freedom of association in Honduras. Led by Dr Rolando Murgas, it met employers' organizations, including the Honduran National Business Council (COHEP), and trade unions, and established various findings, documenting cases of anti-union violence, legal restrictions on the establishment of unions, interference by the authorities in trade union procedures and in the processes of the establishment of organizations, and its recommendations included the creation of a tripartite commission against anti-union violence, the reform of restrictive legislative provisions and what we would later come to re-emphasize, namely the strengthening of social dialogue.

Even though progress was made initially, including the establishment of MEPCOIT, there was no sustained follow-up. The relaunching of the Committee, in May 2025, has not yet produced tangible results by the Office of the Public Prosecutor or the judicial authorities.

The COMCOVIA was also established, with its office being set up later on 19 September. Between 2020 and 2024, the Committee of Experts has reiterated its annual observations on the application of the Convention and the need to make progress on certain points, and to reactivate the MEPCOIT and ensure its continuous functioning, which has not been the case up to now, as well as the need to take immediate and sustained action to address the persistence of anti-union violence, including in the most serious cases of murders on which the investigations have not yet been completed and definitive information is not available on those responsible and their motives.

The effective activation of the COMCOVIA is required, with the commitment of all the competent authorities, the development of a protocol for specialized investigation to allow the Office of the Public Prosecutor to address anti-union motives more effectively. These cases need to be given priority in the criminal courts, with appropriate and detailed information



being provided on progress in the investigations and criminal prosecutions, and the reforms that are needed to the Labour Code.

The Convention is a fundamental instrument and is one of the ILO's ten fundamental Conventions. This on its own offers an indication of the gravity of any incompliance by governments that have ratified the Convention. Adopted in 1948, it was ratified by Honduras on 27 June 1956, which means that the Government of Honduras is subject to all the obligations deriving from the Convention.

This instrument recognizes freedom of association as an essential pillar of the democratic system and the model of industrial relations based on social dialogue. The rights to freedom of organization, collective bargaining and to participate in the formulation of labour policies are fundamental for employment stability, economic growth and, in particular, social peace. This fundamental Convention lays down the right of workers and employers to establish and join organizations of their own choosing without previous authorization. This right is guaranteed without any distinction, and interference by the public authorities is prohibited in respect of both workers and employers.

This allows for the establishment of free and independent organizations of employers and workers, which are vital to represent appropriately and legitimately the interests of the social partners through social dialogue bodies.

Legitimate and responsible unions promote harmonious industrial relations and effective mechanisms for the resolution of collective disputes. The content of the Convention includes the broader concept of freedom of association. In this regard, I would like to refer to paragraph 1 of the Compilation of Decisions of the Committee on Freedom of Association which, among other matters, sets out the function of the ILO in this respect by indicating that its role "in regard to freedom of association and the protection of the individual is to contribute to the effectiveness of the general principles of freedom of association, as one of the primary safeguards of peace and social justice".

In accordance with the values set out here, in fulfilling its responsibilities in this regard, the Organization must not flinch from discussion at the international level of cases that are such a nature that they may substantially affect the achievement of the purposes and objectives of the ILO, as set out in its Constitution, the Declaration of Philadelphia and the various Conventions on freedom of association.

The observation of the Committee of Experts adopted in 2024 and published in 2025 note the observations made by the COHEP and the International Trade Union Confederation (ITUC) on the reports relating to the Convention, and it is to its merit that the Committee of Experts has made comments this year and that, on the basis of these comments, our Committee has been able to select, as it has done, the case of Honduras for examination this year.

And it is understood that there are various aspects involved, many of which have already been referred to, including those relating to trade union rights and public freedoms, and those that fundamentally affect the life of persons, including the murders referred to above.

The Employer members wish to make it clear once again that they deplore the occurrence of murders of trade union leaders, and they are very concerned that many of them are still not resolved, even though much time has passed, which makes this a serious and urgent case. Employers have always been opposed to anti-union violence, in relation to both union leaders and employers.



With reference to the establishment and freedom of action of trade unions, the Committee of Experts also makes comments on the conformity with the Convention and calls for the modification of a series of provisions of the Labour Code, such as the provision which excludes agricultural and stock-raising enterprises that do not permanently employ more than ten workers, the prohibition of more than one trade union in a single enterprise, the requirement for at least 30 workers to establish a trade union, the requirement that officers of trade unions must be of Honduran nationality, the prohibition of strikes called by federations and confederations, the requirement of a two-thirds majority of the votes of the total membership of the trade union to call a strike and the authority of the competent minister to end disputes in the oil industry services. This adds up to a whole series of provisions of the Labour Code.

The Employers understand that it is necessary to amend these provisions, and that a formal proposal is required from the Government. It is important to go back to the agreements achieved years ago on these aspects, and the Employers insist that any reform must be undertaken within a tripartite framework with ILO assistance.

Honduras has been the subject of continuous monitoring by the supervisory bodies in recent years in view of the failure to comply with the Convention. This case must be considered urgent and serious as murders of trade union leaders have occurred, and in many cases the investigations have not been completed and due information has not been provided to the Committee of Experts nor, which is worse, to the social partners in the country. Structural differences also exist in the effect given to the Convention and we will refer in our conclusions to the measures that we intend to suggest to the Government so that it can overcome this situation and bring its law and practice into line with the Convention.

Worker member, Honduras – We wish to affirm that Honduras is moving steadily towards the reconstruction of its institutional framework, after over a decade of setbacks marked by violence, impunity and precarity.

The coup d'état of 2009, instigated by the most conservative economic and political groups in Honduras, created a climate of impunity and defencelessness, in which human rights defenders, including trade unionists, suffered multiple and serious violations of their rights – a situation witnessed by the international community. These circumstances had a serious impact on freedom to exercise the right to organize and to protest, resulting in various forms of anti-union violence, from cases of criminalization and illegal detention to the kidnapping and murder of our colleagues. It is clear that, for many years, the progress that we had achieved in terms of labour and social dialogue was stalled by this situation.

After 12 years of continued coup policies and the establishment of a narco-state, Xiomara Castro became the first female President of Honduras. During her term in office, various regulations and practices that had increased precarity in employment began to be reversed, and social dialogue and tripartism, which had been all but eliminated, were revived. As a result, trade unionism is gradually growing and becoming stronger, under democratic conditions and with respect for the institutional framework.

We recognize the political will that exists precisely in order to strengthen the institutional framework on labour matters, such as through the establishment of new regional labour offices in historically overlooked municipalities, providing more and better trained staff, by building their technical capacity, mediated by timely collective bargaining, without the usual delays of the past.



We express our satisfaction at the reactivation of COMCOVIA, a tripartite forum in which representatives of the three workers' confederations participate. For the first time in the history of Honduras, and under the leadership of the Ministry of Labour and Social Security, we have brought together public organizations and institutions with the sole purpose of addressing the impunity that exists in most of the cases of violence that occurred during the dictatorship, and of protecting the work of trade unionists and labour activists who, in their defence of workers' rights, are persecuted by groups that hold economic power in the country.

For the first time, human rights authorities, the Office of the Public Prosecutor (the Attorney General), the Supreme Court of Justice, and the National Police (Ministry of Security) worked together with the Ministry of Labour and Social Security, the trade union movement and organized employers, to address the violence that we face as unionized workers. These efforts led to the signing of an inter-institutional agreement between the Ministry of Labour and Social Security and the Office of the Public Prosecutor, which seeks to strengthen the criminal prosecution of offences against trade unionists. This began with the design of a special protocol for the investigation of crimes against trade unionists, which trade unions had been requesting for years, and which we hope will contribute to reducing impunity and to identifying not only the perpetrators but also the instigators of these crimes.

Concerning the comments made on the Labour Code reforms, we emphasize that currently in the National Congress there are no conditions for discussing amendments to the Labour Code, as, in our experience, this would lead to a reduction in labour rights and would even hamper the progress that trade unions have achieved. The ILO direct contacts mission, sent at the request of the Honduran trade union movement in 2019 and later in 2022, recognized the validity of our concerns, which were addressed, and in relation to which we, as the trade union movement, have adopted a unified and unwavering position.

We reiterate respectfully but firmly that any reform of the Labour Code must be agreed with the workers, as we consider that there are proposed amendments that would affect workers' rights, thereby breaching the spirit of progress regarding human rights and opening the door to potential conflict in terms of the organization of trade unions, which would weaken the unity that we have been building from the grassroots for many years.

Trade unions continue to resist the attempts by those with economic power to revert back to the government policies that increased precarity in employment. Today, in the National Congress, bills are being put forward that seek to eliminate job stability. These bills have not been approved, despite blackmail by power groups aiming to recover their privileges, at the cost of our rights as workers.

These efforts demonstrate social commitment to the application of the Convention, through strengthening social dialogue, reactivating tripartite forums and adopting specific measures against anti-union violence, in close coordination with the Office of the Public Prosecutor, the judiciary, the workers' confederations and organized employers.

Honduran trade unions recognize that much remains to be done. But we appreciate that, today, there are new conditions for strengthening the trade union movement, and for protecting those who exercise their right to organize, join trade unions and fight for workers' rights.

We reaffirm our willingness to continue to defend the principles of freedom of association and social justice, and to build a fairer, more equal country free of fear for workers.

Employer member, Honduras – Firstly, I welcome the information provided by the Government through the Secretary of State for Labour and Social Security. This case was



examined in 2018 and 2019 but the Committee of Experts issued multiple comments on a continuous basis between 2018 and 2024, in which it emphasized its concern about the alleged violence and threats against trade union leaders, the lack of effective investigations in the cases filed, and the lack of legislative amendments to the Labour Code to bring it into line with the Convention.

The comments also highlighted the lack of follow-up and enforcement of the tripartite agreement that was signed in May 2019 as a result of the direct contacts mission that year. The agreement sets out a number of commitments for the Government, including time limits and very specific actions, which have not been fulfilled in recent years.

It should be noted that the case of Honduras regarding this Convention is the result of a complaint filed in 2013 by worker representatives, which was supported by the CTH, and which addressed the serious issue of the death of trade union activists and serious violations of the right to freedom of association.

Since this case was first addressed in 2018, the private sector has always condemned any act of violence arising from participation in trade union organizations, regardless of whether they are workers' or employers' organizations, and we reiterate this today.

It should be noted that, in 2019, in the context of social dialogue, a tripartite agreement was approved, involving the creation of COMCOVIA, which had a promising start. In the same year, a meeting was held by the most representative social partners from the Office of the Public Prosecutor and the judiciary. However, from 2021 onwards, COMCOVIA was inactive, and no further meetings were held until March 2024, as a result of the Decent Work Country Programme promoted by the ILO. Yet, after this effort to reactive the above Committee, it was not until May 2025 that it reconvened. While the employers applaud this undertaking, it was the result of the Committee of Experts' report published this year, which must now be followed up. In the words of the Secretary of State, this will be a point of departure for compliance with the Convention as a fundamental Convention.

We underscore that, at the last meeting in May 2025, a public event was held and the rules of procedure of COMCOVIA were approved. The session was attended by the Attorney General and the Presiding Judge of the Criminal Court Chamber of the Supreme Court of Justice.

During that session, the Ministry of Labour signed an inter-institutional agreement with the Office of the Public Prosecutor to expedite and develop protocols for the investigations of the cases filed before this Committee. At the same session, it was also agreed, on a tripartite basis, that representatives of the Ministry of Labour and Social Security would be responsible for the coordination and technical secretariat of COMCOVIA.

At a later session, held by the COMCOVIA, a work plan and schedule of future sessions were presented, establishing that the subsequent meeting would take place on 27 May 2025 with a presentation by the representatives of the Office of the Public Prosecutor and the Supreme Court of Justice on developments in the cases reported in the corresponding complaint. However, this session did not take place.

As employers, we wish to express that it is indispensable for the social partners to be informed of any developments in the cases that have given rise to this case before the ILO. It is vital to determine, first and foremost, whether the deaths of the trade union activists were motivated by their participation in trade union organizations and, through due process, to convict all those who committed these crimes.



We emphasize that COMCOVIA agreed to carry out prevention campaigns against violence and condemning anti-union violence, thereby ensuring the sanctioning of any action that may restrict the exercise of freedom of association by employers and workers. This initiative will cover any acts of violence or campaigns promoted as hate campaigns against employers' and workers' organizations. To this end, the corresponding budgetary resources must be allocated; this objective must be achieved.

As Honduran employers, we would like to point out that, since the ILO direct contacts mission in 2019, there has been willingness to agree, on a tripartite basis, on amendments to sections 2, 472, 475, 510 and 541 of the Labour Code, as they are closely related to freedom of association. A need for ILO technical assistance has also been expressed in order to comprehensively review the Labour Code in its entirety and to adapt it to the new reality of work.

We wish to state that, since May 2025, COHEP has chaired the CES, where the change of presidency, which was due to take place in September, occurred in May. We take this opportunity to request the Government and workers to support the work plan approved in the CES, and to incorporate and consider the reactivation of MEPCOIT and Sectoral Committee on Decent Employment, and a work plan for the Law Commission and the working group on international labour standards.

We consider that including Honduras on the list of cases examined by this Committee represents a call for renewed action regarding the agreements that have been reached based on social dialogue, and based on the tripartite agreements that exist in Honduras. It is also a call for respect to be shown to the ILO, for the Government to respect the social partners and guide social dialogue in a respectful manner, with equal treatment for both employers and workers, and to follow up on a case in which we, as employers, stated in 2019 that commitment by all was required to comply with the agreement signed at that time.

As employers, we express our commitment to working towards compliance with agreements on a tripartite basis and to applying the Convention, for which we also require ILO technical assistance.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and Honduras have established a close relationship based on the Association Agreement between the EU and Central America which includes three main pillars, political dialogue, cooperation and trade. Through this agreement, the EU and Honduras have also committed to effectively implementing the fundamental ILO Conventions.

We remain deeply concerned about the numerous murders of trade unionists. We note the information provided by the Government regarding the status of the investigations and prosecutions for several of those murders. However, several of the investigations and prosecutions are still pending for murders that occurred more than a decade ago. We echo the call of the Committee of Experts that "justice delayed is justice denied" and request prompt action to ensure proper investigations and prosecutions for these serious crimes. We urge the



Government and all competent authorities to ensure an adequate and prompt protection for at-risk union members and to ensure that criminal courts prioritize anti-union violence cases. We also call on the Government to continue to report on the progress made in relation to the investigations and prosecutions for all cases of murdered trade unionists.

We welcome the actions taken to date to give effect to the tripartite agreement signed in 2019 after the direct contacts mission, including the recent measures taken for the revival of the COMCOVIA. We acknowledge two important milestones: the approval of the anti-union violence regulations and the signing of the inter-institutional agreement between the Office of the Public Prosecutor and the Ministry of Labour to accelerate the investigation and resolution of anti-union violence cases. We expect the Government to further strengthen the COMCOVIA in order to continue the work of consolidating and reviewing cases of anti-union violence. We also note the Government's indication that it has signed a collaboration agreement with the three trade union confederations to enhance their technical and operational capacity. We encourage the Government to continue to support trade unions and raise awareness of the right to freedom of association in the country.

To effectively combat anti-union violence in the country, we urge the Government to fully implement the 2019 tripartite agreement, to institutionalize and make effective the participation of the representative trade unions in the National Council for the Protection of Human Rights Defenders and to implement a special investigation protocol for addressing anti-union motives in acts of violence. We also call on the Government to continue to report on all measures taken on these aspects.

On legislative matters, we regret that the Government has still not amended several provisions of the Labour Code to comply with its obligations under the Convention, despite long-standing requests from the Committee of Experts. We strongly encourage the Government and all parties concerned to seek the technical assistance of the Office in order to swiftly resume the activities of MEPCOIT and to enable progress in the implementation of the requested legislative reforms. We emphasize the essential role played by this Committee in the resolution of labour disputes and call for tripartite dialogue to resolve labour issues.

The reform of the Labour Code should also take into account the concerns raised in the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), related to the adequate protection against acts of anti-union discrimination and interference, the right of collective bargaining of public servants not engaged in the administration of the State, and the restrictions for collective bargaining on trade union leave. We also recall that legal provisions prohibiting acts of anti-union discrimination and interference must be accompanied by effective and rapid procedures to ensure their application in practice, including dissuasive sanctions and effective remedial measures.

Finally, we echo the call of the Committee of Experts to the Government to provide information on the impact of certain provisions of the 2020 Penal Code on the exercise of trade union activities and on the consultation process initiated in this respect. We hope to shortly see significant progress in the resolution of the serious violations observed for several years and we encourage the Government to further engage with the ILO to fulfil its obligations under the Convention. We will continue to closely monitor the situation in Honduras and to support the Government in its efforts to comply with ILO Conventions.

Government member, Uruguay – I have the honour to make this statement on behalf of certain members of the group of Latin American and Caribbean countries, namely the **Plurinational State of Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Panama, Paraguay, Uruguay** and the **Bolivarian Republic of Venezuela**. We note and are grateful for



the information provided by the Government of Honduras represented by the Minister of Labour and Social Security.

We begin by acknowledging the progress made in relation to the protection of freedom of association and the right to organize in line with the Convention. We welcome the reactivation of the COMCOVIA through the approval of its internal regulations and the adoption of a work plan resulting from a tripartite agreement. Moreover, we note the adoption of the regulations in the CES, which will ensure the functioning of the MEPCOIT in accordance with the recommendations of this Organization.

We also welcome the extension of protection coverage through specialized assistance for trade unions at the national level. We particularly acknowledge the recent signing of the cooperation agreement with the Office of the Public Prosecutor, as well as the efforts to strengthen collaboration with the judiciary in order to reduce rates of impunity. We encourage the Government to continue and deepen these actions.

We take positive note of the efforts aimed at recognizing trade union leaders and the trade union movement as human rights defenders in accordance with the Act on the Protection of Human Rights Defenders, as well as the implementation of protection measures through the corresponding national mechanism.

We take note of the efforts made to strengthen the national legislative framework, including the adoption of the ILO fundamental Conventions and the consideration of labour and criminal law reforms and tripartite consultations in this regard.

We conclude by underlining the importance of ILO technical assistance to support the enormous efforts of the Government of Honduras aimed at strengthening decent work, social justice and tripartite dialogue.

Employer member, Costa Rica – We are addressing a situation that has been monitored continuously by the ILO supervisory bodies, in particular the Committee of Experts and this Committee. Repeated comments in recent years have identified persistent challenges, such as violence against trade union leaders, interference in the activities of organizations, and certain legislative aspects that restrict the full exercise of the right to organize.

As employer representatives, we reaffirm our commitment to respect for the fundamental principles of work and, in particular, to the importance of effective tripartite dialogue. In the case of Honduras, it is positive that the parties have signed agreements, such as the one resulting from the direct contacts mission in 2019, and that forums such as MEPCOIT have been encouraged. Similarly, we appreciate the openness demonstrated by Honduran employers in promoting reforms to sections 472, 475, 510 and 541 of the Labour Code.

However, with the frankness that this tripartite forum calls for, we must point out that the commitments made require continuity and follow-up. Although the recent revival of COMCOVIA is a step that could be a positive contribution, it is concerning that the Office of the Public Prosecutor and the Supreme Court of Justice have yet to present reports on the cases that are the subject of complaints. Transparency in these processes is essential to rebuilding institutional trust.

With full respect for the sovereignty of States, we consider it appropriate to note that this case has once again been taken up by the Committee following a complaint submitted by the workers. We regret that the lack of timely follow-up by the State authorities has prevented these concerns from being addressed through the national social dialogue mechanisms, which are precisely the appropriate forums for resolving such situations.



From the Costa Rican employers' side, we reiterate that strengthening tripartism is not only an obligation under the Convention but a necessary condition for the development of democracy – a principle we share with our counterpart organization in Honduras, COHEP. Employers' and workers' organizations should have genuine conditions in place to operate freely, safely and in a representative manner. In this regard, we urge that efforts be stepped up to give full effect to the Convention in Honduras, through the relevant legislative reforms supported by the employers and timely follow-up of cases by the State.

We make this call based on the conviction that only through mutual respect, cooperation and the strengthening of social dialogue can we build a fairer and more resilient future in our region.

Worker member, Spain – In recent history, Honduras has been afflicted by anti-union violence and high levels of impunity, which for years has resulted in systematic violations of the commitments made under the Convention. It should be recalled that the ITUC global rights index has repeatedly ranked Honduras as one of the countries in which labour rights are not guaranteed, expressly indicating that the State has not prevented certain systematic practices of repression against trade unions.

In this context, it is necessary to acknowledge that this year's report of the Committee of Experts notes significant progress in combating such violence. For example, the report refers to final convictions, the issuance of arrest warrants in cases of murder, and procedural progress in at least nine additional cases that took place between 2010 and 2020.

Similarly, the reactivation of COMCOVIA, as mentioned earlier in this discussion, constitutes a significant step towards institutional coordination, with meetings held in 2024 attended by the tripartite constituents and representatives of the justice system.

Likewise, the agreement signed with the three trade union confederations – also mentioned – should be acknowledged. It was concluded within the framework of the 2019 tripartite agreement and is aimed at strengthening their technical and operational capacities and raising awareness of trade union rights. The planned continuation of this instrument through 2024 and 2025 is a positive sign of institutional goodwill.

Nevertheless, based on the Committee of Experts' comments in its report, this progress should be scaled up and consolidated, as emblematic cases persist without updated information, including cases involving the murder of trade union leaders.

I began my statement by referring to the structural context of anti-union violence in Honduras in recent history. Today, we acknowledge the significant progress made in recent years, but we also draw attention to the pending issues that remain to be addressed to eradicate impunity once and for all and to guarantee a safe environment for the exercise of freedom of association.

In this regard, and considering the clear interest expressed by the Employers' group in relation to this case, we believe that Honduras is presented with a key opportunity. Although it is the State that must ensure compliance with the Conventions, anti-union violence largely persists within the private sector. That is why we trust that the Government will make use of the employers' expressed concern to promote a firm commitment by employers to eradicate all forms of anti-union repression and violence.

We therefore urge the Government of Honduras to continue to prioritize implementation of the Convention, by providing the necessary resources to justice and protection mechanisms,



and by strengthening social dialogue as an essential tool for guaranteeing freedom of association.

Government member, United Kingdom of Great Britain and Northern Ireland – I am speaking on behalf of **Canada** and my own country, the **United Kingdom**. We closely follow the human rights situation in Honduras, including the rights and safety of trade unionists. We recognize trade unionists as human rights defenders and underscore the vital importance of protecting their work as a cornerstone of democratic governance, sustainable development and social justice. We continue to monitor closely the cases of killings and attacks against members of the trade union movement.

We welcome the efforts made by the Government of Honduras to advance justice in cases of violence against trade unionists. Based on the information provided by the State to the Committee of Experts, we acknowledge the progress achieved, including the final sentence in the case of Claudia Larissa Brizuela Rodríguez, as well as the convictions issued in the cases of José Ángel Flores, Silmer Dionisio George, Donatilo Jiménez Euceda and Félix Vásquez. We note the issuance of arrest warrants in the cases of Héctor Orlando Martínez Motiño and José Adán Mejía Rodríguez, and the detailed updates provided on the ongoing investigations into nine other murders committed between 2010 and 2020.

However, we remain concerned that several cases, including those of Alma Yaneth Díaz Ortega and Uva Erlinda Castellanos Vigil, are still pending resolution. We encourage the Government of Honduras to continue its efforts to ensure that all remaining investigations and judicial proceedings move forward without delay, to guarantee timely and effective justice for victims and their families, and to reaffirm its commitment to the rule of law and the protection of trade unionists as human rights defenders.

We acknowledge the coordination efforts undertaken by the Government of Honduras to facilitate the meetings of the COMCOVIA held in April and May 2024. However, we encourage the authorities to expedite the appointment of a new Chairperson and to remove any remaining obstacles that may hinder the full and effective reactivation of this vital tripartite dialogue mechanism.

We encourage the Government of Honduras to continue advancing the implementation of the collaboration agreement signed with the three trade union confederations. Strengthening the technical and operational capacity of trade unions and raising awareness of trade union rights and freedoms is essential to ensuring meaningful participation and long-term progress.

We encourage the Government of Honduras to reactivate the technical bodies responsible for discussing much-needed reforms to the Labour Code, which are essential to ensuring that trade union activity is more accessible and aligned with international labour standards.

We welcome the continued efforts of the Government of Honduras to implement the recommendations of this report and to uphold its commitments to the groups concerned. We sincerely hope that further decisive action will be taken to ensure full compliance with the Convention and to guarantee the protection of trade union rights in law and in practice.

Employer member, Guatemala – The Committee of Experts expresses concern in its report regarding the lack of progress in the investigation of cases of violence against trade unionists and the reporting of new cases. It is essential that Honduras step up its efforts to pursue the investigations, punish those responsible and determine whether the motive for the crimes is related to the victims' trade union activities. They also express concern about the lack



of progress on several aspects related to previous comments, particularly the lack of follow-up to the tripartite agreement signed in May 2019 following a direct contacts mission, which establishes a number of commitments for the State of Honduras, such as the establishment of the COMCOVIA, which has not functioned regularly since 2021. Lastly, it expresses concern regarding the lack of alignment of certain provisions of the Labour Code with the Convention, a matter that falls within the scope of the CES through its technical bodies, which have seen very little activity in recent years.

The common denominator of the difficulties would appear to be the Government's lack of willingness to engage in tripartite consultations through the bodies that have been established for this purpose for years, including as a result of ILO supervisory mechanisms. We therefore call on the Government to convene, regularly, systematically and in good faith, the national social dialogue bodies, where the Honduran social partners should seek solutions to the challenges raised, including reforms to ordinary legislation in accordance with their reality and needs.

Worker member, Brazil – As I take the floor, I am pleased to be able to reflect on a case of progress regarding observance of the Convention: a case that reflects the importance of political will and a democratic climate in which social dialogue can take place; and an example of the ability to transform reality through commitment to international labour standards and technical support from the ILO.

Indeed, after more than ten years of authoritarian and violent governance in the country, the first woman President of Honduras, Xiomara Castro, took office in January 2022. During her term, various regulations and practices that were making employment precarious have begun to be reversed, and social dialogue and tripartism, which had been almost eliminated, have been revived. In addition to reviving intersectoral dialogue forums, such as the CES and COMCOVIA, she has presented her decent work programme for the 2024–27 period, highlighting the priorities agreed upon by the tripartite constituents of the ILO.

Thus, under democratic conditions and in respect for institutions, trade unionism in Honduras is growing again, focusing on trade union action rather than merely surviving and defending itself.

In this regard, it is important to recognize the Government's efforts to strengthen the Ministry of Labour and Social Security. New channels of work were created by setting up regional offices in historically neglected municipalities; labour inspection was improved, not only through a quantitative increase in personnel but also through an increase in technical capacities; the tasks of documenting new trade unions and employers' organizations and mediating collective negotiations were intensified, thus avoiding the delays to which the trade unions had become accustomed.

I would also highlight the reactivation of COMCOVIA as a tripartite forum which, under the leadership of the Ministry of Labour and Social Security, brings together public organizations and institutions with the aim of counteracting the impunity that exists in most cases of violence committed during the dictatorship and also of protecting the work of trade unionists and labour activists who suffer persecution on account of their work in defence of human rights.

Within this framework, an institutional agreement was signed between the Ministry of Labour and Social Security and the Public Prosecutor's Office with the aim of strengthening the criminal prosecution of crimes against trade unionists, which includes the creation of a special protocol for investigating crimes of anti-union violence.



It is therefore clear that the arrival of the Government of President Xiomara Castro is enabling the gradual creation of measures and strategies to ensure trade union freedom and also to improve the working and living conditions of workers.

Government member, Plurinational State of Bolivia – The Plurinational State of Bolivia welcomes the distinguished delegation of the Government of Honduras and expresses its gratitude for the information presented by the Minister of Labour and Social Security regarding the measures taken to protect freedom of association and the right to organize. We have listened carefully to the information provided and the measures adopted by the Government. Accordingly, the Plurinational State of Bolivia commends the progress that Honduras has made in the application of this Convention, something which is also recognized in the Committee of Experts' report.

In particular, we would like to highlight its efforts to recognize trade union leaders as human rights defenders. We also welcome the reactivation of the COMCOVIA, among other actions that have already been described, which clearly demonstrate that there is political will on the part of the Government to rebuild its institutions and strengthen its legislation to protect the rights of unionized workers and fight against impunity. We encourage the Government to continue its efforts to implement the Convention.

In addition, we take note of the recommendations made. The Plurinational State of Bolivia considers it important to emphasize that any measures recommended to governments, including legislative reforms, require tripartite consensus and these measures must take this important fact into account.

For the Plurinational State of Bolivia, the protection of unionized workers' rights is a priority and is guaranteed by our Constitution. Furthermore, we reject all acts of anti-union violence, which is why we consider it of great importance to avoid any kind of politicization of these sensitive issues in our Organization and to support efforts to ensure proper observance of the Convention. We encourage the Committee to continue its work in coordination with the Government and to promote constructive approaches towards all social actors. We consider it of great importance that the recommendations made in our Organization, far from deepening differences, should always promote mutual respect and constructive dialogue.

Employer member, Panama - The Republic of Honduras ratified the Convention on 27 June 1956. Consequently, under article 19(5)(d) of the ILO Constitution, it must adopt the necessary measures to give effect to the provisions of the Convention, in addition to submitting periodic reports on its application and implementation. This case was initiated at the request of the workers' trade union movement in 2013, and was examined in this house in 2018 and 2019, on the latter occasion in conjunction with a direct contacts mission which took place from 20 to 24 May 2019.

The purpose of the mission was to evaluate the situation of freedom of association in the country and to promote tripartite social dialogue to address the shortcomings identified.

The deaths of 22 people for alleged participation in the trade union movement have not yet been clarified. The employers do not endorse or tolerate violence, regardless of where it comes from or against whom it is directed, because the life and physical integrity of individuals are non-negotiable. Hence we consider that the investigations must be completed and those involved must face trial with judicial independence, guaranteeing them due process, the right of defence and the presumption of innocence, and convicting those responsible, whoever they may be.



With regard to the request for reforms to the labour legislation to bring it into line with the Convention, the employers have no objection to tripartite social dialogue taking place with a view to revising the Labour Code of Honduras to adapt it to new realities. The world has changed and continues to change on account of artificial intelligence, robotics and technology. Countries that fail to adapt to these changes run a serious risk of being left behind.

In this regard, Honduras ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), on 12 June 2012. The Government must therefore launch a tripartite social dialogue body with clear objectives, with the participation of the most representative workers' and employers' organizations, to ensure that its objectives are achieved and that social security and social harmony are established in the country.

Worker member, Peru – As indicated by the Committee of Experts, compliance with the Convention requires the Government to make legislative amendments, specifically to the Labour Code and the Criminal Code. We believe that adapting a country's national legislation to ILO Conventions and Recommendations goes hand in hand with normative coherence to comply with ratified Conventions.

Such action by the State, whether through Parliament or the executive, must be taken in line with the principle of the progressivity of rights, since fundamental labour rights cannot be weakened or limited on the pretext of legislative amendments; legislative reform must therefore be progressive to ensure that rights are protected and improved gradually and sustainably. We request the continuation of the ILO's support and technical assistance so that the Government may comply with this observation. In that regard, we note that the Honduran workers do not oppose the updating of regulations, but they have highlighted, during the process, signs that the applicability of labour rights may be at risk. Any modernization process must be undertaken with caution, full participation and explicit guarantees of non-regression; for the Honduran workers this is the path to be taken.

We have also noted some progress, referred to here as a point of departure, which we welcome. We in the trade union movement will monitor both the continuation of that progress as well as the implementation of the relevant measures.

In that regard, we note that we have heard the employers agree with lifting the restrictions on freedom of association in Honduran regulations, which we understand will be harnessed in tripartite social dialogue.

The progress that we have noted includes the creation of the Specialized Trade Union Support Office within the General Labour Inspectorate, the digital platform that streamlines the labour administration processes undertaken by trade union organizations and processes linked to the ratification of the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Conventions Nos 155 and 187 were ratified through tripartite consultation within the CES. We hope that the reforms to the Criminal Code are finalized as quickly as possible and that social protest is decriminalized. We therefore request the Government to provide follow-up to its commitments under the Convention.

We also believe that it is important to continue promoting the adoption of the Labour Procedure Code, which is pending in the National Congress, since the Code of Civil Procedure is currently being applied to labour rights matters as a stopgap measure. The Labour Procedure Code must be debated in a tripartite forum, guaranteeing the balance of interests and the effective participation of trade union organizations.



We hope that the Government will continue to demonstrate its commitment to the matters raised by the Committee of Experts, aligning its legislation and practice with the Convention.

Government member, Colombia – In cases such as the one we are addressing today in this Committee, with the appearance of a government like the Government of Honduras, we see how this exchange and dialogue is an opportunity to verify the spirit of collaboration of governments that take seriously compliance with their commitments towards this Organization and the protection of workers' rights, as we believe is undoubtedly the case with Honduras.

Colombia welcomes the fact that the current Government of Reconstruction, led by President Xiomara Castro and her team, has worked tirelessly to consolidate democracy and institutions by undertaking reforms and implementing policies intended to seek and achieve social justice, decent work and citizen participation.

Honduras is among the progressive governments in our region with which we identify. It has focused its action on implementing social policies intended to abolish the models of exclusion and discrimination that have been dominant in our region; that is why we are here today, in this room, to support this tripartite dialogue. We believe that the efforts that Honduras is describing today will build the foundation for the change for which its citizens have longed, and for which there is a pressing need.

Colombia identifies with the broad and in-depth efforts made by Honduras to combat anti-union violence and ensure respect for freedom of association, for example by reviving and strengthening COMCOVIA through the unanimous adoption of the 2025 work plan.

All progressive governments in our region make enormous effort to obtain approval for reforms, their introduction and their implementation while seeking equality of opportunity, combating inequality and promoting social justice and respect for human rights. In most cases this has not been an easy task.

We know that we are facing political and social dynamics and traditions that would prefer to maintain the dominant economic and social status quo, the rules of the past and the privilege acquired by some. Governments such as the Honduran Government, however, continue to move in the right direction.

Honduras has taken many actions, which have been presented in detail to this Committee. Today it has shown us that it has carried out serious and continuous work to uphold the rights and principles set out in the Convention. Honduras has recognized trade unions as human rights defenders, an unequivocal sign of how a true democracy is built. Colombia supports the efforts of Honduras and will continue to work with it in coordination with the ILO to bring about social justice and combat inequality. We believe that the efforts of Honduras should be considered an example of serious and consistent effort to comply with commitments towards this Organization.

Worker member, Italy – I would like to refer to the comments made by the Committee of Experts regarding a matter of priority: the reactivation of COMCOVIA, a tripartite body whose basic objective is to promote institutional commitment to eradicating violence against trade unions and trade unionists. The Committee on Freedom of Association and the Committee of Experts have set out clear criteria regarding what constitutes anti-union action and also regarding the need for States to adopt effective legal frameworks.



COMCOVIA did not spring up from nowhere. It has its roots in one of the most relevant social dialogue agreements of recent years: the tripartite agreement reached in 2019 motivated by the ILO direct contacts mission to Honduras. In that context, employers, workers and the Government recognized the urgent need to guarantee minimum levels of safety for the full exercise of the right to organize. The agreement therefore constitutes the result of a process of social dialogue undertaken precisely to provide institutional responses to the alarming levels of anti-union violence.

Abandoned institutional structures become weak, and for this body to fulfil its mandate there is a need for ongoing political will, sufficient budgetary allocations and sustained operations.

The recent adoption of the rules of procedure for the reactivation of COMCOVIA represents a key regulatory step since it gives that tripartite body a legal basis that allows it to function systematically and effectively. Its reactivation not only fulfils international commitments assumed by the Honduran State, particularly under the Convention, but also constitutes a concrete measure to address the serious acts of violence that have historically affected the trade union movement.

The Committee of Experts has been categorical: “justice delayed is justice denied”. The cases of trade unionists murdered more than a decade ago, who today remain without justice, are an affront to democracy and a violation of basic rights, giving rise to non-compliance with international obligations. The recent progress made with regard to the functioning of COMCOVIA is therefore positive.

We request that the pending cases are addressed as a matter of utmost priority by the competent Honduran courts, that the Committee is informed of the progress made and that full, real and unhindered access to justice is guaranteed to the victims and their families.

Worker member, Argentina – We wish to reaffirm that social dialogue is not only an essential principle of this Organization, but also a vital tool for advancing towards decent work, social justice and the democratization of the world of work.

For years, Honduras has been faced with adverse circumstances for the exercise of freedom of association, marked by reprisals, persecution and anti-union violence. Therefore, we welcome the treatment of this case in this Committee as an opportunity to follow up and consolidate progress that is beginning to open spaces for institutionalized dialogue.

We recognize the recent efforts of the Government to reactivate tripartite social dialogue mechanisms, such as the CES, MEPCOIT and COMCOVIA. We wish to highlight and support, in particular, the statement of the Committee of Experts in its last comment, in which it emphasizes the essential role that the MEPCOIT must play in the resolution of labour disputes and the importance of it resuming its activities on a regular basis.

We note that, according to official information, on 17 May 2024, the MEPCOIT rules of procedure were adopted in a tripartite manner, within the framework of the CES, and that COHEP has expressed its intention to reactivate all the technical bodies attached to the CES upon taking up the presidency of this Council from October 2024. It came to our attention that, in the first ordinary session of the CES this year, it was agreed to continue the social dialogue.

In this context, we urge that the regular functioning of MEPCOIT be guaranteed within this institutional framework. In this way, we hope that a supported space can be established with verifiable results, and a rigorous approach to the resolution of labour disputes.



It is fundamental to recognize the institutional efforts that have been made, without failing to issue clear and verifiable recommendations that enhance the effective compliance with the Convention. We consider, however, that it is important to intensify the call to the Government to guarantee the stable and effective functioning of the tripartite dialogue space of MEPCOIT.

Social dialogue must be reflected in sustained, institutional practices that are aimed at ensuring freedom of association, collective bargaining and the effective protection of workers.

Government member, Panama – Panama welcomes the efforts made by Honduras to comply with its international obligations under the Convention and trusts that the Honduran authorities, in dialogue with the social partners and with ILO technical support, will continue to strengthen their institutional capacities to make progress in the effective application of labour standards.

We appreciate the meeting of State institutions, workers' confederations, employers, human rights bodies and the ILO, which successfully reactivated CONCOVIA, with the adoption of consensus-based rules of procedure.

We welcome the establishment of a Specialized Trade Union Support Office, attached to the General Labour Inspectorate, operating in various cities in the country.

In the Council of Labour Ministers of Central America and the Dominican Republic, Honduras referred to its progress in the ratification of other international Conventions and its efforts to implement the Convention, thereby extending its overall commitment to fundamental labour rights.

We are aware of the progress made and we know that there are challenges to overcome every day. We believe that Honduras, together with ILO technical support, can work to build a safer environment for workers and businesses in Honduras.

Panama expresses its support for this process undertaken by Honduras and urges for the current efforts to be recognized.

Government representative – I appreciate all the observations, comments, concerns and recognition expressed by all the speakers before me. I also appreciate the employers' concern about compliance with the Convention in Honduras.

We believe, with regard to the proposed reforms to the Labour Code, that we have taken the first step in convening the workers' representatives, which in Honduras is through the three workers' confederations, the CGT, CTH and CUT, for an open dialogue in which they can express their position in relation to the recommendations for reforms to the Labour Code.

In this regard, and in line with the information provided to the Committee, since 2019 the three confederations have expressed their position of reservation to the reforms. They consider that, especially during this political period the country is facing, introducing reforms to the Labour Code entails a risk that would be to the detriment of their labour rights, especially due to the expressed political will to return to the hourly contract model for workers, which in 2022 was overturned. That is to say that the law on hiring by the hour was repealed. There is new political will to return to a regressive hiring model relating to labour rights, particularly regressive for the protection of the right to organize.

A temporary hourly worker cannot exercise the right to freedom of association and therefore the confederations have maintained that this is not the right time for this change. We nevertheless continue to express our willingness to engage in tripartite dialogue to determine the necessary legislative reforms to comply with the Convention.



Turning to the sad and regrettable cases in which workers' lives were taken because of their union activity – their political activity – we express our commitment to, in the future, take certain action to compensate and investigate in order to fight impunity. However, we point out that during this period there has been a total reduction of these cases, as reflected in the report. Most of these cases concern the period of the narco-dictatorship regime the country experienced, which we have left behind and which for workers gave rise to the situations that we have discussed today in this room.

We believe that the position expressed by the Secretary of Human Rights in the country is tangible historical progress. It was expressed in two ways: officially, stating the interpretation of the application of the Act on the Protection of Human Rights Defenders and, on the other hand, by applying the protection measures to trade union members who demanded it. This is a historic breakthrough in relation to the recommendations given for the application of the protection mechanism for trade union members.

The agreements signed between the Secretariat of Labour and the Office of the Public Prosecutor, as well as the agreement being prepared between the Supreme Court of Justice and the Secretariat of Labour reflect the commitment of these institutions of the executive authorities, and a constitutional body. This has been possible only due to the change of the authorities on these bodies. Hence, this year, the new office holders of the Office of the Public Prosecutor through the Attorney-General have shown the determination of the authorities through their presence:

First, the recognition that there has been anti-union violence in the country.

Second, a commitment to investigate, through the specialized support and the prosecution of offences, cases of violence due to the exercise of the right to organize.

Regarding the Supreme Court of Justice, we are preparing and designing an institutional mechanism to specifically address cases that have been prosecuted or will be prosecuted, so that these cases are not affected by delays in the justice system and we see prompt judicial responses to cases of anti-union violence. But the right to organize – its freedom and protection – involves, along with these timely and necessary recommendations, commitment and conviction in the democratic role played by the trade union movement in our country.

For this reason, the Secretary of State, Labour and Social Security, has promoted a programme for the modernization of labour relations, one part of which addresses the digital modernization of access to labour administrative justice, but also access to the institutions that protect and regulate union organization. We took the decision to digitalize the establishment of a trade union's legal status, changes to its board of directors, and the registration of its collective agreement, which in the past has been slow or, or in the case of the establishment of unions, hampered. Today, all this has been eliminated. This is an iron-clad commitment towards the democratic organization of society, of which trade unions are an expression. This digitalization implies prompt access without delays, and above all is a way of exercising freedom to organize without prior authorization. That is to say, it is possible to organize from anywhere. There is no need to travel to the capital and no cost to the union. We have also promoted a modern digitalization programme for processes relevant to employers, including the digitalization of internal work regulations and of requests for attestations from the General Labour Inspectorate; and we have eliminated the backlogs relating to internal work regulations. Further, where in the past there were deadly events, today the social policy of President Xiomara has equipped these localities with state offices which must protect the rights we are discussing today, because it is also an act of violence to refuse access to workers or to any person wishing to organize to a state institution, and to have no presence of such an



institution in places where the majority of the population is working, particularly in industrial sectors.

Hence there are plans to open offices of the Ministry of Labour aimed at protecting all labour rights, and ultimately at harmonizing the relationship between capital and labour, where disputes in the workplace can be aired under the protection of the Constitution of the Republic, the Labour Code, the ILO Conventions, in the offices of the Ministry of Labour.

We believe in tripartite dialogue and it is tripartite dialogue that has enabled us to advance in Honduras.

We wish to highlight the adoption, in the CES, of Conventions Nos 189 and 190. We have already begun work in the technical working groups for the preparation of views in the working group on international labour standards on fundamental Conventions such as Conventions Nos 155 and 187.

We have been respectful and followed procedures. We believe that this is also the path of consultation our democracy needs, and that the three parties must come to an agreement, keeping in mind the country, and harmony among the three parties.

We have also signed the decent work programme, in a tripartite manner, which had not been in force since 2015. The programme gives the three parties direction as to the path to follow to protect work, generate employment in the country and ensure agreement in the institutional channels. It also encourages workers' job stability, and this guarantee of stability also gives rise to a guarantee of unionization.

We are grateful for the recommendations provided, agree with them and consider technical assistance to be timely to continue moving forward. As I have said, it is not a point of arrival but a point of departure. It is fundamental in this institutional expansion being carried out in the Ministry of Labour to have assistance in training workers in the new Department for the Prevention of Occupational Hazards under the General Labour Inspectorate in order to protect and guarantee the rights of workers and employers. We believe that the simple fact of having this dialogue strengthens our tripartite relations, the communication channel and the way in which we advance in Honduras towards decent work, with respect for the international Conventions and, particularly in this case, guides us in upholding the Convention.

Employer members – I have the impression that there is consensus in this room that the Government is demonstrating willingness to begin along the path to alignment with the Convention, and that as the social partners we must try to work with the suggestions that the Government could adapt to achieve full alignment with the Convention in law and in practice.

Of course, much work will have to be done to that end, because some of the suggestions made here would not help us to achieve those results. But I am sure that given all the references made to social dialogue, and provided that that social dialogue is effective, undertaken in good faith and involves all parties – because it would seem that social dialogue does not currently involve all parties – that the Government and the social partners will be able to overcome this situation. I am optimistic and the Employer members are sure of this. I want to insist that this is a very important Convention, a fundamental Convention for this Organization, a fundamental Convention for trade union activity, a Convention that transcends the workers and applies to the employers, and I believe that we all must be committed to it.

Moreover, this case emerged initially owing to a complaint from the workers, but beyond that it emerged through reports submitted under this Organization's normal monitoring procedures in which the social partners of both COHEP and the ITUC made comments on the



reality of legislation and practice in Honduras with regard to the Convention. We are therefore optimistic, and we are going to try to adopt a collaborative spirit in this case.

We also wish to emphasize that, for us, what is essential is the subject of anti-union violence in relation to workers, although we may also have to call for action for employers, if necessary, in view of the murders of trade union leaders, many of which have still not been resolved despite the time that has elapsed. I would like to state that the Employer members emphatically reject the insinuations made here that the murders of trade union leaders could be down to the private sector in Honduras. We have said that we believe the matter to be serious and urgent, we have said that we reject any form of violence and, what is more, we base ourselves on what the Secretary of Labour of Honduras has said here, that the cases being investigated, that have not yet been resolved, relate to a period between 2007 and 2017 – I do not remember the years exactly, but years ago – and are linked to matters related to the State or to the Government of the time. So I want to voice that rejection emphatically.

The employer members would like to kindly suggest some measures through which the Government could overcome this situation. First, we would request the Government to adopt specific and rapid measures to ensure that COMCOVIA resumes its meetings permanently and continuously. This is a vital matter: COMCOVIA needs to become an official institution, to have its work programmes and its schedule of meetings, but those activities must be permanent and ongoing and enjoy the full participation of workers and employers, above all without forgetting the budgetary aspects that may be involved.

We would also suggest that the Government implement, as a matter of urgency, the special protocol for investigating the terrible cases of violence and murder that we have mentioned. This needs to be put into practice and produce results quickly.

The Government should also ensure priority treatment for these cases in the criminal courts. The Government has said that it is willing to provide quick and effective protection to trade union members. I would add that this is welcome, particularly if it should be needed for employer representatives; there are episodes that date back more than ten years.

The Government should therefore implement measures swiftly, including budgetary measures, to comply fully with the 2019 agreement. Furthermore, given that there are situations that could give rise to disagreement between the Government, trade unions, employers and the Committee of Experts, the Government should accept the ILO's technical assistance to reactivate all the technical working groups under the CES. That technical assistance should also serve to strengthen tripartite dialogue, for which there is a vital need in the country, and to give effect to the reforms requested by the Committee of Experts.

In particular, MEPCOIT, which was founded to create a national space that ensures that conflicts do not become drawn out, spiral out of control or go beyond the national level, represents the best forum for parties to resolve those disputes themselves, and that is the appeal that we make.

Furthermore, it is vital that the Government provides information that is as detailed and thorough as possible and reports to the Committee of Experts on the progress made in investigations in the criminal cases so that they may be analysed and processed within the ILO in order to provide guidance for the future. The Secretary said that it was a point of departure, and we are pleased at that, but now we have to break into a bit of a trot, a bit of a gallop, that gets us back on the right track with the Convention as quickly as possible.

We urge the Government to take advantage of the opportunity to demonstrate its specific political will, now and in the future, to comply with the Convention in legislation, with the



necessary legislative changes that are required of it, and in practice, because there are many changes that also need to be supported by practice in the country.

The Convention demands that progress be made, I would say immediately, in terms of tripartite dialogue, because that is how we do things in this Organization, and we have to move towards a tripartite dialogue that is genuine, that is undertaken in good faith, and in which all actors involved in labour relations must participate, as well as the Government, of course, with its guides: the workers and the employers. Only in this way do we think that there is a possibility that Honduras may benefit from this situation as described in the complaint and from which we are sure that, with joint work, it will be able to move forward.

Worker members – We have witnessed a profound and constructive exchange of visions and in our view this type of discussion strengthens the standards supervisory system. We therefore give particular thanks to the Government for its participation and the explanations provided, the Employers' group and our own delegates. We believe that this plurality of views is not an obstacle, but a source of legitimacy for the Committee's conclusions. Open discussion, based on technical comments, as well as political experience and political decisions, means that this case, as well as others, are not examined in the abstract, but are founded in the context of genuine processes at the current time, which allows us all to have the necessary knowledge to understand the situation.

We are grateful for the intervention by the Minister of Labour of Honduras, which has allowed us to update the information contained in the report of the Committee of Experts, ensure that we are talking about the same thing and that we have before us a case that is evolving, as it has been described. However, we have all seen that, although progress can be noted, many more indicators and signals are required, as we indicated in our opening remarks.

The report of the Committee of Experts, which as usual we value for its technical depth, also notes a series of shortcomings in the application of the Convention that need to be remedied, as well as acts of violence, as described by everyone. With a view to being brief, the fact that it is Saturday, and I am the last to speak, I will try to be specific and note that everyone has referred to these matters and is aware of them.

Nevertheless, as we already noted, the report refers to the opening of tripartite spaces, the adoption of measures to improve the institutional capacity of the Ministry of Labour, coordination with other State institutions in relation to anti-union violence, as a central theme on which we place great emphasis, along with the will to review administrative procedures relating to freedom of association. These are all specific aspects that cannot be overlooked.

But there can be no doubt that important challenges remain, even while we recognize the efforts made. There has been agreement, as just noted by the Employer spokesperson, and it is precisely in such cases, where there is a willingness to make changes, and there is agreement, that the support of the Organization takes on the greatest value.

The Committee of Experts covered all the points that we have raised, and we believe that the conditions exist today to achieve full compliance with the Convention, both for the application of the rights and duties of workers, and those of employers, who also have to allow the full exercise of the freedoms set out in the Convention, as well as the Government, which is the reference for the measures that have to be taken and will need to continue taking the necessary action and providing information to the Committee of Experts.

We do not therefore wish to delay the process, but hope to support the commitment shown by continuing to promote inclusive tripartite procedures with a view to the adoption of



legitimate reforms on a participatory basis, in line with the recommendations made in this case.

As workers, we are often told that political institutions are not the places to discuss legal provisions, but I believe that the arguments put forward to quell discussion are risky. We therefore call for reform based on dialogue and hope that it can be achieved.

We request the Committee to recognize the progress made, the processes that are leading to progress, but also to point out the issues that are pending and to urge the Office to continue providing technical assistance, which must not be seen as a secondary tool, but as an essential part of the supervisory system.

We will continue to follow the case and we encourage the Government of Honduras to consolidate the progress achieved, accept further technical cooperation and, in particular, to work with the social partners to develop a clear road map with time schedules, objectives and regular evaluation, and which is based, as we said in our opening remarks, on the recommendations of the Committee of Experts, which has been clear in its conclusions, so that we can follow the road map.

Conclusions of the Committee

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

The Committee expressed deep concern over the murders of union leaders and the delayed investigations and prosecutions thereof. The Committee also expressed the need for urgent action to strengthen institutional social dialogue. The Committee considered this case urgent and serious.

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

- **ensure the implementation of the Convention in law and practice through social dialogue free from violence and intimidation; strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice;**
- **initiate legislative measures and reforms to the Labour Law Code, in full consultation with the most representative employers' and workers' organizations, considering the recommendations of the ILO supervisory bodies, to guarantee the full compliance of national law and practice with the Convention and to provide budgetary support;**
- **reactivate the Economic and Social Council and its technical committees and ensure there is adequate financial support and budgetary allocation;**
- **institutionalize and make effective the participation of the most representative worker's and employer's organization in the National Council for the Protection of Human Rights Defenders;**
- **ensure that the Conflict Prevention Mechanism before the ILO (MEPCOIT) resumes its activities regularly;**
- **ensure that the Committee on Anti-Union Violence can perform its role and conduct, without delay, independent investigations and proceedings against perpetrators of criminal acts against trade union leaders and provide up to date information on the**



number of investigations, prosecutions, convictions and penalties imposed to the Committee of Experts.

The Committee urged the Government to avail itself, without delay, of technical assistance from the Office to ensure compliance with the Convention in law and practice.

The Committee requested the Government to submit a detailed report to the Committee of Experts with information on the application of the Convention in law and practice by 1 September 2025.

Chairperson – I have the honour of giving the floor to the distinguished representative of the Government of Honduras.

Another Government representative – Honduras reiterates its firm commitment to promoting decent work and the protection of labour rights in light of the Convention.

We note the observations of the Committee on the discussion of our case, which will be examined carefully in light of our national situation and in accordance with the reforms that have already started to be implemented under the leadership of President Iris Xiomara Castro. The Government of Honduras reiterates its condemnation of any form of anti-union violence and reaffirms its determination to combat impunity so as to guarantee the right to freedom of association and the effective protection of those who are active in the defence of labour rights.

Honduras notes the recommendations relating to the National Council for the Protection of Human Rights Defenders. In this regard, we reiterate that it has rules and an institutional structure that allows it to not only recognize union leaders as human rights defenders, but also to guarantee access to protection measures, thereby closing gaps in the protection of human rights.

With reference to the reform of the Labour Code, we will continue to work in coordination with workers and employers to carry out the necessary reforms to guarantee the protection of freedom of association and the right to organize in Honduras. Nevertheless, we wish to recall that, as indicated in the Committee and in the information shared previously, the Government considers it fundamental to achieve tripartite agreement on the legislative reforms recommended by the Committee. Honduras is committed to carrying out exhaustive consultations which give the best possible guarantees that our national legislation is viewed favourably by all the partners engaged in tripartite consultations.

Finally, we reiterate the importance of the technical assistance provided by the Office with a view to continuing to move forward towards the protection of the rights of the workers of Honduras, and we emphasize the importance for this Committee to confine itself strictly to objectives and impartial criteria that faithfully reflect the issues discussed in the Committee and the information that we have provided over the course of time. Honduras is prepared to continue working with the Organization and with workers' and employers' organizations on the basic issues in this case, which are the murders of trade union leaders when engaged in the defence of labour, civil and political rights. We express our full commitment and determination and our gratitude for any support in the form of technical assistance that can be provided by the Office and friendly countries.



Hungary (ratification: 1957)

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

Written information provided by the Government

The Government is committed to the full implementation of the Convention and to safeguarding freedom of association and the right to organize, as well as to the protection of workers' rights.

The legal system provides adequate guarantees for the freedom to exercise trade union rights. The Government holds regular consultations with the national-level representative organizations of workers and employers on matters concerning the world of work, and remains open to adopting justified measures to respond to possible deficiencies in legal practice.

The Government considers the effective functioning of the ILO supervisory mechanism to be of great importance. In this context, it submits its national report to the ILO each year on the implementation of the relevant ratified Conventions and Recommendations, and it remains open to consultations with the ILO.

Regrettably, the Government has failed to provide a detailed response to the Committee of Experts' observations regarding the implementation of the Convention during the 2024 national reporting cycle. This written reply aims to remedy that omission and to reaffirm the Government's willingness and commitment to further national-level dialogue on the matters raised in the Committee's observations.

As for the consultations held with the social partners, it should be noted that the Permanent Consultation Forum of the Private Sector and the Government (VKF) was established in 2012 and has since become a prominent platform for social dialogue. Following consultations with the social partners, the rules governing the organization and functioning of the VKF were formally codified by government decree in 2024. The activities of the VKF focus primarily on wage policy, employment policy and general issues concerning the world of work. Negotiations on the minimum wage and the guaranteed minimum wage also take place within this forum. The Government provides substantial financial support to national social partners from both the national budget and European Union funds.

Freedom of expression

Freedom of expression is considered a fundamental right protected and ensured by numerous international, European and national legal instruments. In Hungary, the entire legal system serves to protect fundamental rights, including freedom of expression.

Article 10 of the European Convention on Human Rights and Article IX of Hungary's Fundamental Law state that everyone has the right to freedom of expression. However, it is clear from current regulations that this fundamental right is not absolute and may be restricted under certain conditions. Regarding the restriction of freedom of expression, Article 10(2) of the European Convention on Human Rights and Article IX(4) of the Fundamental Law provide guidance.

Judicial practice is also of great significance in assessing this fundamental right, as numerous decisions have been made by the European Court of Human Rights, the Court of



Justice of the European Union, as well as at national level, including the Constitutional Court. These decisions define the concept, limits and criteria for assessing freedom of expression in the context of various personality rights.

In accordance with Article 10(2) of the European Convention, the European Court of Human Rights has established the criteria under which national authorities of the contracting States may restrict freedom of expression.

The fundamental right may be restricted if all of the following three conditions are met:

- (1) The interference – whether a “formal requirement”, “condition”, “restriction”, or “penalty” – is prescribed by law;
- (2) The interference must have a legitimate aim (for example, national security, territorial integrity, public safety, prevention of disorder or crime, protection of health or morals, protection of the reputation or rights of others; preventing the disclosure of information received in confidence, or maintaining the authority and impartiality of the judiciary);
- (3) The interference is necessary in a democratic society, meaning that the necessity and proportionality test must be applied.

As a first step, there must be an examination to determine whether there is a legal basis for the interference and whether such a law is publicly accessible, comprehensible, consistent and predictable. Regarding workers’ expressions of opinion, Hungarian regulations clearly define the reference points in Act I, section 8 and section 9(2), of the 2012 Labour Code. Section 8 of the Labour Code also defines the legitimate aim of the interference, namely the protection of the employer’s reputation and legitimate economic interests. The third criterion of the necessity and proportionality test involves the determination of the extent to which the restriction qualifies as a necessary measure in a democratic society. The case law of the European Court of Human Rights shows general respect for the contracting States’ margin of appreciation in assessing whether, given the circumstances, the disputed interference was necessary.

The Constitutional Court in its Decision 30/1992 (V.26.) AB, stated that “freedom of expression has a privileged role among constitutional fundamental rights; it is essentially the mother right of various freedom rights” and emphasized that “the distinguished role of the right of freedom of expression does not mean that this right is [...] unrestricted”.

Courts apply the necessity and proportionality test during restrictions. There are relatively few decisions examining this fundamental right within an employment relationship, but the Constitutional Court has stated the need to consider the specific nature of employment.

In labour law, the Constitutional Court uses the so-called “loyalty clause” as a standard, which appears in section 8(1)–(3) of the Labour Code. The Court stipulates that freedom of expression may be subject to stricter limitations in the world of work.

The Constitutional Court has identified the factors that courts must consider when assessing the restriction of workers’ freedom of expression, in addition to the general necessity and proportionality test:

- (1) the public or professional relevance of the statement;
- (2) the factual basis of the statement and its evaluative value judgments;
- (3) the harm caused by the statement and its negative impact on the employer’s reputation;
- (4) the good faith of the employee exercising freedom of expression;



(5) the severity of the disciplinary consequence imposed by the employer.

From the case law of both courts, it is evident that the provisions set out in the Labour Code are consistent with the possibility of restricting the fundamental right. The courts have also recognized that freedom of expression manifests differently in the context of employment relationships due to their unique nature. Employment is a trust-based legal relationship, typically involving long-term cooperation between the parties. Employers and workers form a shared interest in dealings with external parties, in which the employer may find itself in a vulnerable position. During employment, the worker may gain access to information critical to the functioning of the employment relationship, which, if misused, could harm the employer's economic interests. To protect these interests, section 8(1) of the Labour Code stipulates that during the employment relationship the worker – unless so authorized by the relevant legislation – shall not engage in any conduct by which to jeopardize the legitimate economic interests of the employer. This restriction is limited to the duration of the employment relationship. However, under section 8(2) of the Labour Code, outside their paid working hours, the worker must also refrain from any conduct – stemming from the worker's job or position in the employer's hierarchy – that directly and factually has the potential to damage the employer's reputation, legitimate economic interest or the intended purpose of the employment relationship. This rule is also not unlimited. To ensure proportionality and a legitimate aim, the worker's conduct must be assessed based on their job or position in the employer's hierarchy, and the conduct must directly and factually be capable of harming the employer's reputation, legitimate economic interest or the intended purpose of the employment relationship. Additionally, as a further guarantee protecting the worker, the employer is required to inform the worker in writing about the restriction in advance.

Section 8(3) of the Labour Code explicitly refers to the restriction of the exercise of the right to freedom of expression. However, the provision also sets out the legitimate grounds for such a restriction, in the interest of the protection of certain rights. Judicial practice confirms that fundamental rights cannot be exercised to the detriment of other rights, and the referenced subsection identifies the rights that may conflict with freedom of expression in employment relationships, namely the employer's reputation, and legitimate economic and organizational interests. Furthermore, the provision clarifies that expression of opinion is not allowed only when it is seriously offensive and jeopardizes the protection of the above rights, hence the proportionality test.

In an employment relationship, the worker performs work in the interest of the employer, considering the employer's economic interests. Consequently, the worker's autonomy is inevitably diminished during the fulfilment of employment duties.

This is most evident in the fact that the employer decides the work schedules, thereby affecting the worker's right to rest. Section 9(2) of the Labour Code thus allows for the restriction of the worker's personal rights only where strictly necessary for reasons directly related to the intended purpose of the employment relationship and where proportionate for the achievement of the objective. Therefore, the legal regulation does not grant the employer unlimited rights to restrictions. In order to protect the worker's interests, the employer is required to inform the worker in advance and in writing about the manner, conditions and expected duration of the restriction of personal rights, as well as the circumstances justifying its necessity and proportionality.

The current regulation respects the fact that personal rights may only be restricted in exceptional cases. Therefore, section 9(3) of the Labour Code stipulates that a worker may not



waive their personal rights in a general and advance manner, and any legal statement concerned with the personal rights is only valid if made in writing.

In summary, the above-mentioned provisions of the Labour Code comply with the criteria (necessity–proportionality test, cases of permissible restrictions on freedom of expression) established by the European Court of Human Rights – and adopted by the Hungarian Constitutional Court – which allow for the limitation of a fundamental right within a clear and appropriate framework. The current regulation ensures the rights of both employers and workers by considering the unique nature of employment relationships.

Registration of Trade Unions (Article 2)

According to section 69 of Act CLXXXI of 2011 on the court registration of civil organizations and the related procedural rules (hereinafter: Cnytv.), the provisions of this Act shall apply to trade unions unless another law governing the organization provides otherwise. Since no other law regulates the registration of trade unions, the rules applicable to associations – of which trade unions are a special form – shall govern their registration.

Under section 34(1) of the Cnytv., a simplified procedure is available (where the court must decide on the registration within 15 days), if the founding document submitted is based on a standard template as defined in legislation. These templates are provided by Decree No. 4/2017 (IV.3.) of the Minister of Justice on the standard statutes to be used in simplified registration and amendment procedures of civil organizations and sports associations. These templates may be used not only for initial registration but also for subsequent filings of amendments.

The main rules on organizational and operational structures are set out in Act V of 2013 on the Civil Code (hereinafter: Ptk.). According to these rules, it is sufficient to include only the basic data of the association in its statutes. The court only reviews the minimum statutory requirements, which means no request for correction may be issued due to minor administrative deficiencies.

The Cnytv. also establishes that during the amendment registration procedure of an association, the court only examines the documents relevant to the specific amendment. Consequently, the court may not raise objections regarding parts of the statutes not affected by the modification.

Under the current legislation (section 2(2) of the Cnytv. and section 3:63 of the Civil Code), civil organizations – including trade unions – are required to provide proof of entitlement to use the registered office as a condition for registration.

According to section 21(1a) of the Cnytv., proof of entitlement to use the registered office must include a declaration – contained in at least a private document with full evidentiary force – by the property owner or lawful user authorized to grant further use, consenting to the use of the property as the organization's registered headquarters. If the organization itself owns the property, a copy of the ownership certificate must be attached to the application.

The requirement for the inclusion of the company's name in the official name of the association cannot be derived from legislation. Section 4(1) of the Cnytv. explicitly states that the trade union (as a specific form of association) is not required to include reference to the type or form of association in its name. Furthermore, a trade union may be established and may operate under a name that includes other expressions indicating the exercise of the right of association.



As noted in the Committee of Experts' observations, between 1 June 2017 and 31 May 2021 a total of 1,149 trade unions were registered and eight registration applications were rejected. The detailed data for the period 2021–25 is currently being collected. Once available, it will be submitted to the Committee.

The Government takes note of the views expressed by the Committee of Experts and the request to the Government to take the necessary measures to effectively address in practice the alleged obstacles to registration. At the same time, we note that apart from the previous observations submitted by the Workers' group – indicating that the legal requirements for trade union registration may hinder the implementation of Article 2 of the Convention – the Government is currently not aware of any specific cases or legal practice in which the existing legal framework has effectively prevented the registration of any particular trade union. Furthermore, we wish to highlight that the VKF held nine meetings in 2022, ten in 2023 and nine in 2024. These sessions provided an opportunity for the Workers' group to raise any such concerns.

The right of workers' organizations to organize their administration (Article 3)

The establishment and operation of trade unions are regulated by Act CLXXV of 2011 on the right of association, public benefit status and the operation and support of civil organizations (hereinafter: Ectv.), as well as Act V of 2013 on the Civil Code.

According to section 15(1) of the Ectv., the registered data of trade unions is public. However, pursuant to section 15(3), the membership registry is not public due to the protection of personal rights. Within the framework of legality supervision proceedings, the prosecutor's office is entitled to full access to documents [Ectv. section 15(4)]. As in the case of any other association, the prosecutor has the right to initiate legal proceedings against a trade union where a law has been violated and the corresponding claim is based on the protection of public interest. There is deemed to be a violation of public interest if the prosecutor identifies an error in the registry data in the motion. However, a deficiency or error in the founding document that does not affect registry data does not constitute a violation of public interest and therefore does not provide grounds for the prosecutor to file a claim.

Under Article 29(1) of Hungary's Fundamental Law, the prosecutor's office acts to protect the public interest and ensures that unlawful conditions are remedied. As defined in section 1(2) of Act CLXIII of 2011 on the prosecutor's office, the prosecutor's office contributes to ensuring compliance with laws and, in cases and procedures defined by law, acts to uphold legality when a violation occurs.

The powers of the prosecutor's office do not imply general supervisory or review authority, nor operational control over the activities of trade unions. The prosecutor is only entitled to act if there is a clear violation of the law and, even in such a case, action is taken through court proceedings, not by direct administrative measures.

The Government emphasizes that the alleged practices referred to in the Committee of Experts' comments do not correspond to the applicable Hungarian legal framework, and they do not form part of the lawful prosecutorial oversight. In the event of unlawful prosecutorial action, legal remedies are available. Specific legal disputes can be initiated in response to specific violations.

In the coming period, the Government intends to engage in consultations with the Prosecutor General's Office of Hungary regarding the practices affecting trade unions, as raised by the Workers' group.



Deduction of union membership fee

In 2023 in the VKF, the parties discussed the initiative related to the deduction of trade union membership fees on two occasions. During the negotiations, the relevant Government representatives emphasized that the primary objective of the related legislative amendments was to reduce administrative burdens on employers. According to section 1 of Act XXIX of 1991 on the voluntary payment of trade union membership fees by employees, the general rule is that the employer – with the exception of cases specified by law – is obliged, upon the worker's written request, to deduct the trade union or other representative body membership fee from the worker's wages and to transfer the specified amount to the trade union or other workers' representation body indicated by the worker. According to the Government, the provisions concerning trade union membership fees in the status laws affecting certain public sectors do not disadvantage the workers and do not adversely affect the functioning of trade unions.

The right of workers' organizations to organize their activities

According to section 4(3) of the Strike Act, the extent and conditions of minimum ("sufficient") services may be determined by law, and this is indeed the case in sectors providing the most essential public services. The general framework provisions of the Strike Act only apply in the absence of specific legal regulations, in which case the parties must reach an agreement on the extent and conditions of minimum service during the mandatory pre-strike conciliation process.

With regard to amendments to the Strike Act, in recent years consultations have taken place on several occasions within the framework of the VKF. Within the Monitoring Committee of the VKF, thematic working groups were established. Among these, the working group for the amendment of the Strike Act held its first meeting on 19 March 2015, followed by several further meetings later that year.

With regard to the determination of minimum services, the Government has consistently upheld the position that guidance must come from the joint position of the social partners, and it attaches particular importance to the development of a unified position on the part of the trade unions.

To date, however, no joint proposal has been formulated by the social partners regarding minimum (i.e. "sufficient") services and therefore the issue of amending the Strike Act has not yet been placed on the agenda following the COVID-19 pandemic.

Discussion by the Committee

Chairperson – It is now my honour to invite the distinguished representative of the Government of Hungary, Ambassador, Permanent Representative of Hungary to the United Nations Office and other international organizations in Geneva, to take the floor.

Government representative – The Government of Hungary remains fully committed to the values and principles of the International Labour Organization (ILO), and in particular, to the fundamental rights and principles of the world of work also enshrined in the Convention, which Hungary ratified in 1957.

The Government regularly consults and engages in open dialogue with Hungarian social partners on matters concerning the world work and remains open to adopting justified measures to address any shortcomings in legal practice.

In recent years, the Permanent Consultation Forum of the Private Sector and the Government (VKF) has played an essential role in shaping labour policies and legislation, as



well as promoting social partnership in Hungary. It held nine meetings in 2022, ten in 2023 and nine in 2024.

The Government promotes industrial relations through capacity-building programmes and awareness-raising initiatives for both workers and employers at national and local level.

The Government is also strongly committed to effectively cooperating with the Office as well as to completely fulfilling its duties as a Member of the ILO. We consider the effective functioning of the ILO supervisory mechanism to be of great importance. This supervisory system is unique at international level. The aim of the supervision is to regularly examine the application of standards in the Member States and to point out areas where there are problems in application or where they could be better applied. The credibility of the system, however, should be ensured by providing real professional background and reasoning for the supervisory work and not be used for political purposes. This is also crucial from the perspective of the ILO as a whole.

Hungary submits its national reports to the ILO each year, and we are open to consultations with the ILO. However, we acknowledge the lack of detailed responses to the Committee of Experts' observations on the implementation of the Convention in the previous national reporting cycle.

Before the start of this session of the Conference, we provided written information to the Committee and reaffirmed our willingness and commitment to further national level dialogue on the matters raised in the Committee of Experts' observations. Today we would like to present briefly to the Committee Hungarian legislation and practice, as well as our reactions to the Committee of Experts' observations.

First of all, the Hungarian legal system provides adequate guarantees for freedom of association and the right to organize. These rights are guaranteed by the Hungarian Fundamental Law. Article 8 of the Fundamental Law specifically mentions trade unions, stating that trade unions may be freely formed and operate on the basis of the right of association. These provisions are further elaborated in the Act on the Labour Code, which governs employment relationships.

In line with the Convention, trade unions in Hungary are recognized as independent legal entities, free to define their internal structure, adopt their own rules, and manage their activities without interference from public authorities or employers.

In Hungary, freedom of expression is considered as a fundamental right protected and ensured by numerous international, European and national legal instruments. Article 10 of the European Convention on Human Rights and article 9 of the Hungarian Fundamental Law state that everyone has the right to freedom of expression. However, it is clear from current regulations that this fundamental right is not absolute and may be restricted under certain conditions.

In judicial practice, numerous decisions have been made by the European Court of Human Rights, the Court of Justice of the European Union, as well as by the Hungarian Constitutional Court. These decisions define the concept, limits, and criteria for assessing freedom of expression.

The Hungarian Constitutional Court stated that "freedom of expression has a privileged role among constitutional fundamental rights"; however, this role does not mean that this right is unrestricted. The Constitutional Court has also stated the need to consider the specific nature of employment and in labour law it uses the so-called "loyalty clause" as a standard,



which appears in section 8 of the Labour Code. The court stipulates that freedom of expression may be subject to stricter limitations in the world of work and has identified the factors that courts must consider when assessing restrictions, in addition to the general necessity and proportionality test.

From the case law of both the European and national courts, it is evident that the provisions of the Labour Code comply with the criteria established for the limitation of freedom of expression within a clear and appropriate framework and by considering the unique nature of employment relationships.

Secondly, on the registration of trade unions. According to the Act on the right of association, public benefit status, and the operation and support of civil organizations, the trade union is a special form of association. Trade unions are established as legal entities and by registration with the court. It is sufficient to include only the basic data of the association in its statutes and the court only reviews the minimum statutory requirements. This means no request for correction may be issued due to minor administrative deficiencies. The Government takes note of the views and requests expressed by the Committee of Experts. At the same time, we note that apart from the previous observations submitted by the Workers' group, the Government is currently not aware of any specific cases or legal practice in which the existing legal framework has effectively prevented the registration of any trade union.

Thirdly, on the power of national prosecutors to control trade union activities. According to the Hungarian Fundamental Law, the Prosecutor's Office acts to protect the public interest and ensures that unlawful conditions are remedied. The powers of the prosecution do not constitute a general supervisory or controlling authority; they do not imply control over the activities, and in no way do they extend to the operational management of trade unions. Therefore, the Government emphasizes that the alleged practices referred to in the Committee of Experts' observation do not correspond to the applicable Hungarian legal framework. In the coming period, the Government intends to engage in consultations with the Prosecutor General's Office of Hungary regarding the practices affecting trade unions, as raised by the Workers' group.

Fourthly, on the deduction of the union membership fee. According to the Act on the voluntary payment of trade union membership fees by workers, the general rule is that the employer is obliged – upon the worker's written request – to deduct the trade union or other representative body membership fee from the worker's wages and to transfer the specified amount to the trade union or other workers' representation body indicated by the worker. As a derogation from the general rule, and with the aim to reduce administrative burdens on employers, special rules are applicable in given public sectors for employees, which prohibit the deduction of membership fees. In our view, these provisions do not conflict with the Convention and do not adversely affect employees or the functioning of trade unions.

In 2023, the VKF held discussions on the issue of trade union membership fees on two occasions. The Hungarian National ILO Council, referred to by the Workers' group, is not entitled to hold tripartite negotiations on general economic and labour-related issues. As the representatives of the Government in the National ILO Council have indicated several times, the Council was established and operates in line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and provides a tripartite forum for discussion with respect to matters concerning the activities of the ILO.

Finally, regarding the observations on the Strike Act and the definition of minimum service, we provide the following information. In recent years, several consultations have been taking place within the VKF regarding the possible modification of the Strike Act. A thematic



working group has been set up to deal with this issue. The Government is open to continue the discussions related to the Strike Act. However, we are of the view that, in this matter, a unified position of the trade unions is of crucial importance.

Worker members – Freedom of association is that right which allows workers’ and employers’ organizations to control their own formation, their own decision-making processes and their own speech. To express these rights freely is the only way social dialogue and the pursuit of social justice are meaningful – the only means of improving conditions of labour, establishing peace and sustained progress. Freedom of association and the right to organize is therefore an enabling right as well as a right in itself.

Hungary ratified this Convention in 1957. We are discussing this case in the Committee for the first time. The Committee of Experts has made ten observations, and the recent ones are from 2015, 2017, 2021, 2022 and 2024.

Sections 8 and 9 of the Labour Code of 2012 prohibit conduct, including the exercise of the right to express an opinion, whether during or outside working time, that may affect the employer’s reputation or economic and organizational interests. The Committee of Experts has expressed deep concern that the Government of Hungary has not taken any measures to ensure that these sections of the Labour Code do not impede freedom of expression in the exercise of trade union rights.

We must recall that whereas the Convention expects workers and employers and their respective organizations to respect the law of the land, the obligation on the State is to ensure that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

The free expression of opinions, including during disputes with employers, is a core element of freedom of association and therefore worthy of the protections of the Convention. The maintenance of these provisions in labour legislation goes wholly against this.

Furthermore, the Government’s claim that the matter has been addressed as part of a discussion held in 2021 is disputed by our trade union colleagues who say that the discussion held in 2021 did not amount to a consultation.

We urge the Government to immediately amend these provisions without further delay through meaningful consultations with the social partners.

Secondly, there is the issue of excessive requirements and practical obstacles to the registration of trade unions. The Committee of Experts has expressed deep regret that nothing has been done in this regard.

We recall that workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

The refusal of registration due to minor flaws, the imposition of the obligation of including the company’s name in the official name of associations, and the difficulties created for, or encountered by, trade unions because of the obligation to bring their by-laws into line with the Civil Code, is contrary to the obligations of the Government under the Convention.

These formalities should not become an obstacle to the exercise of legitimate trade union activities, nor should they allow for undue discretionary power to deny or delay the establishment of such organizations.



We join the Committee of Experts in strongly urging the Government to engage without delay, in consultations with representative organizations of employers and workers, to assess the need to simplify the registration requirements and to effectively address the obstacles to registration in practice. Information from the Government in this regard will be necessary, including statistics on the number of registrations and refusals to register trade unions.

Thirdly, workers' and employers' organizations have the right to organize their own administration and activities and to formulate their programmes and the public authorities shall refrain from any interference which would restrict this right or impede its lawful exercise. And yet, we are deeply concerned with the powers given to the national prosecutors to control trade union activities.

We understand that the national prosecutor has the power to review general and ad hoc decisions of unions, conduct inspections directly or through other State bodies, and enjoy free and unlimited access to trade union offices. In exercising this power, prosecutors have questioned the lawfulness of trade union operations several times, requested numerous documents and ordered additional reports if dissatisfied with the unions' financial reporting.

These powers and how they are exercised on trade unions to interfere, impair and restrict the exercise of trade union rights does not comply with the Government's obligations under the Convention. As a matter of urgency, the Government must address this concern in consultation with the social partners.

We also raise the issue of the legislative amendments which introduced changes to the check-off system and which prohibit employers from deducting or transferring union dues from the wages of public employees. According to the Government, in 2024, section 1 of Act XXIX of 1991 on the Voluntary Nature of Membership Fees in Workers' Representative Organizations and section 12/A of Act XXXIII of 1992 on the Legal Status of Public Employees were amended to ensure that employers are no longer permitted to deduct union membership fees from employees' wages or transfer these fees to trade unions.

The Committee of Experts indicated that, from the amended text of section 1 of Act XXIX of 1991, employers are obliged, except where otherwise stipulated by law, to deduct from employees' wages trade union dues upon receiving a written request from the employee and transfer them to the trade union concerned. According to section 12/A of Act XXXIII of 1992, however, notwithstanding Act XXIX of 1991, employers are prohibited from deducting or transferring such dues from the wages of public employees.

We recall, in light of the Convention, that workers should have the possibility of opting for deductions from their wages under the check-off system to be paid to trade union organizations of their choice. This is the essence of the right to form or join a trade union of one's choice.

We strongly urge the Government to attend to this matter without delay and to provide information on the outcome.

There are also aspects of our concerns dealing with amending the Strike Act, the Passenger Transport Service Act and the Postal Services Act to ensure that workers' organizations may participate in defining a minimum service and may refer the matter to a joint or independent body in case of disagreement. The Government must take all necessary measures to amend without delay this legislation in consultation with the social partners.



To conclude, I must reiterate, after 80 years or so of recognition of this right, that freedom of association is an enabling right. We urge the Government to guarantee its foundational protections in law and practice.

Employer members – We thank the Government of Hungary for the oral and written information on this case, of which we have fully taken note. The Employer members address the importance of States' compliance relating to the application of this ratified ILO core Convention. The Convention was ratified by Hungary in 1957. Since 1989, the Committee of Experts has issued ten observations, and this case has not been discussed in the Committee before. The Government provided written information which was published on 19 May 2025. This case is about specific provisions which regulate the exercise of freedom of association.

First, about sections 8 and 9 of the Labour Code: The Employers' group would like to stress that the Convention covers workers' and employers' organizations. We note that in 2021, a discussion was held and that the publication addressing interpretive questions on trade unions' right to freedom of expression was issued in 2022. However, according to the Committee of Experts, the discussions held in 2021 did not amount to a consultation. We ask the Government to consult with the social partners and to discuss this issue without undue delay.

Second, on the question of the registration of trade unions: According to section 69 of the 2011 Act on the court registration of civil organizations and the related procedural rules, the provisions of this Act apply to trade unions unless another law governing the organization provides otherwise. The main rules on organizational and operational structures are set out in Act V of the 2013 Civil Code.

The Committee of Experts expressed concerns about the requirements in relation to union headquarters, the refusal of registration due to flaws, the obligation of including the company's name in the name of associations and the obligation to bring the by-laws into line with the Civil Code.

The Employer members would like to recall that according to Article 2 of the Convention, workers and employers without distinction whatsoever, shall have the right to establish and subject only to the rules of the organization concerned to join organizations of their own choosing without previous authorization.

The Committee of Experts recalled that, although the formalities of registration allow for official recognition of workers' or employers' organizations, these formalities should not become an obstacle to the exercise of legitimate activities of employers' and workers' organizations. Furthermore, they should not allow for undue discretionary power to deny or delay the establishment of such organizations.

On the one hand, we note with concern that the Government failed to provide a reply to the 2017 allegations, but on the other hand, we welcome the fact that the Government provided detailed information on 19 May 2025.

According to the Government, between 1 June 2017 and 31 May 2021, a total of 1,149 trade unions were registered and eight registration applications were rejected.

The Employer members ask the Government to provide detailed information on the number of registered organizations and the number of organizations whose registration was denied or delayed, including details on the grounds for refusal of registration for the period 2021 to 2025, as soon as possible. Furthermore, we recommend that the Government start without undue delay consultations with the representative organizations of employers and



workers, to assess the requirements with the aim of applying the obligations of Article 2 of the Convention in law and practice.

Third, on the rights of workers' and employers' organizations to organize their administration: According to Article 3 of the Convention, workers' and employers' organizations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof. According to the reports, trade union activities were restricted by the power of national prosecutors conducting inspections directly or through State bodies and enjoying free and unlimited access to trade union offices. Taking into account the request of the Committee of Experts, the Employer members expect the Government to respond to the allegations and to provide detailed information on the type of inquiries conducted by prosecutors.

Fourth, on the deduction of union membership fees: In 2024, the law was amended to ensure that employers are no longer permitted to deduct union membership fees from employees' wages or transfer these fees to trade unions. The Government argued that they had discussions on the issue of union membership fees with the VKF. However, the outcome of these discussions was not publicly available. The Employer members ask the Government to provide detailed information on the outcome of the discussions on union membership fees within the VKF.

Fifth, on the Strike Act. We wish to reiterate that in our view neither the Convention nor other Conventions contain rules on the right to strike.

To conclude, the Employers' group asks the Government first to provide without undue delay the requested information on the various issues. Second, to start a process of social dialogue with the representative employers' and workers' organizations to examine the aforementioned points. And third, to provide information on the progress and all measures taken in this respect.

Worker member, Hungary – First, I would like to thank the Hungarian Government for the information provided to us today. In the last decade, Hungarian trade unions have met new legislation which has caused difficulties in exercising the fundamental right to freedom of association. We made many observations on these issues under the ordinary supervisory mechanism of the ILO and filed special complaints, too. However, there were no answers to them by the Government, neither to the Committee of Experts, nor to us at home. We still experience difficulties in the registration of trade unions, in exercising our right to freedom of expression, in the deduction of member fees from salaries, and in the determination of the level of minimum service in public transport.

As for freedom of expression, the Labour Code of 2012 limits the rights of workers to free opinion. The wording of this limitation is rather general and broad (the opinion may not jeopardize the employer's reputation or legitimate economic and organizational interests), causing a lot of interpretation problems even for the courts, including the Hungarian Constitutional and Supreme Court. Moreover, the judicial interpretations are very complicated, and sometimes – as recognized even by lawyers – controversial.

This shows that the legal situation is now rather uncertain, while the sanctions for a legally – maybe – not correct opinion can be very serious: the termination of the employment relationship and payment of damages. This kind of law and practice can therefore threaten, or sometimes kill the exercise of the right to free expression in the workplace.



The Committee of Experts noted in its report that the Government has not taken any concrete steps, including legislative ones, to guarantee that the law does not impede the freedom of expression of workers and the exercise of the mandate of trade unions and their leaders to defend the occupational interests of their members.

Today, after more than ten years, reference to judicial decisions or legal studies is not enough. We need clear legal regulation with clear limitations and a clear determination of the content of this right, which really can ensure the exercise of this universal human right, rather than prevent trade unions from fully defending the occupational interests of their members or rely only on the loyalty obligations of workers.

Registration of trade unions in Hungary is not a simple formality, but rather a legal procedure before the court. Today in Hungary, it is much easier and faster to register a company than a trade union. Without lawyers, it is hardly possible for a newly established trade union to fit all criteria prescribed by law. Just a few examples of this: even to find the relevant regulations, one has to know the legal status of a trade union, because the laws concerned can be found under words such as civil organizations, associations or legal persons, but not under trade unions. To be registered, it is obligatory to fill in a 73-page application form accompanied by a 23-page explanatory document, which includes the criteria for all the different kinds of civil organizations. So trade unions first have to choose or find those points which concern them specifically.

Trade unions, moreover, have to annex a lot of verifications and other documents to the application, including proof of entitlement to use their office and a declaration from the property owner or lawful user to allow this use. There are also special legal regulations to verify the lawfulness of the chosen name of the trade union. All of the documents submitted to the court have to be at least private documents with full evidentiary force.

During the registration procedure, the court examines the statute of the trade union, checking whether its articles are in line with the regulations of the Civil Code and of other laws.

A simplified registration procedure is available for trade unions if their statute is based on a standard template as defined in the legislation, resulting in standard trade unions. However, if trade unions would like to change anything, even only one word in the template, the simplified procedure cannot be used.

Hungarian trade unions have signalled many times the above-mentioned difficulties at meetings of the tripartite National ILO Council which was established specifically for ILO matters and have also filed observations under the ordinary ILO supervisory mechanism. However, there has been no meaningful simplification of the registration procedure.

Concerning deduction of member fees, a new law in Hungary, in force from 1 January 2024, prohibits public sector employers from deducting trade union member fees from the salaries of civil servants, teachers, as well as healthcare and social sector workers, and transferring them to their trade unions. This prohibition is absolute: the employees/civil servants concerned and their trade unions are not even allowed to conclude individual or collective agreements to continue using the check-off system, which they could enjoy until this year.

Social partners were not involved in the preparation of the draft law, and while trade unions protested strongly against the new law, their interests and voices were not heard, not taken into consideration.



The official justification for the law was the reduction of the administrative burden on employers. However, during the previous three decades, the check-off system functioned well and smoothly, without making distinctions between public and private employers and employees or civil servants. In the private sector, the check-off system is still available.

The new law did not allow enough time for trade unions to prepare themselves for this huge change, how to organize the collection of member fees or how to ensure extra capacity to tackle this new administrative burden imposed solely on trade unions by the law.

Member fees, particularly at the workplace level, are the most important source of income for trade unions. Only after about half a year, many trade unions had already experienced the harmful effects of the new legislation: some of them lost many paying members and – according to recent data – their income also decreased significantly, while their administrative costs increased. Consequently, the new law weakened trade unions and their capacity without any reasonable or necessary cause in the public sector.

Concerning minimum service in the public passenger transport sector, since 2012, legal regulations have determined that the level of minimum service during strike actions is 66 per cent. It was never verified by the legislator that this level is really the strictly necessary minimum in the sector. In their observations to the ILO, trade unions argued that this level cannot guarantee the effectiveness of a strike. However, this level has not been changed by the legislator. A new modification of the Public Transport Act from 9 May 2025 made the determination of minimum service more difficult and controversial. So the situation became not better, but worse. To expect a unified position in this matter from workers and employers is simply not realistic.

In conclusion, we urge the Government to take every legislative and other necessary step, after really meaningful consultation with the social partners, to bring the Hungarian law and practice on the above-mentioned issues and points fully into line with the Convention, without any further delay. We also request the technical assistance of the ILO on this.

Employer member, Hungary – The Hungarian employers recognize the importance of the Convention and its implementation, and fully respect the effective functioning of the ILO supervisory mechanism. Therefore, we very much regret that the Government of Hungary has failed to provide a detailed response to the Committee of Experts' request for observations regarding the implementation of the Convention during the 2024 national reporting cycle. At the same time, we are most pleased that the Government, both in writing and orally right here and now, has reaffirmed its willingness and commitment to further national-level dialogue on the matters raised in the Committee of Experts' observations. In spite of this, we are very sorry to see Hungary shortlisted due to the allegation of non-compliance with this Convention.

We respect freedom of expression as a fundamental right, which may be limited by the fundamental rights of others. According to Article 10 of the European Convention on Human Rights, signed in Rome on 4 November 1950, the exercise of this freedom may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary for the protection of the reputation or rights of others, or for preventing the disclosure of information received in confidence.

In our view, in the employment world, sections 8 and 9 of the Labour Code set those limits on freedom of expression when they prohibit workers from engaging in any conduct, including the exercise of their right to express an opinion, whether during or outside working time, that may jeopardize the employer's reputation or legitimate economic and organizational interests. To our understanding, the legislation is balanced. In these sections, there is no general



prohibition on expressing an opinion about the employer. The expression of an opinion may not be made in such a way as to be capable of seriously damaging or endangering the reputation and legitimate economic and organizational interests of the employer.

In an employment relationship, the worker performs work in the interests of the employer, taking into account the employer's economic interests. Therefore, the worker has no unlimited rights. The worker's rights may be limited during the fulfilment of employment duties. It applies vice versa to the employer. The Labour Code does not grant unlimited rights to the employer to limit the rights of the worker either. The limitations made in writing by the employer in advance shall be strictly necessary for legitimate reasons and directly related to the intended purpose of the employment relationship. It is for the national court to assess the facts, the circumstances, the worker's conduct and, of course, the employer's conduct to determine, on a case-by-case basis, whether in this case the worker's conduct violates these measures or not.

Concerning the registration of trade unions, the registration and administration of trade unions do not fall under the competence of the employers' organization. We believe that the measures for registration and administration apply to legal persons and should be implemented in the same way, without making any distinction. Allow me to give you an example.

A trade union is a legal person which has a name. The Civil Code clearly defines the requirement of name exclusivity, name validity and name freedom for all legal persons, ranging from non-governmental organizations to higher education institutions. Name exclusivity means that the name of the legal person must be different from the name of any other legal person operating in a similar field of activity, such as an association or foundation. The name should be unique and should not be confusing. The requirement of name validity is met if the name is not likely to mislead, in view of its importance and its function. In particular, the name must not give the impression that the activities of the organization relate to those of another legal person.

These above-mentioned rules also apply to trade unions. Nonetheless, we note that there should always be time and room to assess the need for simplification of registration and administration requirements in general, especially when technology is developing at such a rapid pace.

Concerning the control of activities of trade unions carried out by the national prosecutors, we underline that the law on controlling such activities should be equally applied to all associations, including trade unions.

Concerning the deduction of union membership fees, we confirm that the ban on the deduction of union membership fees was on the agenda of the VKF. It is not a burden for employers to deduct union membership fees from wages. Therefore, we did not request such a change. The current restrictions relate only to the public sector, which is not part of our membership.

Last but not least, about the right of workers' organizations to organize their activities. We take the view that passenger transport services and postal services have such an impact on businesses and the population's everyday life that it is vital to have special rules on strikes. We agree that the content, primarily the scope, of minimum services shall be regulated and subject to consultation.

In conclusion, we, the Hungarian employers, strongly stand for the principles of social dialogue and industrial relations. We appreciate the Government's commitment to further



national-level dialogue on the matters raised in the Committee of Experts' observations and look forward to discussing these issues in the relevant national-level tripartite forums.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of Hungary and expresses its gratitude for the information provided on the current situation regarding the implementation of the Convention. We note the commitment of the Government of Hungary to its international obligations and its willingness to engage in open and constructive dialogue with both national social partners and the ILO, which demonstrates a readiness for productive cooperation within the ILO supervisory mechanisms. We especially highlight the efforts to strengthen social dialogue, particularly through the VKF. We also draw attention to the presented review of legislation and court practice concerning freedom of expression, which confirms compliance with international standards. With regard to trade union registration, a clear and predictable legal procedure has been presented. No country has a perfect system. However, the information provided shows that Hungary has the necessary legal guarantees and is open to improving its practices. We propose that all interested parties continue constructive dialogue at the national level, and we believe that an approach based on mutual respect and cooperation will lead to positive outcomes.

Worker member, Finland – I speak on behalf of the Nordic trade unions. Today we address a case of serious and persistent violations of the Convention by Hungary. A core issue here is the right of workers' organizations to organize their activities under Article 3 of the Convention – specifically, the right to strike and the excessive restrictions imposed through minimum service requirements in law and in practice.

Unfortunately, the concerns are nothing new. Since the 2010 amendments to the Hungarian Strike Act, the Committee of Experts has repeatedly addressed Hungary's framework – consistently discovering arbitrary limits on workers' ability to take lawful strike action. These are not theoretical concerns – they are rooted in a legal reality that has made strikes virtually impossible in certain sectors for over a decade.

Already in 2012, the Committee of Experts noted that unions' efforts to determine minimum service levels were routinely rejected by courts, often without proper justification, and that no strikes had taken place as a result. The Government was urged to ensure that the Strike Act does not prevent workers from exercising their rights.

In 2014, the Committee of Experts emphasized that minimum service requirements must be confined strictly to what is necessary to meet the basic needs of the population and must not render strikes ineffective. Yet Hungarian law requires that minimum service agreements be reached or imposed by courts before any strike can proceed, leading to legal uncertainty and excessive delays.

Later observations, including those in 2015 and 2018, highlighted that the thresholds Hungary sets – 66 per cent in local and suburban passenger transport, 50 per cent nationally – bear no relation to what could reasonably be called "minimum". In the postal sector, similarly excessive levels apply. Effectively, strikes are being stripped of their essential leverage.

Despite some tripartite dialogue having taken place, the Committee of Experts has consistently questioned its effectiveness. Workers' organizations report that organizing a lawful strike remains practically impossible under the current legal framework far too often.

The proper and contextual interpretation here is clear: workers must be involved in defining minimum services, and in case of disagreement, an independent or joint body must resolve the matter swiftly. Minimum service must mean exactly that – minimum – limited strictly to safeguarding basic needs.



Yet, in both 2022 and 2023, the Committee of Experts was again forced to draw the same conclusions. The Government continues to cite legal certainty and public needs – justifications that now seem increasingly like a smokescreen to obscure the real intent for maintaining the current restrictive regime. No meaningful steps have been taken.

We must ask: how much longer must Hungarian workers wait to exercise the rights guaranteed for them? We urge the Committee to adopt strong conclusions. Hungary must bring its legislation into full conformity with the Convention.

Government member, Serbia – We thank the Committee of Experts for its report and we take note of its observations. Our delegation has listened carefully to the distinguished representative of Hungary on the implementation of the Convention. Serbia recognizes the strong legal framework in Hungary that guarantees freedom of association and the right to organize and is in line with the international and EU legal instruments.

The alignment of the Labour Code with European Court of Human Rights standards and practice clearly demonstrates the clear commitment of Hungary to the enjoyment of labour rights. In line with this, we commend the adoption of the revised European Social Charter.

In order to fully realize rights in practice, we encourage the Government of Hungary to constructively engage in the consultation process with the Prosecutor's Office regarding supervisory prosecutorial oversight, which does not fall within the current legal framework.

Furthermore, Serbia welcomes the readiness of the Hungarian Government to define clear, fair conditions for minimum and sufficient services during strikes, and we appreciate their opinions for discussions on the Strike Act.

The above measures will reinforce the integrity of democratic institutions and strengthen trust in the rule of law.

In conclusion, we would like to encourage continuation of open, inclusive and constructive social dialogue and cooperation among tripartite constituents in Hungary, in order to address issues listed in the report of the Committee of Experts.

Worker member, Germany – I speak on behalf of the German trade unions and wish to express our profound concern about the ongoing and systemic violations of the Convention by the Government of Hungary. Despite repeated observations and recommendations from the Committee of Experts, the Hungarian Government has continued to undermine fundamental trade union rights, both in law and in practice, implementing measures that constitute blatant harassment of trade unions and result in a shrinking space for trade unions and their rights.

Let me list the most recent developments. Since 1 January 2024, due to legislation adopted through Act LXX of 2023, public employers in Hungary are no longer permitted to automatically deduct union dues from the wages of public employees. This move, far from administrative neutrality, is a deliberate attempt to weaken trade unions in the public sector, shifting the entire burden onto individual workers. As a direct result, unions such as the Forum for the Co-operation of Trade Unions (SZEFE), which represents only public service workers, have lost approximately 10,000 members within a single year. This has significantly damaged not only their financial base, but also their operational capacity to represent workers effectively. This development fits a broader pattern.

First, on the issue of freedom of expression, Hungarian labour law still contains sections 8 and 9 of the Labour Code, which restrict workers from expressing opinions – even outside working hours – if such views are deemed harmful to the employer's interests. This is an



unacceptable limitation on trade union activity and democratic expression. Despite years of urging by the Committee of Experts, the Government has failed to take legislative action.

Second, regarding union registration, the process continues to be bogged down by bureaucratic hurdles and delays. The Government has hinted that solutions are in preparation; no meaningful progress has been reported.

Moreover, trade unions are increasingly forced to disclose sensitive internal data, including financial details and membership numbers. These requirements, combined with legitimate data protection concerns, threaten union autonomy and operational freedom.

We are also gravely concerned about allegations from the ITUC that national prosecutors have interfered in union operations – demanding documents, questioning decisions, and even conducting direct inspections. Such practices amount to State control over independent workers’ organizations and are clearly incompatible with Article 3 of the Convention. The Government has yet to respond to these serious allegations.

We are witnessing a coordinated dismantling of trade union power in Hungary. We therefore urge the Hungarian Government to reinstate automatic dues deductions in the public sector, to reform labour laws that restrict freedom of expression, to simplify and depoliticize union registration procedures, to end State surveillance of union activities and to amend restrictive strike legislation without further delay.

Government member, Georgia – First of all, I would like to express my respect to the ILO for the efforts to strengthen the international labour system. With regard to the current case, I would like to focus on the following matters. The Hungarian legal system clearly provides adequate guarantees for freedom of association and the right to organize.

These rights are guaranteed in the Fundamental Law of Hungary which states in the relevant articles that everyone shall have the right to establish or join organizations, including trade unions. Regarding freedom of expression in Hungary, it is considered a fundamental right protected by numerous European, international and, of course, national legal tools.

What is important is that the provisions of the Hungarian Labour Code comply with the criteria established by the European Court of Human Rights, which is a vital institution for the protection of human rights. The Hungarian legislation on the registration of trade unions, we think, also clearly provides an appropriate legal framework.

Of course, the issue of defining the conditions for minimum and sufficient services during a strike remains unresolved, and we commend the Government of Hungary for its openness to continuing discussions on the Strike Act. In conclusion, I would like to stress that, based on the existing legislative framework and measures in force, Hungarian legislation appears to be in line with the Convention.

Worker member, Belgium – The Belgian, Italian and French workers wish to express their solidarity with their Hungarian comrades regarding their legitimate concerns about the draft law on the “transparency of public life”. This draft law provides for the establishment of a list of organizations deemed to threaten the sovereignty of Hungary. It targets organizations that receive support from abroad and participate in public debate. According to the draft, the list is drawn up by the Government on a discretionary basis. However, inclusion on this list entails very serious consequences:

- The leaders must submit a declaration of assets and are considered politically exposed persons.



- Donors must prove that funds were not received from abroad.
- Only the anti-money-laundering authority may authorize the receipt of foreign support.
- Extensive administrative inspections may be conducted.
- Depending on the case, offenders may face suspension of their banking transactions, an administrative fine of 25 times the amount of support received, or even a ban on their activities.
- Judicial review is provided for, but only retrospectively, by way of annulment and without suspensive effect, and therefore without any practical effect.

Firstly, the draft law undermines the exercise of the rights to freedom of expression and association. Given its very broad wording, many civil society actors promoting democratic debate could face serious obstacles, or even be forced to cease their activities or go bankrupt. The draft law also risks having a chilling effect and discouraging citizens from participating in public debate. It also has a potentially stigmatizing effect on organizations receiving international funding, as it refers to anti-money-laundering measures, which combat financial crime and the financing of terrorism.

Secondly, these provisions jeopardize freedom of association. They restrict the freedom of trade unions to utilize their funds in the context of their international activities, for normal and lawful purposes. Similarly, the freezing of union bank accounts may constitute a serious interference by the authorities in trade union activities. It must also be regretted that the draft law, which affects workers and their organizations, was not subject to social consultation through the VKF.

Thirdly, undermining the means of action available to trade unions and civil society risks weakening the system of checks and balances and, in so doing, undermining the rule of law. We therefore urge the Hungarian State to definitively abandon this draft law.

Government member, Kyrgyzstan – On behalf of the Kyrgyz Republic, I extend our appreciation for the opportunity to address the Committee regarding the case of Hungary. Kyrgyzstan highly values its strong bilateral relations with Hungary which stands as our only strategic partner within the EU.

Hungary's legal framework, including its Fundamental Law and Labour Code, provides robust guarantees for freedom of association and the right to organize, aligning with both European and international norms.

Kyrgyzstan welcomes Hungary's proactive measures to ensure a transparent and fair trade union registration process, as well as its dedication to addressing concerns through constructive dialogue, including consultations with the prosecutor general's office.

Additionally, the provision for the automatic deduction of trade union fees further demonstrates Hungary's efforts to facilitate workers' representation without creating an undue burden.

While certain challenges remain, we applaud Hungary's openness to engagement and its commitment to social dialogue. These efforts reflect a genuine resolve to strengthen labour rights, in line with ILO principles.

In conclusion, Kyrgyzstan expresses its full confidence in Hungary's continued progress and encourages the Committee to recognize its achievements. We stand in solidarity with our strategic partner and urge all parties to support Hungary's constructive approach.



Worker member, Brazil – On behalf of the workers of Brazil, I extend fraternal greetings and solidarity to the working classes throughout the world. The Committee of Experts' report, which forms the technical basis for the examination of this case, places particular emphasis on the deduction of trade union dues.

As occurred in Brazil following the coup d'état against President Dilma Rousseff, Acts Nos 29 of 1991 and 33 of 1992 were amended in Hungary to prohibit employers from deducting trade union membership dues from the wages of public employees, including education and home healthcare workers. This measure directly affects trade union financing and, consequently, the strength and capacity of trade unions to operate.

The adoption of such measures was not preceded by due social dialogue, and their effects were immediately felt by trade unions, which lost financial resources and members. As a result, trade unions have been weakened, upsetting the balance of power in collective bargaining, which in this case involves the State itself as the employer.

In Brazil, despite the change in Government, the harmful labour reform has yet to be overturned owing to the ultra-conservative composition of Parliament. As a result, problems with trade union financing persist, along with the gradual weakening of the working class. Our example illustrates the scale and seriousness of what is currently happening in Hungary.

In the Committee, we have heard countless times that there can be no effective democracy without strong trade unions capable of giving a voice to the working class and defending their interests. That is what this case is all about. Freedom of association, effective social dialogue and democracy. We regret the current developments in Hungary and hope that the Committee will urge the Government to take all necessary measures, including legislative, in consultation with the social partners, to give full effect to the fundamental right to freedom of association.

Government member, Israel – Israel would like to thank the Hungarian Government for the information it has provided the Committee during today's morning session. Israel wishes to express its support for Hungary and to commend its steadfast commitment to the principles of freedom of association and the protection of the right to organize, as enshrined in the Convention. This commitment is clearly reflected in Hungary's legal and institutional framework – most notably, its Labour Code, which guarantees workers the right to freely form and join trade unions without fear of discrimination or retaliation.

One notable example of Hungary's efforts to promote fair labour practices and foster constructive social dialogue is the operation of the National Economic and Social Council (NGTT). This tripartite body brings together representatives of workers, employers, and civil society, providing a vital platform for open and meaningful dialogue on labour and economic policy issues. Through mechanisms such as the NGTT, Hungary ensures that the voices of workers are heard, valued and respected in the national decision-making process, in full alignment with international labour standards.

To conclude, by continuously strengthening its legal protections and promoting inclusive, participatory dialogue, Hungary demonstrates its ongoing dedication to upholding the core principles of the ILO and advancing decent work and social justice for all.

Government member, Azerbaijan – The Hungarian legal system provides adequate guarantees for freedom of association and the right to organize. These rights are guaranteed in the Fundamental Law of Hungary, which clearly states in article 8 that everyone shall have the right to establish or join organizations, including trade unions.



As is known in Hungary, freedom of expression is considered a fundamental right protected and ensured by numerous international, European and national legal instruments. The provisions of the Hungarian Labour Code comply with the criteria established by the European Court of Human Rights – and adopted by the Hungarian Constitutional Court.

We see that the Government of Hungary is open to continue discussions related to the Strike Act and considers a unified position on the part of the trade unions is of crucial importance. We highly welcome that. Further discussions and tripartite consultations might be needed at national level. The active engagement of the Hungarian social partners would also be necessary to meaningfully address the issues raised in the comments of the Committee of Experts.

Government member, Türkiye – Türkiye acknowledges Hungary's long-standing ratification of the Convention and welcomes the Government's reaffirmed commitment to protecting the rights of workers and employers to establish and join organizations of their own choosing without prior authorization.

We take note of the detailed written and oral clarifications provided by the Hungarian Government, particularly with regard to the recent amendments of the Labour Code. We understand that these revisions aim to enhance the effectiveness of collective bargaining and enterprise-level dialogue, while ensuring legal coherence and predictability.

We welcome the continued functioning of the VKF, which met 28 times between 2022 and 2024. This platform serves as a key mechanism for institutionalized social dialogue on wage policy, strike legislation and union-related matters.

On trade union registration, we appreciate the Government's clarification that over 1,100 trade unions were successfully registered between 2017 and 2021. This reflects a functioning administrative system supported by simplified procedures and standard statutes. We encourage continued efforts to eliminate any practical or procedural barriers to ensure full compliance with Article 2 of the Convention.

Türkiye believes that dialogue and constructive engagement are essential in addressing concerns related to the implementation of international labour standards. In this regard, we encourage all stakeholders to approach the matter with a spirit of cooperation and mutual understanding. Türkiye also underscores the importance of cooperative engagement and welcomes Hungary's expressed commitment to ongoing dialogue with the ILO and its readiness to further align domestic legislation with international obligations. In conclusion, Türkiye supports the Government of Hungary in its continued efforts to give full effect to the Convention and to foster an enabling environment for the freedom of association and collective action.

Government member, Kazakhstan – The Kazakhstani delegation commends Hungary's commitment to upholding the principles of the Convention. Hungary's comprehensive legal framework, robust social dialogue, and ongoing engagement with the ILO demonstrate clear dedication to protecting workers' rights and trade union freedoms. We note Hungary's proactive steps to address the Committee of Experts' observations. Kazakhstan supports Hungary's efforts to balance employer and worker interests while fostering an environment conducive to freedom of association. We encourage continued dialogue to ensure full compliance with the Convention and express our confidence in Hungary's commitment to these shared values.

Observer, IndustriALL Global Union – I am speaking on behalf of IndustriALL Global Union, which has three industrial affiliates in Hungary. In accordance with the



recommendations of the Committee of Experts, the Government must implement all necessary measures, including legislative action, in consultation with the social partners, to ensure that sections 8 and 9 of the Labour Code do not restrict workers' freedom of expression or hinder trade unions and their leaders in fulfilling their mandate to protect the occupational interests of their members.

The increasing surveillance of workers' Facebook activity, as part of broader restrictions on freedom of expression, significantly undermines organizing efforts by pressuring individuals to self-censor. This is particularly alarming given the lack of legal clarity, which enables employers to implement ostensibly lawful retaliatory measures designed to suppress dissent and collective action. In such cases, the burden falls on the worker to contest these actions in court – a process that is often complex, resource-intensive and fraught with conflict – making legal challenges rare in practice.

We call on the Government of Hungary to engage in social dialogue and adequate consultation with its social partners because even though there is in place the VKF, the role of social partners remains minimal and largely symbolic, and several legislative proposals, such as the recent new foreign agent law, have bypassed the Forum.

Furthermore, the Government's justification for eliminating the payroll deduction of membership fees as an "administrative burden" is both baseless and misleading. The system had operated effectively since 1991 and continues to be the primary method of union membership dues collection in Hungary. Payroll deduction simplifies the process for members and ensures reliable financing for unions – especially critical given that membership fees are typically set at 1 per cent of a fluctuating base salary, which can only be accurately tracked through employer deductions.

The Government must take immediate action to eliminate all burdens and obstacles hindering union registration.

We demand that the Government urgently engage in meaningful consultations with the social partners to implement necessary reforms, including the simplification of registration requirements, particularly those related to union headquarters.

In addition, the Government must urgently amend the Strike Act, in consultation with social partners, to ensure clarity, fairness, and the protection of workers' fundamental rights. The current law remains excessively vague, failing to clearly define which sectors are subject to minimum service requirements.

We call on the Government of Hungary to take immediate action to guarantee the resumption of sectoral collective bargaining, which has been critically lacking.

Observer, Building and Woodworkers' International (BWI) – BWI represents millions of workers across the construction, building materials, wood and forestry sectors. These industries are marked by some of the most challenging conditions in the world of work – high-risk environments, short-term contracts and layered subcontracting chains. It is precisely in this context that workers need strong, independent trade unions to safeguard their rights, ensure workplace safety and secure fair pay.

Yet in Hungary, this fundamental right – the right to organize freely and form trade unions – is facing serious and persistent limitations.

The report from the Committee of Experts delivers a stark warning. Despite years of engagement and repeated observations, the Hungarian Government has once again failed to



respond to credible, long-standing allegations about restrictive trade union registration practices.

The Committee of Experts outlined a pattern of systemic obstruction: union applications rejected over minor procedural flaws; rigid legal requirements forcing by-laws to conform with civil legislation; and unjustified conditions, such as mandating the inclusion of employer names in union titles.

These are not bureaucratic errors. They are deliberate structural barriers. They restrict freedom of association, diminish the voice of workers, and directly undermine the Convention – one of the ILO's core Conventions.

Let us be clear: the refusal to simplify and reform these procedures is not a neutral policy choice. It fragments worker representation, weakens labour protections and corrodes trust in democratic institutions.

The Committee of Experts urged the Hungarian Government to engage in meaningful dialogue with workers' and employers' organizations and to take concrete action to remove these obstacles. That call must be answered with urgency and sincerity.

We join the Committee of Experts in calling on the Hungarian Government to take immediate and concrete action. Specifically, we demand that the Government initiate an inclusive tripartite consultation process with workers' and employers' organizations to review and reform the current union registration procedures. This must include eliminating excessive formalities, removing arbitrary barriers, and ensuring that the registration of trade unions is timely, transparent and consistent with international labour standards. The Government must also provide detailed data on registration approvals and refusals, to allow public accountability and international scrutiny.

Government representative – On behalf of the Government of Hungary, we take note of the observations made by the members of the Committee. We will consider them carefully, and will strive to take them into account. In my concluding remarks, I would like to emphasize that the Government of Hungary considers effective social dialogue at the national, sectoral and enterprise levels to be a key element of the world of work. At the legislative level, the Hungarian Fundamental Law provides the general framework and guarantees for freedom of association, as well as the right to collective bargaining and the right to strike. Our national regulatory environment regarding workers' collective rights is in line with the standards set by international labour norms. Hungary remains firmly committed to the full implementation of the Convention and we are open to constructive dialogue, both domestically and internationally, as stressed by many speakers. We will continue to work in partnership with our social partners to promote fair labour relations, decent work and inclusive economic growth in Hungary.

Employer members – The Employer members would like to thank the various distinguished speakers who took the floor for their interventions and for the information provided, of which we fully have taken note. We reiterate what the Convention is a fundamental Convention and that we condemn non-compliance relating to the application of this Convention.

We are pleased that the Government, both in writing and orally today, reaffirmed its willingness and commitment to further national-level social dialogue. Considering today's discussion, we would like to recommend the following. First, we ask the Government to provide without undue delay further information on the number of registered organizations and the number of organizations denied or delayed registration, including details on the grounds for



refusal of registration for the period from 2021 to 2025: to respond to the allegations and to provide information on the type of inquiries conducted by prosecutors, as well as on the outcome of the discussions on union membership fees within the VKF.

Second, we urge the Government to start a process of social dialogue with the national representative employers' and workers' organizations to examine the discussed points, especially regarding the assessment of a need to simplify the registration requirements with the aim to apply the obligations of the Convention in law and practice.

Third, we ask the Government to provide information on the progress made and all measures taken in this respect.

To conclude, we count on the collaboration of the Government to start meaningful engagement with the social partners and to implement these recommendations.

Worker members – We have heard from our discussion today the fundamental importance of the Convention as an enabling right and the need for the Hungarian Government to guarantee its protection in law and practice, including taking immediate steps in consultation with the social partners to implement the repeated comments of the Committee of Experts again in both law and in practice.

The Committee of Experts' report repeats its long-standing concern that sections 8 and 9 of the 2012 Labour Code are incompatible with the Convention by restricting workers' fundamental right to freedom of expression.

Under this law, workers are prohibited from engaging in any conduct including their right to express an opinion in or outside of the workplace that may jeopardize the employer's reputation or economic interests.

Freedom of expression for trade unions, in pursuit of representing the interests of our members, necessarily sometimes includes the need to say things that are uncomfortable for the Government, an employer, or both.

It is only by challenging the comfort of those with power that we can shift the status quo and ensure decent work. Any prohibition on the free and frank discussion of fundamental labour rights and working conditions suffocates the ability of unions to drive forward social progress and economic well-being, in short, damaging our own legitimate interests.

Once again, as the Committee of Experts has done, we urge the Government to work with the social partners to amend this law to ensure that it does not impede the freedom of expression of workers and the ability of trade unions to defend the occupational interests of their members.

We are gravely concerned about allegations that national prosecutors have interfered in internal union operations demanding documents, questioning decisions and even conducting direct inspections of trade union offices. Such practices seek to assert State control over independent workers' organizations and are clearly incompatible with Article 3 of the Convention. The Government has yet to respond to these serious allegations.

Unfortunately, the Government has opened up a new front by attacking public sector unions. Since January 2024, public employers in Hungary are no longer permitted to automatically deduct union dues from the wages of public employees. The effect of this will clearly be to weaken trade unions in the public sector.

In a joint statement issued by the SZEF and the National Federation of Workers' Councils (MOSZ), the unions expressed deep concern that this legislative change will weaken social



dialogue, damage labour relations and ultimately reduce the quality of public services in Hungary. We fully support this view and call on the Government to reverse this measure and to restore workers' rights to adopt deductions from their wages under the check-off system in line with the Convention.

Regarding union registration, delays and bureaucratic hurdles continue to frustrate the registration and operation of trade unions. The Committee of Experts report once again calls on the Government to work with the social partners to streamline the trade union registration process and to provide meaningful data on the number of unions registered or denied registration to better assess compliance with the Convention.

We note from the debate that there appears to be some confusion as to whether legislation demands a certain nomenclature for unions, or whether the name of a union can in any way cause delays in, or refusal of, registration.

We ask that the Government clarify this urgently with the social partners, with the expectation that a union's name should in no way be subject to external approval and certainly not be grounds for blocking registration.

We also note with serious concern that the right to strike remains restricted. The Committee of Experts has previously called for reforms to the Strike Act, the Passenger Transport Services Act and the Postal Services Act to ensure that unions can take part in defining minimum service levels. The Government must act on this with urgency.

We also note with grave concern the general atmosphere for the exercise of civil liberties in Hungary and that civil space is being squeezed.

On 13 May a draft law on the transparency of public life was submitted to the Hungarian Parliament which, if passed, would pose a serious threat to civil society, including trade unions. Under this proposal, trade unions that receive any funding from foreign sources, including the EU, may be placed on a public watch list and subjected to financial and administrative sanctions simply for representing the interests of their members, by seeking to influence public officials through normal channels.

We remind fellow delegates that trade unions operate both domestically, regionally and internationally. For example, five Hungarian union federations are members of the European Trade Union Confederation (ETUC) and their attendance at some ETUC meetings is financially supported by the EU in recognition of the need to represent their members' interests across the EU. Therefore, any interference in sources of funding interferes in a union's rights to organize and carry out its activities in defence of its members' interests. We urge the Government to immediately take steps to address this and other concerns aired today in this Committee.

Free and independent trade unions are the beating heart of a healthy civil society. The protections afforded by the Convention ensure that workers' rights can be defended and, in turn, nurture a climate of respect for civil liberties and democratic freedoms. Any attempt to undermine the provisions of the Convention therefore has a far wider impact and raises serious concerns for the exercise of all other human rights.

We therefore urge the Government, in consultation with the social partners, to adopt without delay a time-bound concrete action plan to reform labour laws that restrict workers' freedom of expression, reinstate automatic dues deductions in the public sector, simplify union registration procedures, amend restrictive strike legislation without further delay, avoid



adopting any proposed measures that would chill legitimate trade union activity and the exercise of trade union rights.

Freedom of association is not a privilege. It is a fundamental right of workers and their unions under international law. And we must be clear, if a Government systematically attacks unions, silences workers and evades accountability, it fails to meet its obligations under the Convention.

Conclusions of the Committee

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

The Committee noted with concern the restrictions in law and practice regarding the right of workers' and employers' organizations to organize their administration and activities, as well as to further and defend the interests of their members in line with the Convention.

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

- in consultation with the social partners, to take measures to guarantee that sections 8 and 9 of the Labour Code do not impede or impair the fundamental rights provided by the Convention, including the right of workers' organizations to defend the occupational interests of their members;
- to engage in consultations with representative workers' and employers' organizations to assess the need to simplify the registration requirements in law and practice, as well as those relating to their headquarters; and
- in consultation with the social partners, to address the obstacles to the registration in practice and provide data on: the number of registered organizations and the number of organizations denied or delayed registration, including details on the grounds for refusal of registration for the period 2021–2025, to respond to the allegations and to provide information on the type of inquiries conducted by prosecutors; and on the outcome of the discussions on union membership fees within the Permanent Consultative Forum of the Competitive Sector.

The Committee requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.

Chairperson – I now invite the distinguished representative of the Government of Hungary to take the floor.

Another Government representative – We take note of the conclusions of the Committee. We reaffirm that Hungary remains firmly committed to the full implementation of the Convention, to fulfilling its duties as a Member of the ILO, and that we are open to constructive dialogue with the social partners at national level. The Government considers effective social dialogue at the national, sectoral and enterprise levels to be a key element of the world of work.



Islamic Republic of Iran (ratification: 1964)

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

Written information provided by the Government

The Government has provided the following written information, as well as statistics on educational performance, statistics on full-time faculty members in the 2023/24 academic year, a gender-related report on disbursements made to provinces (May 2025), the number of facilities paid by gender and activity sector (May 2025), a report on facilities paid by gender and province from home businesses resources (May 2025), statistics on students in higher education institutions in the country, and statistical tables on women.

Reply of the Government regarding the Chastity and Hijab Bill

The Islamic Republic of Iran has always tried to take steps with commitment in line with the application of the Convention. To this end, the Government has taken the principle of equality in job opportunities and non-discrimination in employment into consideration in its policymaking, while the principle of “equality in human dignity” for women has been recognized in the Constitution and the National Development Plans of Iran.

- Regarding the Chastity and Hijab Law, it should be emphasized that the said law has not yet been promulgated. Therefore, it is not legally enforceable, and mandating the implementation of a non-promulgated law is not legally acceptable and is inconsistent with the applicable principles under Iranian national legislation. Based on established legal principles, and in accordance with the Constitution and the Civil Code, no resolution should be deemed enforceable until the law in question has undergone all legal procedures, including approval, promulgation by the President, and publication in the Official Gazette. Pursuant to article 123 of the Constitution and article 2 of the Civil Code, promulgation and publication are the main steps to be taken in order for laws to become enforceable, in the absence of which neither citizens nor executive entities shall be obliged to adhere to them. Therefore, any reference made to the provisions of a draft law to infer discrimination or a violation of fundamental rights lacks legal credibility and would be misleading when evaluating a government’s actions.
- Regarding the concern about restricted access to public services for women who do not comply with the dress code, it should be mentioned that there is no systematic prohibition on this ground in law, and if actions have been taken on a case-by-case basis in some institutions, these instances are not widespread and do not constitute a basis for structural discrimination.
- Currently, a new draft law is being formulated with a cultural and positive approach, the goal of which is not to resort to criminal and coercive means, but rather to gradually promote Iranian-Islamic culture in the society. Under the said new draft law, education, cultural persuasion, media activities and non-binding advice are underscored, and in this respect, its framework is totally compatible with the principles of non-discrimination and respect for human dignity. As such, the Government is willing and ready to share its viewpoints and observations with the ILO in the context of constructive technical dialogue, and welcomes any effective interaction in order to promote labour rights and equality in employment.

The Chastity and Hijab Bill has now been approved by the Legislative Branch; however, it is not yet enforceable in view of its non-promulgation and in the absence of legal publication



of the approval. Furthermore, the higher authorities have decided not to enforce it now; therefore, there is no concern in this regard.

It should be noted that, pursuant to article 1 of the Civil Code, the enactments of the Islamic Consultative Assembly and the results of the referendum, having gone through legal procedures, will be notified to the President of the Republic. The President shall, within five days, sign them and notify them to the executors, and issue instructions to have them published, and the Official Gazette shall be required to publish them within 72 hours of notification. Article 2 of the Code reads: Legislative enactments come into force throughout the country fifteen days after their publication, unless a specific arrangement has been prescribed in the legislation itself as to the timing of its enforcement. Article 3 of the Civil Code: The text of laws must be published in the Official Gazette.

Government's reply on preventing and addressing types of violence and sexual harassment in the workplace and professional environment

As explained in the 2023 report, for all similar behaviours against women in work environments, in the private or public sectors, actions – either administrative or judicial – may be taken upon the victim's report or even reports from other individuals. Based on Islam, great importance is given to ethical issues concerning women and children, and any assault or harassment against a woman is deemed an insult to the honour of all men, which usually receives very serious reactions. Numerous laws exist to protect women's dignity, and even harassment through words or actions contrary to their honour and dignity is considered an insult, punishable under article 619 of Volume Five of the Islamic Penal Code (*Ta'zirat* and Deterrent Punishments) by imprisonment of two to six months.

In the 2023 report, it is noted that unethical behaviours in governmental and semi-governmental organizations are specifically monitored by the organizations' supervisory units, with severe action taken against offenders, through which the person in question is referred to the Administrative Violations Board upon the report of the complainant of the relevant unit. These individuals may face penalties such as permanent or temporary dismissal from service, fines, etc., and these penalties are separate from judicial punishments that may apply if a case is filed and a complaint is lodged with the judicial authorities.

Reply of the Government regarding Articles 1(1)(a) and 4. Discrimination based on sex, political opinion and activities prejudicial to the security of the State

Based on the principles of the Constitution, particularly article 27, the Islamic Republic of Iran has always supported the right to establish peaceful, legal union activities and gatherings, and has further recognized the right to civil protest within the framework of the law. In the same context:

- Like other ILO Member States, the Islamic Republic of Iran differentiates between legitimate peaceful protests, on the one hand, and behaviours that may be considered threats to national security and social stability, on the other hand. Actions have also been taken within the framework of domestic laws, ensuring fair trials, the possibility of access to a lawyer, and the right to appeal. Moreover, legal mechanisms for redressing complaints and guaranteeing the rights of the accused have been provided through the supervisory institutions in place.



Reply of the Government regarding the draft comprehensive population and family excellence plan and other measures

To respond to one of the most serious national demographic challenges, the Youth Population Law was enacted. A 20 per cent decrease in birth rates in recent years, and a significant decline in fertility rates, have put the country at risk of rapid ageing, a situation that, according to reliable international estimates, will place Iran among the oldest societies in the world within the next two decades. The adoption of this law is aimed at implementing general population policies, restoring balance to the country's age structure, and strengthening the foundation of the family. In this regard, the following points are deemed necessary to highlight:

- Regarding the claim of increasing discrimination against women in the law, it should be noted that the above law does not violate the principles of gender equality or women's rights in the workplace. Unlike this claim, a major part of these legal provisions is specifically designed and implemented to support women, especially working mothers, by facilitating their multiple roles and promoting households' welfare. Some of the most important protections envisaged under the above law are: ensuring job security for mothers during pregnancy and after childbirth; granting paid leave after childbirth; enabling working mothers to use teleworking arrangements; requirements for establishing nurseries at workplaces; promoting job benefits such as increased child benefit and early retirement; providing housewife insurance; infertility treatment insurance coverage; housing facilities; and specific economic protections.

Reply of the Government on amending section 1117 of the Civil Code and legal restrictions on married women's employment under the husband's authority

The amendment of the Family Protection Law of 2022 is an item on the agenda of the legislative authorities and this bill has not been welcomed; the legal deputy of the Judiciary decided to change the content of this instrument and only deal with formal and procedural aspects of the amending bill (Family Protection Law 2022). Some experts have suggested an alternative title for it, namely, the "Family Procedure Bill". In this bill, similar to the previous one, attention has been given to the issue of women's employment and occupation, and the same previous article has been included as follows:

- In cases where the court issues a ruling prohibiting the wife from employment, this ruling is communicated solely to her for enforcement. If the wife refuses to comply with it, she will not be entitled to spousal support. Regardless of the final title of the bill, once it is submitted to the Government and the Parliament, the inclusion of the above article prevents the enforcement of the employment prohibition ruling against the wife. The ruling will be notified only to the wife, and if she chooses to continue her employment, she will not receive spousal support from her husband. This is because, despite having rights, income, or wealth, a woman has no obligation to contribute to household expenses or her basic needs. In all cases, the husband is obliged to cover all living expenses and his wife's needs, such as food, clothing, housing, and medical care.

In the same context, the Government (legal deputy-minister's office, strategic deputy-minister's office and social affairs and crime prevention deputy-minister's office of the Judiciary) developed a draft guideline, entitled "Guidelines on drawing up the e-marriage deed and relevant terms", in order to include other types of conditions required by the wife in the marriage deed. Also, in order to preserve the right of the wife to education and employment, and ensure the husband cannot restrict his wife after marriage, article 5(c) reads: "The husband



undertook to avoid any action preventing his wife's education or employment when it does not conflict with family dignity."

Reply of the Government to respect equality of employment opportunities

The Islamic Republic of Iran, emphasizing the principle of human dignity, social justice, and ensuring equal opportunities for all societal groups, including women, has implemented extensive measures at the legislative, executive, supportive and educational levels to enhance the status of women in the labour market. These measures not only align with the provisions of the core Conventions of the ILO but, in many cases, surpass global standards. In this regard, the following points are highlighted:

- **Commitment to prohibiting unjust discrimination and ensuring equal opportunities:** In the legal system of the Islamic Republic of Iran, the principle of equality between men and women before the law, particularly in employment and wages, is explicitly stated in various laws and overarching policies. These include article 20 of the Constitution, which considers all citizens, both men and women, equal before the law; article 28 of the Constitution, which guarantees the right to employment and the pursuit of desired occupations for all; article 38 of the Labour Law; and clauses 2, 3 and 6 of the General Policies of the Administrative System and Employment Policies, which emphasize equal pay for work of equal value, regardless of gender. Additionally, clause 15 of the general policies of the seventh Development Plan, issued in 2022, emphasizes "removing barriers to the growth and flourishing of women", and clause 9 of the general legislative policies, issued in 2019 by the Supreme Leader, underscores "justice-centeredness in laws, avoidance of unjust discrimination, universality of the law, and its inclusiveness and comprehensiveness" as principles of legislation. All these documents and laws reflect the supportive approach of the country's legal system towards improving women's status. Notably, in implementing these principles, judicial institutions such as the Administrative Court of Justice address complaints related to violations of occupational rights, including issues of equal pay and job opportunities, and, if violations are confirmed, mandate compensation and the restoration of prior status.

Discussion by the Committee

Chairperson – I have the honour of giving the floor to the distinguished representative of the Government of the Islamic Republic of Iran, a high-level expert from the International Department of the Ministry of Cooperatives, Labour and Social Welfare.

Government representative – The Islamic Republic of Iran has consistently endeavoured to diligently implement the Convention. Accordingly, it has given priority to the principle of equality in employment opportunities and the prohibition of discrimination in its labour policies, recognizing the principle of equality in human dignity for women in the Constitution and the Islamic Republic of Iran's national development plans. This report aims to provide comprehensive responses to the questions raised by the esteemed Committee of Experts.

Regarding the concern raised by the Committee about the Chastity and Hijab Law, it should be noted that this law has not been officially enacted and therefore lacks legal enforceability under Iranian law. Imposing compliance with an unenacted law is legally invalid and contrary to the principles governing the Islamic Republic of Iran's domestic legal system. According to well-established legal principles, the Constitution and article 2 of the Civil Code of the Islamic Republic of Iran, no legislation is enforceable until it has undergone the legal process of approval, promulgation by the President and official publication in the *Official Gazette*. Per article 123 of the Constitution and article 2 of the Civil Code, enactment and



publication are fundamental prerequisites for a law's enforceability. In the absence of these steps, neither citizens nor implementing institutions are obligated to comply. Thus, any reference to the draft provisions of this law to infer discrimination or the violation of fundamental rights, lacks legal validity and is misleading for assessing a government's action.

Regarding the concerns about restricted access to public services for women who do not comply with dress code regulations, it must be clarified that no systematic prohibitions exist in the law. If isolated actions have occurred in certain institutions, they are not widespread and do not constitute structural discrimination.

Regarding the prevention and handling of violence and sexual harassment in the workplace as noted in previous reports, although the term "sexual harassment and violence" is not explicitly defined in the Labour Code of 1990, a legal framework addressing behaviours that undermine the dignity of workers is provided through various penal laws, including the Islamic Penal Code. Actions such as threats, humiliation, insult, harassment, coercion or abuse of professional authority are prosecutable under provisions such as harassment of women causing fear and psychological distress, abuse of administrative power or acts contrary to chastity. These provisions include penalties such as imprisonment, fines and dismissal from public or governmental service.

Additionally, article 8(7) of the Administrative Offence Law of 1993 identifies discrimination, bias or non-administrative relations in the application of laws and regulations as an administrative violation in public sector employment.

Among the measures implemented or in progress are training programmes for human resource managers and employers on workplace behavioural standards and the adoption of the 2024 Regulations on Promoting Professional Ethics in the Administrative Systems by the Council of Ministers.

Regarding the implementation of Article 1(1)(a) of the Convention and discrimination based on gender, political opinions and activities undermining national security, it should be noted that based on the principles of the Constitution, particularly article 27, the Islamic Republic of Iran has consistently supported the right to peaceful assembly and lawful trade union activities, recognizing the right to civil protest within the legal framework. Moreover, like other ILO Member States, the Islamic Republic of Iran distinguishes between legitimate peaceful protests and actions that may threaten social security and stability.

Regarding the application of the national security exception under Article 4 of the Convention and its impact on employment, the Islamic Republic of Iran emphasizes that this exception is applied only in very limited, defined cases in accordance with legal principles and fair trial procedures. Under the Islamic Republic of Iran's penal laws, particularly articles 498 through 514 of Book Five of the Islamic Penal Code (Ta'zirat), actions undermining national security, such as membership of or collaboration with illegal groups, espionage, disclosure of classified information or incitement to disrupt public order, are clearly defined. These regulations, based on the principle of legality of crimes and punishments, are not subject to expansive interpretation and are reviewed by independent judicial authorities.

Regarding non-discrimination under the Youth Population Law, as previously communicated to the Committee of Experts, the family excellence plan was withdrawn from the parliamentary agenda following the adoption of the Youth Population Law, which addresses one of the Islamic Republic of Iran's most pressing demographic challenges.

A 20 per cent decline in birth rates in recent years and a significant drop in fertility rates have placed the Islamic Republic of Iran at risk of rapid population ageing, potentially ranking



it among the world's oldest societies in the coming decades according to credible international estimates. The Law was enacted to achieve the objectives of general population policies, restore balance to the country's age structure and strengthen family foundations.

Its key points could be outlined as follows:

- Claims of increased discrimination against women under this Law are unfounded as it does not violate the principles of gender equality or women's workplace rights. On the contrary, significant provisions of the Law are specifically designed to support women, particularly working mothers, by facilitating their multiple roles and improving family welfare. Key supportive measures include job security for mothers during pregnancy and postpartum, paid maternity leave, remote work options for working mothers, the mandatory establishment of workplace childcare facilities, enhanced employment benefits such as increased child allowances and early retirement options, insurance for housewives, coverage for infertility treatment, housing subsidies and targeted economic support.

Regarding women's participation in public decision-making, according to the 2024 Statistical Yearbook of the Islamic Republic of Iran's Administrative System, the proportion of employees in executive institutions was 55 per cent for men and 45 per cent for women.

Additionally, 2023 statistics show that 45.9 per cent of women were employed in the executive branch, 22.98 per cent in the judiciary, 13.31 per cent in the legislature and 17.81 per cent in institutions outside the three branches of powers.

Women's appointment to managerial and decision-making roles has seen significant growth, with a more than twofold increase, from 19,597 in 2020 to 42,396 in 2023.

Since August 2024, the incumbent Administration has appointed over 190 women to high-level managerial positions, some for the first time in Iranian history. This includes 4 women in the Fourteenth Council of Ministers, 14 women appointed to lead institutions by direct presidential decree, 13 deputy ministers, 17 minister's advisers, 110 directors-general, 17 governors and 16 district administrators, reflecting a commitment to diversity across ethnicities and social groups. A recent presidential directive to appoint qualified women to managerial roles in provincial administrations resulted in approximately 1,885 women appointed to various managerial positions in ministries, affiliated organizations and provincial administrations by the end of 2024.

Regarding section 1117 of the Civil Code, it should be emphasized that the aim of this section is to limit a husband's authority to restrict a wife's employment. Two conditions must be met: the employment must be deemed contrary to family interests or the dignity of the wife or husband, and the husband must seek a court ruling to confirm this. Thus, this section addresses a specific familiar circumstance and does not impose a general prohibition or systematic restrictions on women's employment. A husband may only request a court order restriction if the wife's employment conflicts with family interests.

Additionally, under section 1119 of the Civil Code, a woman may stipulate her right to employment as a condition in the marriage contract. If this condition is included and the husband seeks to restrict employment through the court, the wife may request court enforcement of the condition. If enforcement is not possible, she may seek divorce based on the husband's breach of the marriage contract.

On the issue of ensuring equality in employment opportunities, the legal system of the Islamic Republic of Iran explicitly upholds gender equality before the law, particularly in employment and wages as affirmed in multiple laws and policies.



These include article 20 of the Constitution, ensuring equality for all citizens; article 28, guaranteeing the right to employment in desired occupations; article 38 of the Labour Code; and clauses 2, 3 and 6 of the General Administrative and Employment Policies, which emphasize equal pay for equal work regardless of gender. The Seventh National Development Plan Policy Document of 2022 emphasizes removing barriers to women's growth in clause 15, while clause 9 of the General Legislative Policy Document of 2019 underscores justice-centred legislation and the avoidance of unjust discrimination.

These laws and policies reflect the Islamic Republic of Iran's supportive approach to advancing women's status.

Judicial institutions such as the Administrative Court of Justice address complaints related to violations of employment rights, including equal pay and opportunities, and mandate remedies or reinstatement when violations are confirmed.

In collaboration with international organizations, the Islamic Republic of Iran has implemented diverse national and provincial programmes to enhance women's employment, particularly for female-headed households, rural women, those recovering from social challenges and university graduates.

These include the allocation of National Development Fund resources to rural and nomadic women's employment; the promotion of self-employment schemes, vocational training and interest-free loans through the Hope Entrepreneurship Fund and Barakat Foundation; the creation of over 2,600 national brands by female-headed households in domestic production; the organization of national conferences and women's entrepreneurship networks and the signing of agreements with over 30 national institutions to enhance women's skills and entrepreneurship in rural and disadvantaged areas.

Vocational training programmes are implemented nationwide based on standard curricula accessible to all, without restrictions based on religion, ethnicity or gender. Detailed statistics have been submitted to the International Labour Standards Department. Notable programmes for women's economic empowerment include:

- The Economic Empowerment Programme for female-headed households and women entrepreneurs which has supported 9,565 female-headed households across 233 occupations by leveraging successful women entrepreneurs in each province, income decile or indicators 1 through 5, utilizing the Cooperative Investment Guarantee Fund to enhance equitable access to opportunities and resources.

Regarding women's education in technical and engineering fields, there are no legal barriers to women's education in such disciplines. Women can pursue and obtain degrees in their freely chosen fields. According to the Minister of Science, Research and Technology, during the 2023 academic year the ratio of women enrolled in technical engineering programmes at public and private universities was 24 per cent of the total number of students in these fields. And in other countries, women tend to favour other disciplines, with technical and engineering fields accounting for 22.45 per cent of the total enrolment for both genders. The Islamic Republic of Iran reiterates that no restriction exists on women's university or vocational training in such fields.

Regarding the employment of former prisoners and the potential impact of security-related convictions on employment, the Civil Service Management Law and similar regulations impose restrictions only on specific sensitive governmental positions. These apply only upon a final court conviction for crimes affecting public competency and do not extend to



private sector employment or general non-governmental jobs even for those with security-related convictions.

Supporting institutions such as the Prisoners' Cooperative Foundation and the Technical and Vocational Training Organization provides educational and support services to facilitate social reintegration and prevent relapse to prison. Under Chapter 4 (articles 174 to 193) of the Executive Regulations of the Prisons Organization, post-release care centres offer vocational training and employment facilitation to former prisoners in collaboration with governmental and non-governmental entities to promote self-sufficiency and social reintegration.

Employer members – Before starting, we would like to thank the Government for the oral and written information provided in relation to its application of the Convention in law and in practice. As usual, we wish to provide some contextual information to improve understanding of the case. This is the fifteenth time that the Committee has discussed this case. The Islamic Republic of Iran ratified the Convention in 1964, and the Committee of Experts has made observations in this regard on 25 occasions, most recently in 2021, 2022 and 2024.

Before examining the comments of the Committee of Experts, the Employer members wish to underline the Convention's importance as one of the ten fundamental Conventions that therefore requires special attention and priority supervision. This fundamental Convention aims to guarantee human dignity and equality of opportunity and treatment for all workers, prohibiting all discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin.

It is important to bear in mind that this case requires us to discuss the effective implementation of suitable measures that fulfil the requirements set out in Article 1(1)(a) and (3), specifically. In that regard, we find that the Committee of Experts' 2024 observations are, as well as extensive, concerning, and they focus on existing and proposed legislation that undoubtedly give rise to concerns of discrimination on grounds of gender, religion, ethnicity and political opinion.

We will address the Committee of Experts' main concerns in detail.

First, with regard to Article 1(1)(a) and (3) it is indicated that although the Iranian Constitution and Labour Law prohibit discrimination and guarantee equal rights for all Iranians regardless of gender and provided that they are in line with Islam and the public interest, these regulations do not explicitly include religion, political opinion or social origin among the protected categories, and they do not apply to recruitment. We note with concern that despite the continued strong appeals issued by this Committee in the past to amend or derogate that legislation, labour laws and regulations that discriminate against women and religious minorities continue to exist. The Employer members therefore urge the Government to implement, in law and in practice, all mechanisms intended to provide protection against discrimination on those grounds.

Second, with regard to the Chastity and Hijab Bill, I would like first to refer to the February 2025 report of the Secretary-General of the United Nations (UN) on the situation of human rights in the Islamic Republic of Iran that highlights the deep concern at this Bill, which aims to strengthen the obligation for women and girls to wear the hijab in public and establish harsh sanctions for non-compliance, which could increase gender discrimination. This Bill was adopted in Parliament by a majority on 20 September 2023 and was subsequently submitted for approval by the Guardian Council. Since then, several amendments to the Bill have been introduced.



The aforementioned report of the Secretary-General of the UN, based on research undertaken in the country, indicates that although the Bill is pending approval, public officials have instructed the police to apply it immediately, without awaiting that step.

The Employer members note with concern that this draft legislation provides for a graduated system of punishments, aimed mainly at women and girls, that in practice hinders the full enjoyment of certain rights, such as the rights to health, education, work and freedom of movement. Public information found in news and press releases disseminated around the world indicate that the authorities have imposed fines and closed a number of businesses, including cafés, restaurants, pharmacies and travel agencies, for failing to adhere to laws on the obligation to wear the hijab.

In that regard, the Employer members express their deep concern at the adoption of a bill that contravenes the Convention and violates the rights of women and girls in particular, and we therefore request the Government not to proceed with the adoption of that initiative, in line with the Islamic Republic of Iran's obligations, international labour standards and human rights protections.

Third, regarding sexual harassment in the workplace, according to the Committee of Experts, existing legal protections are insufficient. There is a need for a law that addresses all forms of sexual harassment, regardless of the perpetrator, and with effective reporting and sanction mechanisms.

Fourth, concerning reprisals following the death of Mahsa Amini, the Employer members express their concern at the reported acts of violence and repression. The Government is requested to provide sufficient information in order to evaluate whether those acts constitute a violation of the Convention and whether national legislation clearly establishes the concepts of "acts or crimes against national security" and "propaganda against the State", in such a manner that those measures do not become discriminatory owing to the broadness of their interpretation.

Fifth, relating to religious and ethnic discrimination, systemic discrimination is reported against Baha'is, Sunni Muslims, Kurds, Baluchis and Arabs, among others, and allegiance to the official religion is demanded. The Employer members therefore request the Government to adopt corrective measures as a matter of urgency, both in legislation and in practice, to align with the provisions of the Convention, as we have already mentioned.

Sixth, regarding section 1117 of the Iranian Civil Code, that regulation allows a husband to prohibit his wife from working if he considers it contrary to the family's interests. As indicated in previous analyses of the case, this regulation as contained in the country's legislation is in direct violation of the Convention. Although the Government indicated in its oral and written responses that the courts can interpret the clause and that there is a right to agree contractual conditions, that does not justify the regulation, which is in clear violation of the Convention. Undoubtedly, this provision seriously undermines women's right to choose their employment freely. We therefore once again encourage the Government to derogate section 1117 of the Civil Code as soon as possible.

With regard to Bill No. 264, we request the Government, in consultation with the most representative social partners, to make the relevant amendments and remove all restrictions on women's employment.

Lastly, concerning conflict resolution mechanisms, we are grateful for the information submitted by the Government. We acknowledge its efforts to improve judicial proceedings relating to labour matters. We request, however, that detailed information is sent to the



Committee on cases relating to equality of treatment in employment, including the sanctions and remedies applied.

The Employer members consider discrimination at work to be not only a violation of a human right, but also a hindrance to workers' development and the harnessing of their full potential in the labour market. We therefore request the Government to ensure that the legislative amendments, derogations and legal updates that are proposed are developed through consultation with the most representative social partners and to continue with the adoption of effective measures that protect women and girls, as well as religious, political and social minority groups, from all acts of discrimination.

Worker members – Today we are discussing a case of serious failure to comply with workers' fundamental rights, that is, the case of the Islamic Republic of Iran. The Islamic Republic of Iran ratified the Convention in 1964. However, the Islamic Republic of Iran continues to violate provisions of this Convention, both in law and in practice. This failure persists despite numerous direct requests and observations expressed by the Committee of Experts, which date back as far as the year 1990.

In 2024, we noted no progress regarding the situation of women activists who continue to be persecuted by the authorities for the expressions of their political opinions. In July 2024, two women political prisoners were sentenced to death for "rebellion". This charge is often used by the authorities against political prisoners and dissidents. Two other women activists are at risk of execution based on similar sham charges, and many more are charged with security crimes. We condemn this practice in the strongest terms, and we demand that the persecution of women activists ends immediately.

We have repeatedly reported extremely serious cases of the systematic detention, sentencing and imprisonment of trade union leaders and the Government's crackdown on labour rights activists for expressing their opinions, which leaves workers in the Islamic Republic of Iran virtually without a voice.

In September 2023, the authorities cracked down on teachers and their union representatives to suppress a resurgence of the 2022 May Day rallies which followed the extrajudicial killing of Jina Mahsa Amini in September 2022. Currently, 11 leaders and members of the Coordinating Council of the Iranian Teachers' Trade Association remain arbitrarily detained for their legitimate trade union activities.

Workers from various sectors have faced false charges brought against them, the denial of judicial rights, no access to legal counsel or due process, torture to extract false confessions and forced renunciation of union work, inadequate access to medical treatment and harassment of their family members.

I will list just a few examples from the long list of victims:

- Davood Razavi, a board member of the Syndicate of Workers of Tehran and Suburbs Bus Company, was arrested on 27 September 2022 and detained for four months in solitary confinement under intense interrogation. The first trial court sentenced him to five years' imprisonment and a two-year ban from trade union activities. He continues to be held in prison by the Iranian Government.
- Ebrahim Madadi, a retired vice-president of the Syndicate of Workers of Tehran and Suburbs Bus Company, who was previously sentenced to three and a half years in prison for his defence of workers' rights, was arrested in August 2024 and sent to prison, regardless of his serious and multiple health conditions that put his health and life at risk.



We demand that the authorities immediately release all trade unionists detained for exercising their trade union rights.

There are dozens of cases in key sectors of the economy where trade union leaders and members are victims of systematic judicial harassment and detention for expressing their political opinion. We condemn the continued brutality of the Iranian authorities against their own people.

We call for stronger international pressure against the regime and demand the immediate release of all imprisoned trade unionists and activists.

We also wish to underline the systemic discrimination in employment and occupation based on religion, social origin and ethnicity that takes place in the Islamic Republic of Iran. For example, employment opportunities for Shia Muslims are far greater than those for Sunni Muslims. The Baha'i minority in the Islamic Republic of Iran not only faces barriers to employment, but is also expelled from universities as soon as the Government identifies them as Baha'i students.

The Yarsan, a Kurdish religious minority in the west of the Islamic Republic of Iran, face dismissal from government positions if they speak about their religious beliefs. As a result, they are often restricted to working in the private sector with significant limitations. Other minorities, such as the Mandaean in the southwestern region of the country, face similar challenges. Kurds, Baluchis and Arabs are practically excluded from holding high-ranking government positions.

We recall the report by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran published in 2023 which raised similar concerns about widespread violations of the employment rights of the ethnic, linguistic and religious minorities in the Islamic Republic of Iran.

Next, we wish to raise the systematic discrimination against women in employment and occupation. Chairperson, the Committee of Experts noted with regret that the Government made no progress in revising section 1117 of the Civil Code which gives a husband authority to prevent his wife from pursuing specific occupations that he deems incompatible with the "family's interest", his dignity or his wife's dignity.

We also want to raise the problem of the new law on the Youthful Population and Family Support Plan, that is, former Bill No. 264. This law creates a serious risk of obstacles to the employment of women as it gives priority in employment to married men.

We recall that women and men should have full rights of equality of opportunity and treatment in employment and occupation.

Further, we cannot omit another new law, the Chastity and Hijab Bill, which seeks to impose a series of new punishments on women and girls who fail to wear the headscarf or commit "bad dressing", and on managers of organizations who fail to implement this law. The Worker members are deeply concerned about this law, which will have the effect of perpetrating the systematic discrimination and suppression of women and girls.

This is, sadly, the situation in the Islamic Republic of Iran. There has been little progress regarding the implementation of the conclusions and recommendations of the ILO supervisory bodies concerning the observation by the Islamic Republic of Iran of the Convention. We strongly urge the Government to accept constructive dialogue.

Government member, Poland – I have the honour of speaking on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Bosnia and**



Herzegovina, Montenegro, North Macedonia, Republic of Moldova and Ukraine and the EFTA countries, **Iceland** and **Norway**, members of the European Economic Area align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights.

We promote the universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The principle of equality and non-discrimination is a fundamental element of international human rights law. In the European Union's founding treaties and the constitutions of the EU Member States, the prohibition of discrimination is a core principle.

The EU and its Member States welcome the willingness of the Government to engage in a dialogue with the ILO. We acknowledge the additional information provided by the Government regarding the Committee of Experts' observations in the report.

Nevertheless, we remain deeply concerned about the situation of human rights in the Islamic Republic of Iran, especially the high number of executions and the severe violation of the rights of women and girls, and the systemic repression of protesters and women's rights defenders, including, and I quote, "women, life and freedom" protests.

We regret that the Government did not provide detailed information on the legal definition of, and I quote, an "act or crime against national security" and "propaganda against the State", as requested by the Committee.

We recall the Committee of Experts' conclusion that measures related to state security, which are an exception under Article 4 of the Convention, should be sufficiently well defined and precise to ensure that they do not become instruments of discrimination on the basis of any ground prescribed in the Convention.

We echo the concerns expressed by the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran regarding the widespread violations of the rights of ethnic, linguistic and religious minorities.

We urge the Government to ensure comprehensive protection in law and practice for all workers against direct and indirect discrimination based on all grounds listed in Article 1(1)(a), including on the grounds of religion, political opinion, national extraction and social origin.

We reiterate the important role of social dialogue for the effective implementation of the Convention. We acknowledge that the Islamic Republic of Iran's Supreme National Security Council has proposed the implementation of the Chastity and Hijab Law.

We call upon the Government to ensure that any legislation brought is in full compliance with the Convention and the principle of non-discrimination. In this regard, we welcome the expressed willingness by the Government to avail itself of the technical support of the ILO.

We are deeply concerned over the findings in the report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Committee of Experts' observations on legal restrictions on women's employment.

We took note of the Government's reply referring to planned legal amendments to section 1117 of the Civil Code and the Family Protection Law, 2022, as well as the additional information provided by the Government that in cases where the court issues a ruling



prohibiting a wife from employment, it will be only notified to her, and if she chooses to continue her employment, she will not receive support from her husband.

While acknowledging the commitment of the Government to legal amendments, we would like to point out that conditioning financial support on compliance with employment prohibition itself does not correspond to the fundamental principle of equal job opportunities and non-discrimination outlined in the Convention.

Therefore, we share the Committee of Experts' urgent request to the Government to ensure the repeal, effective amendment or modification of all laws, regulations, instructions and practices that hinder women's equality of opportunity and treatment in employment and occupation, in particular with respect to section 1117 of the Civil Code. We encourage the Iranian Government to cooperate with the ILO in this regard.

We reiterate the Committee of Experts' urging of the Government to ensure that measures taken to promote population growth and maternity protection do not constitute obstacles to the employment of women in practice, in particular that all of the restrictions on women's employment and the prioritization of men's employment in Bill No. 264 are removed from the new law.

We urge the Government to provide information with regard to the Committee of Experts' request to the Government to include clear legal provisions in the Labour Code to prevent and address all forms of sexual harassment against all workers, especially women, not only by a person in a position of authority, but also by a colleague or a person with whom workers have contact as part of their job, including victimization safeguards, complaint mechanisms, sanctions and remedies.

We reiterate the need for specific measures to be taken by the Government to prevent sexual harassment at work.

Last but not least, we join the Committee of Experts' call for the Islamic Republic of Iran to take concrete steps towards gender equality in technical education and employment.

We express our concern regarding the so-called quota system, limiting women's access to technical studies, and call for the adoption of measures to increase female participation in sectors where women and girls are under-represented.

The EU and its Member States are committed to working with the ILO and its tripartite constituents to ensure compliance by the Islamic Republic of Iran with the Convention.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela is grateful for the presentation made by the distinguished representative of the Government of the Islamic Republic of Iran, which highlights the progress and actions undertaken by the country in promoting equality and non-discrimination, especially in the labour, social and political spheres, in full observance of the constitutional principles that underpin its sovereignty and its domestic legal framework.

We welcome the legislative measures adopted by the Government which clearly reflect its firm commitment to equal rights and the protection of all citizens, regardless of gender or social status. These actions undoubtedly contribute to ensuring equitable access to opportunities and public services, thereby promoting a more just, inclusive and respectful society.

Our country welcomes the commitment expressed by the Government to promoting gender equality, eliminating all forms of discrimination and strengthening the rights of women



and vulnerable groups, in line with its constitutional principles and in accordance with international commitments in this area.

We firmly believe that equality and social justice are fundamental pillars for the sustainable development of our societies. We therefore encourage you to continue along this path with responsibility, perseverance and collective commitment.

Finally, we express our solidarity and support for the Government, confident that international cooperation, based on constructive dialogue, is essential to advance the construction of societies that are more just, equitable and respectful of the rights of all human beings.

Worker member, Australia – I speak on behalf of the Australian trade union movement. Malaysian workers, British workers and the American Federation of Labor and Congress of Industrial Organizations – the most representative trade union federation of the United States of America – all align themselves with this statement. The situation for workers in the Islamic Republic of Iran is dire, and women in particular face discrimination. Women’s workforce participation was only 13.4 per cent in 2024, among the lowest in the world. The unemployment rate among women is 2.5 times higher than among men, and in the less urbanized provinces up to 80 per cent of women are unemployed. In the workplace, women face sexual harassment and other forms of discrimination in law and practice.

Women can be prevented from being hired or can be dismissed at the husband’s behest under section 1117 of the Civil Code which enables a husband to prevent his wife from working in occupations that he deems incompatible with the family’s interest. Women are prohibited from working in some professions under article 75 of the Labour Code which prevents women from working in jobs deemed dangerous, arduous or harmful, a broadly defined category that limits access to many sectors. Sexual harassment is not explicitly prohibited in the Labour Code, which lacks adequate provisions to prevent and address all forms of sexual harassment including safeguards for victims, complaint mechanisms, sanctions and remedies. Gender-based wage disparity is significant, standing at 23 per cent in the public sector and around 36 per cent in the non-government sector, and strict hijab enforcement and moral policing creates barriers for women in employment.

We strongly call on the Iranian authorities to heed the calls of the ILO Committee of Experts and repeal discriminatory laws and end discriminatory labour practices against women. We echo the conclusions of the 2025 report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, which notes that despite intense state repression, Iranian women continue to demonstrate remarkable resilience and activism in defending their rights.

From protests against compulsory veiling to advocacy for equal rights, Iranian people are increasingly vocal and organized in challenging discriminatory practices, reflecting their growing awareness of their rights and their determination to achieve change. And I want to acknowledge that while we are all meeting here at the ILC, truck drivers across the Islamic Republic of Iran are taking strike action at huge personal risk.

We would like to express our solidarity with the Iranian workers on strike, fighting for their fundamental rights and rising up against injustice and repression. The global union movement is with you.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points. Switzerland is deeply concerned by the observations of the Committee of Experts regarding systematic discrimination against



certain groups in the Islamic Republic of Iran, particularly women and ethnic and religious minorities. Although gender-based discrimination is prohibited by law, legal remedies remain largely inadequate. Furthermore, the absence of an explicit prohibition of discrimination based on ethnicity, religion, social origin and political opinion constitutes a flagrant violation of Article 1 of the Convention.

Switzerland considers the situation of women to be particularly worrying. In addition to laws that discriminate against women in the areas of employment, education and the family, there is, on the one hand, a lack of an effective legislative and legal framework to combat sexual harassment in the workplace and, on the other, the growing influence of the so-called “morality police”. Furthermore, the introduction of quotas limiting women’s access to certain fields of study further reinforces the already widespread inequalities in access to education and gender stereotypes. In addition to women, religious and ethnic minorities also face systemic discrimination and massive violations of their rights in terms of access to education, employment and public office.

Switzerland also strongly condemns the intensification of repressive measures, including arbitrary arrests and detentions, acts of torture and executions, against human rights defenders, trade union leaders and workers exercising their legitimate rights to freedom of expression and assembly. These practices, which seriously undermine the rights guaranteed by the Convention, must cease immediately.

In view of the seriousness of the observations reported by the Committee of Experts, Switzerland urges the Iranian Government to cease all practices that violate the human rights, including labour rights, and fundamental freedoms of its population. Switzerland also calls on the Iranian authorities to take urgent measures to ensure equal opportunities and treatment for all in employment and occupation, and to comply, in law and in practice, with its international obligations.

Worker member, Spain – The Iranian Labour Code does not recognize the right to freedom of association or to the choice of a trade union. Only trade unions aligned with the State are permitted. Hence, those who aspire to be union representatives are subjected to an ideological selection process, and those who participate in strikes or express their disagreement face repressive measures. Despite this, every year there are hundreds of protests and labour strikes demanding better conditions and the release of imprisoned trade unionists and denouncing mismanagement and corrupt practices.

Just two weeks ago, in my country, outside the Spanish Congress of Deputies, we demonstrated for the end of the death penalty and for the release of Pakhshan Azizi, Verisheh Moradi and Sharifeh Mohammadi, activists who were detained for their feminist, social and trade union commitment, convicted in unfair trials and subjected to very harsh detention in extremely precarious conditions. The President of Congress, Ms Francina Armengol, joined this rally, and this reflects the extreme concern not only of Spanish civil society but also of the authorities about the immediate future of these three women and, in general, about the future of freedoms in the Islamic Republic of Iran.

It is the same concern that preoccupies us today when we point out that more than 100 trade unionists who remain in prison for expressing their opinions should be protected by the Convention and should be released and free from all forms of discrimination, including in the workplace.

Last year, women workers in the petroleum and gas industry launched campaigns against discrimination in the workplace, as they were barred from participating in selection exams for



engineering positions, and 20,000 workers from 100 enterprises in the same sector went on strike demanding the elimination of unfair job classifications and calling for equal pay, among other measures. Teachers, particularly those belonging to ethnic minorities, are seen as a threat to the established order and imprisoned for undermining national security. Some are dismissed because of their union membership. In August last year, thousands of nurses went on strike in more than 20 cities and 50 hospitals in response to the death of the nurse Parvaneh Mandani from exhaustion. They demanded an end to double shifts and forced labour, as well as improvements in pay and staffing. They were dispersed by police violence, suffered physical abuse, arrests, detentions and systematic discrimination. Many of them received messages from security agents warning them of possible dismissal.

Lastly, pensioners who protest weekly to demand payment of their pensions are under constant surveillance. One pensioner, Nahid Khodajo, was arrested again and sentenced to five years in prison for “assembly and conspiracy with the intention of disrupting the security of the State” and “propaganda against the regime”. We are also concerned about the health condition of the retired trade unionist Nasrin Javadi, who was denied access to hospital treatment in Evin prison.

All of the cases described here are not isolated incidents but part of a systematic crackdown on dissidents and labour activists.

Interpretation from Russian: **Government member, Belarus** – We are grateful to the delegation of the Islamic Republic of Iran. We thank them for submitting detailed information, including statistical data and also reports on the issue under consideration.

With reference to the Chastity and Hijab Bill, we consider that it is premature to have comments made by the supervisory bodies of the ILO. These are comments that refer to that normative legal act even before it has entered into force or been officially published. We welcome the efforts undertaken by the Government to advance Iranian-Islamic culture in society through persuasion and recommendation while respecting the principles of non-discrimination and respect for human dignity. We also welcome the measures undertaken by the Government in seeking to prohibit all types of harassment and all types of attacks on the honour and dignity of women in the workplace. We positively commend what has been done at both the legislative and executive levels in terms of giving effect to specific measures to improve the position of women in the labour market and to prohibit discrimination against them.

Taking into account the commitment demonstrated by the Government to fulfilling the obligations that it has accepted within the framework of ratified Conventions, we call upon the ILO to give the country technical assistance on the implementation of the aforementioned measures.

Worker member, France – Despite the amendments made to the Gozinesh Law on selection, significant discrimination against ethnic and religious minorities persists in the Islamic Republic of Iran. Sunni Muslims, found mainly among the Kurdish and Baluchi ethnic groups, who do not adopt Shia views suffer under-representation in public administration, the judicial system and university education.

In February 2024 the UN Special Rapporteur expressed serious concern with regard to systematic discrimination against the Baha’i religious minority, whose members are subjected to detention and harassment and are practically excluded from all employment opportunities and from education in the public sector unless they hide their faith.



The Kurdish minorities, in the west of the country, suffer economic marginalization. Speaking Kurdish or demanding independence for the area can be criminalized or repressed. To survive this economic misery, many Kurds have no other choice than to risk their lives by becoming kolbars: carriers who brave death to transport illegal goods through the mountains along the country's western border.

In 2024, 345 kolbars were killed or injured in border areas by, inter alia, direct shots fired by the military security forces, avalanches, hypothermia, landmines and falls. Of them, 22 were child kolbars aged under 18 years. No follow-up has been given to their families' demands for investigations.

These Kurdish minorities do not have access to any form of social protection. Systematic discrimination against them lies at the root of the underdevelopment and poverty affecting minority Kurdish communities.

Similarly, Sunni Baluchi workers in the Sistan and Balochistan province are forced to work as carriers of fuel to Pakistan to earn a meagre living. These carriers face extreme danger. According to the annual report of the Balochistan Human Rights Group, in 2024:

- at least 479 carriers were killed or injured in different incidents, including following shootings, chases and beatings by military forces;
- two carriers drowned during their work, three were killed in fires and seven others suffered burns.

Amnesty International reported in April 2025 that other ethnic minorities, including Ahvazi Arabs, Kurds, Baluchis, Turkmens and Azerbaijani Turks, are treated as second-class citizens, targeted on the basis of their identity and excluded from education, healthcare and other basic services.

These tragedies and systematic exclusions must stop. Each worker and each individual in the Islamic Republic of Iran, regardless of sex, ethnicity or religion, must have access to political, economic, employment and education opportunities, as protected under the Convention.

Government member, Lebanon – I took note of the report presented by the delegation of the Islamic Republic of Iran regarding the efforts made by the Government in the application of the Convention, exemplified by comprehensive measures at the legislative, executive, supportive and educational levels aimed at enhancing the status of all workers, including women, in the labour market. In a constructive manner, Lebanon encourages the Islamic Republic of Iran to continue harmonizing its domestic legislation and policy frameworks with the provisions of the Convention in question and with the fundamental principles and rights at work. In this context, we are confident in the Islamic Republic of Iran's constructive engagement with the ILO through continued dialogue, the facilitation of field visits and collaborative efforts as a vehicle for enhancing mutual understanding and ensuring decent work and adequate opportunities in the labour market. In conclusion, Lebanon wishes the Islamic Republic of Iran fruitful cooperation with the ILO and success in its development efforts.

Worker member, Norway – I speak on behalf of the Nordic and Italian trade unions. We are deeply concerned about the serious and systematic violations of the Convention by the Islamic Republic of Iran, especially the brutal repression of women's rights defenders, including trade unionists and women activists as well as civil society actors. The Committee of Experts rightly highlights that discrimination in the Islamic Republic of Iran persists in both law



and practice. Women are denied access to services and employment for non-compliance with dress codes. This is structural discrimination incompatible with the Convention.

Following the death of Mashad Amini, peaceful protests have been met with mass arrests and violence. Over 18,000 persons have been detained, including teachers, healthcare workers and journalists, many of them women, targeted for lawful protests and strike actions. Women face the harshest repression, secret trials, denial of legal counsel, torture and sexual violence.

The UN Special Rapporteur confirms that sexual violence is systematically used against detained women. In 2024, the Islamic Republic of Iran recorded the highest number of female executions in a decade. We are deeply shocked by the cases of Pakhshan Azizi, Verisheh Moradi and Sharifeh Mohammadi. Azizi and Moradi were tortured and sentenced in unfair trials for supporting Kurdish civilians. Mohammadi, a trade unionist, now faces the death penalty for peaceful labour activism. Their only crime is standing up for dignity and rights.

We support the Committee's call for the Islamic Republic of Iran to withdraw the Chastity and Hijab Bill, repeal laws allowing husbands to block their wives from working, ensure legal protection against gender-based discrimination and release all political prisoners, including Azizi, Moradi and Mohammadi.

Government member, Pakistan – Pakistan acknowledges the sustained efforts of the Islamic Republic of Iran to uphold the principles of equality and non-discrimination in employment in line with its obligations under the Convention. We also recognize the legislative and policy reforms undertaken to protect against workplace harassment and support vulnerable groups, especially women. Pakistan appreciates the Islamic Republic of Iran's constructive engagement with the ILO and its openness to dialogue and cooperation. We emphasize the importance of respecting national legal frameworks and cultural contexts while promoting international labour standards through inclusive, balanced and objective approaches.

Worker member, Germany – I speak on behalf of the German trade unions to express grave concern over the Islamic Republic of Iran's continued severe violation of the Convention. In the Islamic Republic of Iran, massive discrimination against workers is systemic and politically motivated. Numerous cases are documented of workers being dismissed solely for participating in union activities, expressing union affiliations or voicing criticism at work. Such dismissals represent discrimination based on political opinion or union activities. Those who take part in peaceful labour strikes, express dissent or support reform are severely punished. Workers are fired or suspended for protesting unpaid wages or affiliating with unofficial labour collectives. Public employees are denied promotions for advocating legal changes, and social media criticism of workplace conditions or the Government has equally led to dismissals.

This pattern of retaliation reflects clear discrimination based on political opinion and civic activism. The absolute suppression of independent labour organizations intensifies the problem, targeting those who defend workers' rights.

These practices violate Article 1 of the Convention and contradict the principles 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), which the Islamic Republic of Iran has not ratified but is still obligated to uphold and respect as an ILO Member.

The crackdown on trade unionists is particularly alarming. Independent labour leaders, especially in, but not limited to, sectors such as oil, gas, sugar cane and education are arbitrarily arrested, handed long prison sentences and prosecuted under vague national security laws designed to criminalize any type of dissent.



Protest is met with surveillance, torture, solitary confinement and denial of medical care. Cases are sent to the Islamic Revolutionary Courts where fair trial standards are consistently ignored. Retired workers continue to be harassed or jailed simply for demanding fair pensions and access to healthcare despite serious underlying health issues that are deliberately neglected in detention. This is not just a violation of the Convention. It is part of a broader campaign to fully neglect basic rights and freedoms. We therefore call on the Iranian Government to end its repression against trade unions, to immediately and unconditionally release all political prisoners and to fully implement the international labour Conventions it has ratified and is obligated to uphold as a Member of the ILO.

Interpretation from Chinese: **Government member, China** – We appreciate the presentation made by the representative of the Iranian Government. China has carefully reviewed the report of the Committee of Experts as well as the regulations submitted by the Iranian Government to this Committee.

We note with appreciation that the Islamic Republic of Iran has earnestly fulfilled its obligations under the relevant Conventions upholding the principles of human dignity and social justice and adhering to the constitutional principle of equality before the law. By strengthening mechanisms to ensure equal employment opportunities, the Islamic Republic of Iran has emphasized equality and non-discrimination in employment through legal measures.

The Islamic Republic of Iran is implementing comprehensive economic, social, educational and law enforcement initiatives to enhance women's economic empowerment, guaranteeing their equal right to employment, and to support their leadership in the political and economic spheres.

In reference to comments raised by relevant parties, the Iranian Government has provided detailed replies in its written submission, supplemented with extensive explanations, disaggregated data and statistical charts. The Government has also pledged to maintain communication with the ILO regarding a new bill currently under development based on constructive technical dialogue to jointly advance labour rights and employment equality. China has commended the Islamic Republic of Iran's proactive engagement in dialogue and cooperation with the ILO.

China supports ILO procedures in strengthening constructive communication and cooperation with the Iranian Government, conducting fair assessments of actual labour conditions in the Islamic Republic of Iran and providing assistance to help the Islamic Republic of Iran better fulfil its obligations under international labour Conventions.

We hope that the Committee will withdraw its conclusion in the case in a fair and objective manner.

Worker member, Senegal – I am making this statement on behalf of Education International. We share the concern of the Committee of Experts at the persistent discrimination in employment that constitutes a particularly serious violation of the right to education, the rights of students, teachers and their unions, and the right to organize.

Discriminatory laws and systemic bias against religious and ethnic minorities represent serious violations of individual freedoms and occupational rights in the education sector. These measures jeopardize equity, limit the participation and advocacy of teachers and their trade unions and restrict equal access and full involvement in the education system.



The recent Memorandum of Understanding between the Ministry of Education and law enforcement bodies that grants those bodies access to schools and education institutions is particularly alarming. This measure not only compromises the independence of the education system, but also violates the right to a safe, free education without fear, particularly for students who express dissent, especially girls.

Although the Islamic Republic of Iran has ratified the Convention on the Rights of the Child, migrant Afghan children are often refused enrolment in school, suffer arbitrary detention and are forcibly expelled in dangerous and inhuman conditions, thereby depriving an entire generation of children of their right to safety, dignity and education.

We urge the Government to adopt immediate measures to:

- prevent any presence of the security forces in school establishments;
- bring an end to repressive policies that silence education sector trade unions;
- remove legal obstacles to women's full participation in the teaching profession;
- promote a diverse education workforce by eliminating discriminatory recruitment practices.

We are convinced that a just, fair society, as well as an inclusive, quality education system, must be built on the foundation of equality and respect for basic human rights, including those of trade unions and education sector workers. We would be grateful if the Government took meaningful action aimed at responding to these concerns.

Interpretation from Arabic: **Government member, Oman** – We thank the Islamic Republic of Iran for the information submitted to us, and we note the information as to the efforts that it has made in both legislative and executive terms. In particular, we note the steps taken to enhance the participation of women in the labour market. We also commend ongoing cooperation between the Government and the ILO. In particular, we see that this cooperation functions through the existing supervisory mechanisms.

The Sultanate of Oman remains deeply committed to the fundamental principles that are the bedrock of the ILO, in particular the principle of non-discrimination and equality of opportunity. We encourage the ILO and its Member States to seek to promote constructive cooperation in such a way as to achieve the objective of decent work. We have noted the information provided on the Convention, and we call for further efforts to be made and further positive cooperation to be entered into so that we can see genuine progress in giving effect to relevant obligations.

Government member, Cuba – Cuba recognizes the progress made in promoting gender equality and the protection of women's labour rights in the Islamic Republic of Iran. In a world where structural challenges persist, there is a vital need to value the specific progress made by States seeking to build fairer societies.

The Iranian Constitution enshrines the principle of equality in dignity and rights, guaranteeing fair treatment before the law for all persons, including women. Undeniable progress has been made in women's leadership. In just three years, women's representation in management positions has more than doubled, and the current Government has appointed more than 190 women to high-level positions, reflecting its strong political will to integrate women into strategic decision-making spaces.

In the education sphere, universal coverage and equal access to technical and vocational training without discrimination on grounds of gender, religion or ethnicity have been fundamental pillars. With a literacy rate of more than 90 per cent, the Islamic Republic of Iran



demonstrates its commitment to training its workforce and empowering women through education.

Similarly, the country has strengthened its legal framework against discrimination, expressly prohibiting workplace harassment and establishing effective mechanisms to sanction violence and abuse at work. These initiatives guarantee a safe and equitable environment for all workers.

Cuba welcomes the commitment made by the Islamic Republic of Iran to international cooperation, expressing its willingness to enter into constructive dialogue with the ILO and make gradual progress towards compliance with international labour standards.

Against the backdrop of multilateral challenges, Cuba recognizes the efforts made by the Islamic Republic of Iran as a firm step towards social justice and decent work. We urge the international community to assess this progress objectively, respecting sovereignty and the internal processes of each nation in building fairer societies.

Government member, Philippines – The Philippines has reviewed the report submitted by the Islamic Republic of Iran regarding its implementation of the Convention and has noted the information provided, particularly about legislative updates, social programmes and efforts to enhance access to employment and education among diverse segments of society.

We note the increase in women's participation in entrepreneurship and public administration, as well as the stated commitment to expanding vocational training access without discrimination based on religion, ethnicity or gender. These developments could lay a valuable foundation for creating a more inclusive labour environment if sustained and enhanced through the cooperation of social partners.

We recognize that legal reform, especially on matters involving cultural and constitutional principles, requires time and broad consensus. In this context, we appreciate the Islamic Republic of Iran's continued willingness to engage with the ILO.

Developing countries often face developmental challenges, and we understand that social progress typically unfolds through incremental measures and multi-layered policy efforts. We encourage all initiatives that promote equity in the world of work, provided that they uphold the dignity of all individuals regardless of status, belief or background.

We also support sustained collaborative dialogue between the Islamic Republic of Iran and the ILO in emphasizing skill development and technical partnerships through constructive methodologies to address the elimination of employment discrimination.

In closing, we encourage the Islamic Republic of Iran to continue its engagement with the ILO through technical cooperation and constructive dialogue to align its national measures with the principles of the Convention. Constructive dialogue, cultural sensitivity and sustained technical cooperation remain vital pathways towards advancing equality of opportunity and treatment in employment.

Government member, Malaysia – Malaysia wishes to convey its appreciation to the ILO for its continued commitment to constructive engagement and meaningful collaboration with regional bodies and Member States, including the Islamic Republic of Iran. In this regard, Malaysia takes note of the commendable efforts made by the Government in advancing the objectives of the Convention.

The Islamic Republic of Iran has demonstrated measurable progress through a series of legislative, institutional and policy-based reforms aimed at promoting equality and combating discrimination in the world of work.



The Islamic Republic of Iran's constitutional framework enshrines the principle of equality and dignity and legal protection for women, as outlined in articles 20, 27 and 28. These principles have been operationalized through national development plans and policies that embed non-discrimination and equal opportunity as core tenets in employment and occupation.

The country has made significant strides in enhancing women's participation in leadership and public service. The number of women in managerial roles more than doubled from 19,597 in 2020 to 42,396 in 2023. Over 190 women have been appointed to senior government positions, including 4 cabinet members, 14 institutional leaders and 17 governors, while women currently constitute approximately 44 to 45 per cent of the government workforce. These figures reflect steady progress towards achieving gender parity in decision-making.

Complementing these efforts are comprehensive support systems for working women. These include extended paid maternity leave of up to 9 months for single births and 12 months for multiples, access to workplace childcare facilities, remote work options for mothers and legal protections ensuring job security during pregnancy and childbirth. Additionally, social protection coverage has been expanded to include homemakers and rural women through targeted insurance initiatives.

The Islamic Republic of Iran's strong educational infrastructure further reinforces its inclusive approach. High national literacy rates with a steady improvement to 90.3 per cent by 2021 alongside equal access to technical and vocational education across all provinces regardless of gender, religion or ethnicity underscore a commitment to equitable human capital development.

In terms of legal enforcement, the Islamic Republic of Iran has enacted robust anti-discrimination measures. These include the prohibition of workplace harassment, administrative penalties for discriminatory practices and criminal sanctions against abuses of professional authority. These mechanisms play a crucial role in ensuring fairness and accountability in both the public and private sectors.

Lastly, Malaysia acknowledges the Islamic Republic of Iran's commitment to constructive international cooperation. The Islamic Republic of Iran has expressed its willingness to continue technical dialogue with the ILO and is undertaking ongoing efforts to harmonize its domestic policies with international labour standards. This engagement reflects a positive and transparent approach to fulfilling its obligations under the Convention.

In conclusion, Malaysia recognizes and supports the Islamic Republic of Iran's ongoing efforts towards the full realization of its commitments under the Convention. We encourage the continuation of this positive trajectory in promoting equality and eliminating discrimination in employment and occupation.

Government member, Bangladesh – The Government of Bangladesh notes with appreciation the efforts made by the Islamic Republic of Iran in submitting a comprehensive report in response to the Committee of Experts' observations on the Convention and recognizes the Islamic Republic of Iran's sustained commitment to implementing the principles of equality in employment opportunities and non-discrimination.

We appreciate the Islamic Republic of Iran's comprehensive economic empowerment initiatives for women, including support for 39,186 women entrepreneurs, training of 3,908 women under the guidance of 750 entrepreneurs and the provision of employment loan guarantees for female heads of households.



Bangladesh also commends the Islamic Republic of Iran's balanced approach to family support legislation which includes up to nine months of fully paid maternity leave, the establishment of workplace childcare facilities and remote work options for working mothers.

We recognize the Islamic Republic of Iran's progress in eliminating workplace discrimination as the statistical evidence of women's increased participation, comprehensive legal protections and economic empowerment programmes all demonstrate serious commitment to the objectives of the Convention.

Bangladesh supports the Islamic Republic of Iran's legal reforms that strengthen women's employment rights, including amendments to marriage contracts to guarantee women's rights to employment, mandatory judicial review before any employment restriction and emphasis on proportionality and fair trial standards.

Bangladesh would welcome due recognition of the Islamic Republic of Iran's positive trajectory in implementing non-discrimination policies and support for continued dialogue and cooperation. Bangladesh supports the Islamic Republic of Iran's effort with a view to achieving full compliance with international labour standards.

Another Government representative – Allow me to thank the members of the Committee for their valuable contribution to ensuring the implementation of ILO Conventions and fundamental standards. The Government is fully committed to its obligations under the Convention and is steadfast in its willingness to remove any discrimination in employment and occupation.

As outlined in detail in the comprehensive report submitted to the Committee, and as my colleague today pointed out in her oral report before this meeting, our willingness to apply and implement these fundamental standards in law and practice is unwavering, and significant measures have been adopted in their implementation with the aim of creating a safe and decent working environment for all, without any discrimination. We are open to constructive dialogue with social partners and the international community for the implementation of our commitments under the Convention.

In 2014, a high-level ILO delegation paid a field visit to the Islamic Republic of Iran to observe the measures undertaken in the implementation of the Convention. Their report clearly showed that there is no systematic discrimination in employment and occupation.

We are in the process of concluding the framework of cooperation with the ILO for technical cooperation in the areas of tripartism, social dialogue, capacity-building, for workers' and employers' organizations, good labour market governance, international labour standards, the promotion of employment, an enabling environment for sustainable and resilient enterprises, and social protection systems.

This is a manifestation of the Islamic Republic of Iran's willingness to cooperate with the ILO and to receive technical cooperation in order to enhance decent work for all.

While we appreciate the recommendations and points that were constructively made by the members of the Committee and distinguished delegates in today's meeting, some unsubstantiated, baseless and irrelevant allegations have been raised against my country that are inaccurate, politically motivated and misleading, as a smear campaign against the Islamic Republic of Iran.

This politically motivated approach undermines the role of this body in fulfilling its mandate, which is the promotion and protection of fundamental labour rights through



constructive dialogue and constructive engagement with Member States. Such an approach will defeat the purpose.

We cannot afford that this Committee be politicized and diverted from its mandate. Repeating some allegations does not give them credibility. Distinguished colleagues, once again before this Committee, and on behalf of the Government, I would like to emphasize that discrimination is prohibited under the constitutional law. Accordingly, ensuring equal rights for all Iranians is guaranteed in law and practice in employment and occupation. Accordingly, we are committed to removing any discrimination in employment and occupation.

The Islamic Republic of Iran will continue its valuable engagement with the ILO after the Committee's session concludes. We are determined to listen, to engage, and to contribute.

Worker members – We want to specifically recall those interventions that called on the Government to take urgent action to implement observations and recommendations by the ILO supervisory bodies, to make laws and practice compliant with fundamental workers' rights and to end discrimination in employment and occupation.

The principal objective of the Convention is to eliminate all discrimination in respect of all aspects of employment and occupation as defined in the Convention through the concrete and progressive development of equality of opportunity and treatment in law and in practice.

As we have heard during the discussions, there are serious problems with discrimination in employment and occupation in the Islamic Republic of Iran against a number of groups of workers.

We discussed systematic persecution of women and labour activists who continue to be charged with security crimes, sent to prison for years of confinement or sentenced to death for the expression of their opinion, as well as systemic discrimination based on sex, religion or ethnicity both in law and in practice.

We recall the jurisprudence of ILO supervisory bodies according to which no one should be repressed for peacefully demonstrating or expressing opinions or positions to establish political, religious and philosophical principles or opinions. No one should be subjected to sanctions justified by security measures simply by reason of membership of a particular group or community.

The Government must immediately end repression against activists, including labour and women's rights activists and trade unionists, for expressing political opinion, veiled as protection against activities prejudicial to the security of the State. Any measures taken to protect state security must be sufficiently well defined and precise and must not affect an individual simply by reason of membership of a particular group or community.

We support the Committee in asking the Government to provide detailed information on the legal definition of an "act or crime against national security" and "propaganda against the State", and we call on the Government to reply fully to these and other requests posed by the Committee. We condemn the continued brutality of the Iranian authorities against their own people, and we demand the immediate release of all imprisoned trade unionists and activists.

The Government should be called on to ensure comprehensive protection in law and practice for all workers against direct and indirect discrimination based on all the grounds listed in Article 1(1)(a) of the Convention, in particular protection against discrimination based on religion, political opinion and social origin encompassing all aspects of employment and occupation, such as access to vocational training and education.



The Government must take the necessary measures to eliminate discrimination in law and practice against members of ethnic or religious minorities, especially non-recognized religious groups, in education, employment and occupation.

The Government should adopt national economic programmes and policies that actively support these groups and make sure that workers who are members of minorities are not excluded or diminished in social, economic and political life.

We call on the Government to take concrete and immediate steps to ensure the repeal, effective amendment or modification of all laws, regulations, instructions and practices that hinder women's equality of opportunity and treatment in employment and occupation, in particular with respect to section 1117 of the Civil Code.

We note the legislative process aiming at the adoption of the new "Protection, Dignity and Security of Women against Violence" law as we call on the Government to cooperate with the ILO in order to make the new law compliant with the Convention.

The Government should ensure comprehensive protection against sexual harassment and ensure that the draft includes specific measures to prevent and prohibit sexual harassment at work, not only by a person in a position of authority, but also by a colleague or a person with whom workers have contact as part of their job, including victimization, safeguards, complaint mechanisms, sanctions and remedies.

The Government should repeal the Chastity and Hijab Bill to ensure full enjoyment of human rights for all women and girls in the country.

The Government should also remove from the draft "Youthful Population and Family Support Plan" law all the restrictions on women's employment and the prioritization of men's employment and ensure that the measures taken to promote population growth and maternity protection do not constitute obstacles to the employment of women in practice.

Lastly, the Government should ensure equal access to education and vocational training and ensure that there are no gender quotas restricting women's access to technical studies in higher education and adopt targeted measures to increase women's participation in sectors and occupations where they are under-represented.

Finally, we call on the Government to engage constructively with the ILO so that we may finally see progress regarding the observation of fundamental workers' rights in the Islamic Republic of Iran.

Employer members – We trust that the Government representatives will consider all the comments made during the discussion which are intended to provide constructive assistance to the Government in addressing compliance with the Convention, both in law and in practice.

In the light of the Committee of Experts' observations and today's discussion, the Employer members would like to make the following recommendations to the Government.

One, it should ensure the complete eradication of discrimination, in line with the Convention.

Two, it should provide information that confirms that articles 43, 2, 19, 20 and 28 of the Iranian Constitution, as well as article 6 of the country's Labour Law, cover all forms of discrimination prohibited by the Convention in law and in practice.

Three, it should guarantee that the Chastity and Hijab Bill is not just postponed temporarily, but abolished and not implemented.



Four, clear provisions should be developed that address all forms of sexual harassment against men and women workers, not only by persons in a position of direct authority, but also by colleagues or any persons with whom workers must interact as part of their job. Furthermore, the Government must promulgate regulations that establish effective complaint mechanisms, adequate sanctions and other guarantees.

Five, we request that discrimination against members of religious minorities, particularly groups that are not recognized officially, is eradicated in law and in practice and that it is ensured that there is no discrimination on grounds of religion, political opinion or social origin.

Six, we request the adoption of all necessary measures and the submission of a report on the efforts made to ensure the derogation of section 1117 of the Iranian Civil Code.

Seven, we request the removal of all obstacles to women's employment and the withdrawal of all restrictions on their employment and the prioritization of men's employment as set out in Bill No. 264.

Eight, we also request that the Government cooperate meaningfully and consult with the most representative independent social organizations to develop capacities and promote outreach on matters covered by the Convention.

Nine, we request that the Government guarantee equal access to education and vocational training and provide detailed information on the quota system that restricts women's access to technical studies in higher education and on that system's application in practice; information on measures intended to increase women's participation in sectors and occupations, encouraging girls and young women to choose non-traditional areas of study and career pathways; and comprehensive statistics, disaggregated by gender and fields of study, on participation in higher education and vocational training.

Ten, we request information on judicial and administrative decisions relating to equality of opportunity and treatment in employment and occupation, including the number, nature and results of the cases, as well as the sanctions imposed and the remedies granted.

Lastly, we urge the Government to continue to avail itself of the ILO's technical assistance to implement these recommendations. The Employer members urge the Government to accept an ILO mission with the aim of addressing the application of the Convention.



Conclusions of the Committee

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

The Committee expressed deep concern over the cases of discrimination, violence against protesters and the systematic state repression. It recalled that eliminating discrimination could only be achieved within an environment conducive to the free exercise of civil liberties.

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

- **initiate legislative measures after consultation with the social partners, and considering the recommendations of the ILO supervisory bodies, to review national law (including the "Bill to Support the Family by Promoting the Culture of Chastity and Hijab", the "Comprehensive Population and Family Excellence Plan," Bill No. 264, and Article 1117 of the Iranian Civil Code) and practice in line with the Convention;**

- **implement, both in law and in practice, mechanisms and measures focused on protection against discrimination based on religion, ethnicity, political opinion, and social origin, covering all aspects of employment and occupation and on addressing all forms of sexual harassment in the workplace;**
- **ensure that measures related to state security and the use of national security laws in the context of the exercise of civil liberties (including the circumstances of Mahsa Amini's death) are in line with the Convention;**
- **provide detailed information on statistical data regarding the current situation on equal treatment in employment, including sanctions and remedies applied, and challenges encountered.**

The Committee urged the Government to avail itself, without delay, of technical assistance from the Office to ensure compliance with the Convention in law and practice.

The Committee requested the Government to provide a detailed report on measures taken and progress made on all of the above issues and to transmit all relevant legislative texts to the Committee of Experts by 1 September 2025.

Chairperson – I have the honour of giving the floor to the distinguished representative of the Government of the Islamic Republic of Iran.

Government representative – The Government, while expressing gratitude to the esteemed Committee for its attention to one of the principles explicitly stated in the Constitution of the Islamic Republic of Iran, namely compliance with justice in all aspects mentioned in the Convention, once again declares that, according to the report of the ILO, which visited the Islamic Republic of Iran in 2014, and its field observations, there is no systematic discrimination based on laws and regulations in Iran.

The Government has consistently endeavoured to facilitate women's employment through various initiatives. The high presence of women – 64 per cent – in the country's universities serves as evidence of this commitment.

At the time of presenting this report to the Committee, several different projects focusing on supporting and empowering women and encouraging their participation in the labour market are being implemented in collaboration with UN agencies such as the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP), alongside the Ministry of Cooperatives, Labour and Social Welfare.

These initiatives are being carried out in different provinces, each with diverse ethnic and religious communities. Regarding the Youth Population Law, as stated in the report, no discrimination is observed in the text of this Law, which the Committee can verify.

Finally, while expressing appreciation for the Committee's dedication to providing technical assistance to the Islamic Republic of Iran, the Government reaffirms, as mentioned in a meeting between the Minister of Cooperatives, Labour and Social Welfare and the Director-General yesterday, that receiving technical assistance from the ILO has always been a request of the Government to address any shortcomings, ambiguities or issues in implementing international labour standards.

As highlighted in the message of the Director-General to the 112th Conference last year, providing technical assistance to Member States is one of the best and most appropriate tools



for ensuring compliance with international labour standards and implementing Conventions and Recommendations.

In this regard, the Islamic Republic of Iran requests that the Committee, through the provision of technical assistance, closely observes the implementation of the Convention in the Islamic Republic of Iran and helps fill the gap caused by the absence of specialized experts over the past several years.

Iraq (ratification: 2018)

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

Written information provided by the Government

Under Diwani Order No. 8 of 2024, a competent committee was formed under the chairmanship of the Director-General of the Legal Department at the Ministry of Labour and Social Affairs (MOLSA). It includes members from a number of the relevant authorities, as well as the Committee of Labour and Civil Society Organizations of the Iraqi Parliament, a representative of the Council of State, representatives of trade unions and professional federations and representatives of the Ministry's departments. The committee shall prepare the final version of the draft Law on Trade Unions.

The Trade Union Council was formed to represent all trade union organizations without any discrimination and address courts in the event of complaints by trade unionists, ensure freedom of labour and provide information on the role of MOLSA.

Trade union organizations in different domains participate in the International Labour Conference as part of the official delegation of the Republic of Iraq and in all activities organized by MOLSA and carried out by an organization in coordination with the Ministry. The Minister of Labour participates in all activities organized by trade union organizations.

Trade union organizations actively participate in the discussions on the draft Law on Trade Unions. Their views regarding the draft Law are heard and their observations are taken into account in accordance with the provisions of the Convention, which Iraq acceded to by Law No. 7 of 2017, in the best interests of trade union organizations.

Trade union federations participated in workshops held by the ILO to discuss the draft Law on Trade Unions in Erbil. Interactive dialogue between MOLSA and trade union organizations continues.

Discussion by the Committee

Chairperson – I have the honour to give the floor to the distinguished representative of the Government of Iraq, the Director-General of Labour, Ministry of Labour and Social Affairs.

Interpretation from Arabic: **Government representative** – It is a great honour for the Republic of Iraq to make the statement before this Committee. It is an embodiment of our commitment to the implementation of the provisions of the Convention, which is one of the pillars of this organization and especially when it comes to social justice.

Let me start by saying how surprised we are at having my country included on the short list in spite of the continued contact with the ILO and the efforts made to develop a new draft Trade Union Law in line with international standards.



I would like to highlight the meeting that was held in Baghdad on 27 April 2024 between the Prime Minister of Iraq, the Minister of Labour and Social Affairs and the ministerial team that accompanied them, with the Director-General of the ILO and the accompanying team from the regional office and the country office. During this meeting, several important topics were discussed, foremost among them the issue of freedom of association. The Prime Minister emphasized the importance of leveraging the ILO's expertise to develop a new labour law. This was translated into actions which led to a study visit by the delegation of Iraq to the ILO in April 2024. Prior to this, a number of workshops and meetings were held between the Ministry of Labour and Social Affairs (MOLSA), the social partners, the World Commission, civil society organizations and a parliamentary group. These engagements ensured sufficient time for thorough discussions, with the goal of producing a draft law aligned with international standards.

Let me first address the international and constitutional grounds for Iraq's commitment. We are fully committed to the implementation of the Convention in accordance with the 2005 Constitution of Iraq. Article 22, paragraph 3, of the Constitution provides that: "The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law." This provision reflects a constitutional commitment to respect the rights of citizens in line with international standards, particularly those set out in the Convention and in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Second, I would like to outline the legislative and institutional developments aimed at ensuring compliance with international labour standards. The Ministry of Labour and Social Affairs, in cooperation with the Labour Committee, several civil society organizations and the relevant parliamentary committee, has initiated the drafting of a new law to replace Law No. 52 of 1987.

The first reading of the draft Law in Parliament started on 29 April 2024, followed by the second reading which came in on 4 January 2025. We are currently in the process of introducing amendments to the draft in response to the technical observations raised by the ILO. Among the fundamental amendments proposed in the new draft are the following: respect for workers' rights to set up unions and the principle of freedom of association, without interference from public authorities; the recognition of trade union pluralism, allowing for the existence of multiple unions; and establishment of fair and transparent standards for trade unions, in accordance with Article 2 of Convention No. 87, and granting the unions the freedom to adopt their own internal rules and procedures.

As a third point, we are in the process of setting up a Trade Union Council, and we have the following bodies which will come under the umbrella of this council. First, the General Federation of Iraqi Workers, the Union of Trade Unions of Iraq, members of work sectors in Iraq, including petrochemicals and oil, the Central Union for Trade Workers in Iraq, the General Union for Workers and Employers in Iraq, the General Federation of Workers, the Union of Councils in Iraq, the National Union of Trade Unions in Iraq, the Union of Technical Engineering Professionals in Iraq, and other professional independent professional organizations in Iraq. To ensure alignment with international Conventions and to strengthen trade union independence, we are working to promote effective consultation and coordination. This includes addressing key issues such as union representation, relevant legislation and the reinforcement of social dialogue grounded in the principles of tripartism. These steps are designed to uphold the provisions of Convention No. 87 and ensure clear and inclusive representation of all sectors.



Fourth, I want to mention that, linked to the enhancement of social dialogue, a comprehensive road map has been developed. This road map aims to improve the legislative review process, strengthen tripartite cooperation and organize specialized training programmes to empower trade unions in managing their internal affairs. A few collaborative platforms have been established in partnership with the ILO to support these efforts.

There have been several exchanges of visits between experts from Iraq and the ILO, the most recent of which was conducted in September 2024. This visit was led by the Minister of Labour and Social Affairs and a number of parliamentarians and union leaders. In parallel, national efforts, supported by the ILO, have led to the establishment of a National Forum for Social Dialogue, officially launched on 27 April 2025. This forum is intended to strengthen social dialogue through a sustainable mechanism that brings together the three key parties: the government, employers and workers. Its objective is to facilitate discussions and strike a balance between economic and social policies that contribute to national development. The forum also plays an important consultative role in reviewing and monitoring the implementation of labour legislation. It is chaired by the Minister of Labour and Social Affairs, and includes participation from deputy ministers, several directors-general, representatives of the existing trade unions and general federations and delegates who participated at the Conference of Trade Unions and Confederations. This initiative falls within the framework of the road map developed in close collaboration with the ILO. The forum was able to hold three meetings to review the developments in the trade union legislation and involve the participation of various trade unions and their representatives and parliamentarians. There were a number of recommendations to introduce amendments on the draft Law. Despite being in its early stages, the forum has successfully laid the groundwork for institutionalized social dialogue in the context of legislative reform.

The Labour Committee, along with various civil society organizations, has also played a vital role by contributing expert opinions presented to Parliament. This reflects a strong belief that social dialogue is a key pathway to developing legislation that enables trade unions and employers' organizations to actively participate in shaping policies for the labour market in Iraq.

The Social Dialogue Forum represents an important step towards developing an equitable and sustainable plan to ensure that our shared objectives are achieved. We believe this is a valuable experience which all stakeholders can benefit from. We are confident that the forum will contribute to Iraq's future technical and institutional development. Therefore, we call on the ILO to continue supporting this initiative, as such support will help us build the necessary capacities to lead and sustain meaningful change. It is also our hope that government sectors will support the forum, ensuring that it remains an independent body. The role of the forum will contribute to economic development and further strengthen basic rights at work.

We believe that this effort is not meant to be a symbolic gesture only but to be a genuine platform aiming to establish a State where rights are protected, social justice is promoted, and national efforts are directed toward the reconstruction and stability of Iraq.

My fifth point concerns the challenges and future commitments. We firmly believe that creating a free trade union environment requires dealing with several challenges. Raising the level of awareness is one of the issues that we have to focus on. We also need to address the limited capacities of the trade unions and ongoing security concerns. Despite these obstacles, we would like to reaffirm that the Iraqi Government remains committed to reforming mechanisms relating to trade unions and supporting unions in a way that promotes decent work, social justice and sustainable development.



My sixth point relates to strengthening pluralism within the trade union movement. My country is fully committed to ensuring the participation of all trade unions, regardless of their sector. This inclusive approach has been reflected in the participation of our delegation at this Conference. We believe in pluralism, equality and non-discrimination within the trade union movement. This approach aligns fully with international instruments, particularly Convention No. 87.

In this context, allow me to highlight that several constitutions of trade unions and general federations have recently been deposited at the Ministry. This reflects the Iraqi Government's commitment to freedom of association and its efforts to facilitate the process that allow trade unions to register, ensuring pluralism and guaranteeing that no worker is excluded from their right of association. The Ministry has also initiated the development of a comprehensive database to record all registered trade unions. This database will document the legal and administrative status of each union, ensuring transparency, streamlining registration processes, and enabling effective support for union operations.

In conclusion, my country reaffirms its commitment to Convention No. 87 as part of our ongoing cooperation with the ILO. We remain dedicated to strengthening our national capacities and ensuring the existence of a genuine, free and democratic trade union movement, consistent with both our Constitution and our international obligations.

Worker members – This is the fourth time since 2019 that our Committee has looked into the case of Iraq. Each of the reviews has focused on a different Convention. In 2019, the Worst Forms of Child Labour Convention, 1999 (No. 182) was reviewed. In 2021, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and, in 2022, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This year we are examining the legal and practical implementation of Convention No. 87 in Iraq. These recurrent reviews in recent years demonstrate the difficulties faced by the Iraqi Government in honouring its obligations under the ILO Conventions it has ratified, even the most fundamental of them.

We can welcome the fact that the Government is engaging in a permanent and constructive dialogue with the ILO so that the ILO can support it in the fundamental changes necessary to ensure that its legislation and practice are in conformity with the Conventions in the future, in particular Convention No. 87.

In 2022, after its discussion, our Committee recommended that the Government accept an ILO direct contacts mission which took place in May 2023. At the end of this mission, commitments were made by the Government which related to the proper application of Convention No. 87. The mission had identified two priorities:

1. The swift adoption of new legislation to replace Law No. 52 of 1987 on Trade Unions to ensure compliance with Conventions Nos 87 and 98.
2. Active and constructive engagement between the Government and the social partners to ensure that all trade unions and their leaders could exercise the rights enshrined in the Convention without fear or restraint.

During this mission, a road map was drawn up to make these priorities a reality. It provided for the establishment of a technical committee for the elaboration of a new draft Law on Trade Unions and the strengthening of the Coordination Council which is tasked with the consultation and resolution of conflicts and problems facing trade union action. The active support of the ILO Office is foreseen for the implementation of this road map.



A new draft Law prepared by the Labour Committee of the Chamber of Representatives has been circulated among the various stakeholders involved. This draft was the subject of technical comments by the ILO Office. We also note that a delegation of three trade union federations participated in a workshop in Geneva in September 2024 to discuss the new draft and technical comments made by the ILO Office. The Government indicates that the results of this workshop will be submitted to the Chamber of Representatives and discussed with all parties concerned with a view towards the enactment of the Law and the repeal of Law No. 52 of 1987 on Trade Unions. It is positive to note that the ILO's continued technical support during this process has enabled the Government to build a positive and constructive momentum for this much needed reform of Iraq's trade union legislation.

The Worker members join the Committee of Experts in expressing the firm hope that this new Law will be adopted in the near future and that it will contain all the guarantees required by the Convention. In particular, the following:

- full recognition of trade union rights of public servants and trade union pluralism;
- recognition of the trade union rights of foreign workers;
- no restriction on the right of certain professions to form trade unions;
- ensuring that the minimum number of members required for the formation of trade unions is set at a reasonable level;
- recognition of the right of workers to form independent organizations at all levels; and
- respect for the autonomous functioning of these organizations.

The Worker members ask the Government to provide information on the progress of the legislative reform to the Committee of Experts so that it can assess the compatibility of the new legislation with the Convention. While the process of legislative reform seems to be on the right track, we regret that a climate conducive to the exercise of freedom of association is not yet in place in Iraq.

The report of the Committee of Experts shows that several complaints against the leaders and representatives of six independent federations, including the Federation of Iraq Trade Unions (FITU), has been filed with the Court of Inquiry of the Federal Commission of Integrity. These trade union leaders were summoned to the court in relation to their legitimate trade union activity and were accused of illegal raising of funds. They were subject to investigation and eventually released on bail pending trial. These proceedings constituted a serious threat to the union leaders exposing them to the risk of long prison sentences and fines as well as the closure of their federations. The Worker members call for these charges to be immediately dropped and request the Government to inform the Committee of Experts of the follow-up to the outcome of these proceedings. We regret that these trade unionists are subjected to abusive proceedings aimed at silencing them. Even if they do not ultimately lead to convictions, these procedures seriously threaten the effective exercise of freedoms by trade unionists.

Therefore, the Worker members join the Committee of Experts in calling for no trade union member or leader to be subject to arrest, detention or criminal prosecution for their legitimate trade union activities and for the initiators of such proceedings to be subject to effective and dissuasive sanctions.

While hoping that the Coordination Council can be an effective instrument to prevent the prosecution of trade unionists, the Worker members hope that the Government can provide more information on the functioning of the Council and its results.



The Government seems to have initiated legislative reforms that are moving in the right direction and we will certainly have the opportunity in the future to assess whether the outcome of these reforms is in line with the requirements set out in the Convention. Despite these positive developments, the Worker members regret that trade unionists in Iraq are still subject to obstacles to the exercise of their freedom of association. The Worker members count on the full and continued cooperation of the Iraqi Government with the ILO in the implementation of the recommendations addressed to it by our Committee.

Employer members – Convention No. 87, as we all know, is a fundamental Convention, which was ratified by Iraq in 2018. The Convention has never been discussed in the Conference Committee with respect to Iraq. However, the case for Convention No. 98 has been discussed twice in 2008 and 2022 and the issues arising from those discussions are pertinent to the present case.

There has also been one observation issued by the Committee of Experts in this case last year after two direct requests in 2021 and 2023. The Employer members have taken note of these and also of the helpful and useful information provided by the Government before this meeting.

With respect to Convention No. 87, the Committee of Experts noted that a new draft Trade Union Law had been circulated among various stakeholders involved in these reforms and has given rise to technical comments from the ILO in August 2024. The Committee of Experts further noted that a national delegation attended workshops in Geneva in September 2024 and that the officers' observations resulting from the workshop would be discussed with all parties concerned with a view towards the enactment of the Trade Union Law and the repeal of Law No. 52 of 1987 on Trade Unions.

The Committee of Experts expressed its expectation that this would lead to the early adoption of the new Trade Union Law which would take full account of the Committee's comments including its request to ensure that the new legislation fully recognized the trade union rights of public servants and trade union pluralism, reflected the officers' technical guidance in order to ensure that the Law recognized the trade union rights of foreign workers, did not restrict the right to form trade unions to certain professions, ensured that the minimum membership requirements for establishment of trade unions were set at reasonable levels, recognized the right of workers to set up independent organizations at all levels and respected the autonomous functioning of these organizations. The Committee of Experts requested that the Government provide a copy of the Law once adopted and we note that this is yet to occur. However, in relation to the issues raised by the Committee of Experts, the Government has provided the further information I referred to earlier and of which we have taken due note.

Under Order No. 8 of 2024, a committee was formed chaired by the Director-General of the Legal Department and the Ministry of Labour and Social Affairs. The said committee includes members from relevant government and parliamentary authorities, and representatives of trade unions and employers. Its role is to prepare the final version of the Trade Union Law.

With respect to workers' organizations, the Employer members note that the Trade Union Council was formed to represent all trade union organizations without any discrimination, to address courts in the event of complaints by trade unionists, to affirm the freedom of labour, and to inform them of the role of the Ministry of Labour and Social Affairs. Described this way, the Trade Union Council seems to fulfil the description of the most representative organization of workers in Iraq. The Employer members also note the Government's statement that trade union organizations of different orientations participate in the International Labour



Conference as part of the official delegation of the Republic of Iraq and in all activities organized by the Ministry of Labour and Social Affairs and carried out by organizations in coordination with that Ministry. The Employer members would just request the Government to confirm that all of those other unions that attend the International Labour Conference are in fact selected in consultation with the most representative organization as required by the ILO Constitution. We would just like to have some assurance that that is the case.

The Employer members also note the Government's advice that the Minister of Labour participates in all activities organized by trade union organizations.

The Employer members recall that Article 3 of Convention No. 87 requires that workers and employers' organizations have the right to draw up their constitutions and rules to elect their representatives in full freedom, to organize their administration and activities, and to formulate their programmes; and that the public authorities are required to refrain from any interference which would restrict this right or impede its lawful exercise. In this respect, too, the Employer members would request the Government to ensure that its participation in trade union activities does not contravene this provision of Convention No. 87.

With respect to technical assistance from the ILO, the Employer members note the Government's assurance that the assistance of the Office on the reform of the trade union law is ongoing and that the Office also supported the creation of a National Social Dialogue Forum which was launched in 2025. Both these areas of cooperation are very much aligned with the road map proposed by the direct contacts mission that visited the country in May 2023 with respect to Convention No. 98.

The direct contacts mission proposed a road map that identified two priorities: (i) the swift adoption of new legislation ensuring compliance with Conventions Nos 87 and 98 to replace Law No. 52; and (ii) an active and constructive engagement between the Government and social partners to ensure that pending the entry into force of the Law, all trade unions and their leaders can exercise the rights enshrined in the Conventions without fear or constraint.

The mission proposed a road map involving the active support of the Office in providing for, inter alia, the establishment of a tripartite technical committee for the elaboration of the new draft, and the strengthening of the Coordination Council tasked with consultation and resolution of conflicts and problems affecting trade union action. The Employer members urge the Government to expedite this work with an expectation that its next report to the Committee of Experts will reflect the implementation of the new Law.

On a separate matter related to the prosecution of union leaders for collection of union dues, the Committee of Experts had previously noted that the Federation of Iraq Trade Unions (FITU) alleged that a complaint was filed before the Court of Inquiry of the Federal Commission of Integrity against six union leaders in relation to the collection of union dues. The Committee of Experts noted the Government's indication that it would take the required action under the new Trade Union Law once it was enacted. We have not received or seen any information in the present case as to how these issues are progressing and the Employer members echo the Committee of Experts' request to provide detailed information on the outcomes of proceedings as soon as possible.

To sum up, the Employer members urge the Government to: (i) complete the work required to finalize and implement the new Trade Union Law; (ii) provide assurance that the Government participation in trade union activities does not constitute a breach of Article 3 of the Convention; (iii) provide assurance that Worker and Employer representatives attending the International Labour Conference are selected in consultation with the most representative



organizations of employers and workers as required by the ILO Constitution; and last, (iv) provide information on the status of the complaints relating to the prosecution of six trade union leaders.

Interpretation from Arabic: **Worker member, Iraq** – We would like to confirm that the position of the Iraqi trade unions is based on the outcomes of the direct contacts mission of the ILO which visited Iraq in May 2023, as well as its six recommendations that were submitted to the social partners.

The position is also based on the results of the Iraqi delegation's visit to Geneva in September 2024. Therefore, the steps taken by the Ministry of Labour and Social Affairs reflect the full commitment outlined in the road map that was approved by the direct contacts mission. In particular, the establishment of a Social Dialogue Forum composed of the social partners demonstrate this commitment. To date, three sessions have been held, with the participation of the Deputy Minister of Labour.

All these measures constitute a correct and important step towards the preparation of a draft Trade Union Law in accordance with international labour standards as well as the Conventions ratified by our country. The Law will guarantee the right to trade union organization in all sectors of production, public, private, mixed and cooperative.

We consider the request to send a specialized Committee of Experts from the International Labour Organization an important step to provide technical support and expertise in drafting reports and offering technical and legal assistance for adopting a Trade Union Law. This will ensure conformity with international standards and the Conventions ratified by our country.

The Iraqi trade union federations would like to reaffirm once again that joint action between the social partners and the Parliamentary Labour Committee will be taken to provide a legal framework that will provide the necessary protection and guarantee rights and freedoms for trade unions. It will also guarantee collective bargaining. It will address potential disputes and will ensure effective labour management. This would be highly efficient for both workers and employers.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the European Free Trade Association countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

We recognize the Iraqi efforts in discussing legislative reform and engaging with the ILO to bring national legislation into conformity with Convention No. 87. However, we remain deeply concerned about the ongoing restrictions affecting trade union pluralism, limitations on the right of public servants and foreign workers to organize, and barriers such as excessive membership requirements which continue to obstruct workers' ability to associate freely. The full alignment of Iraq's legal framework with Convention No. 87 must be expedited, ensuring concrete and enforceable protections for trade union rights.



We note with regret the information on legal proceedings initiated against trade union leaders in relation to the collection of union dues. These cases, which have involved investigation and court summons, raise concern about the broader environment for trade union rights in Iraq. We urge the Government to provide full transparency on the status of these proceedings and ensure that no trade union representative faces undue legal or administrative pressure such as arrest, detention or criminal prosecution for engaging in legitimate trade union activities.

Furthermore, the functioning of institutional mechanisms such as the Coordination Council and the proposed technical committee for the elaboration of the new draft Law on Trade Unions must be reinforced to guarantee meaningful social dialogue. Trade unions must be granted an effective role in shaping the legislative framework, ensuring that their concerns are heard and incorporated into legal reforms. Genuine engagement with all stakeholders remains crucial to building trust and safeguarding fundamental rights.

While legislative reform is necessary, it must not remain a theoretical exercise. The Government of Iraq must take decisive action to ensure that protections for trade union rights are not only enshrined in law but also fully implemented in practice. We urge the Government of Iraq to ensure that the new Law on Trade Unions will provide strong and enforceable guarantees that uphold workers' rights to organize freely and independently.

We encourage the Government of Iraq to continue its collaboration with the ILO and the social partners, taking decisive action to fully uphold the obligations outlined in the Convention. We remain committed to closely monitoring developments and affirm our commitment to supporting efforts that promote international labour standards and protect the workers' rights in Iraq.

Government representative, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela thanks the Government of Iraq for the information provided, which reports on the progress made in the matter under examination. The ratification of the Convention by Iraq is a sign of its commitment to protecting workers' rights and promoting freedom of association. We appreciate the willingness and determination of the Government of Iraq to continue making further progress, as it has done so far in the world of work in that country, under the principles of sovereignty, self-determination and non-interference. Lastly, it is important to remember that compliance with fundamental Conventions requires the implementation of legislative and policy measures to ensure respect for these rights in practice. We therefore encourage the Government to continue promoting social dialogue between the various actors in the country's world of work and encourage the ILO to provide technical assistance with objective, constructive, legally sound measures to enable consolidation.

Interpretation from Arabic: **Worker member, Tunisia** – Today we are examining the case of the application of Convention No. 87 by the Government of Iraq, which has only been a party to the Convention for eight years. This raises legitimate questions about the application of this Convention in practice.

As you know, the Law currently in force grants a federation the prerogatives of trade union representation and does not recognize trade union pluralism. This pluralism has been an undeniable reality in the country for many years. It is impossible to ignore certain official administrative orders or decrees issued by numerous government entities calling for exclusive dealing with this federation, which has monopolized trade union action for two years, with results that need no further mention. In light of this, it is no longer possible to wait. Indeed, this is a matter that concerns the interests of workers and their right to choose their



representatives in full freedom, without any arbitrary approach or granting a monopoly to a single union.

The global trade union movement and the ILO have made considerable efforts to ensure the application of the Convention on the ground. We recall the technical work done by the ILO to provide assistance. This has resulted in the adoption of a road map that reflects Iraq's international commitments.

The question arises: what about the road map we have just mentioned? And why has the Iraqi Government not suspended the application of the provisions prohibiting trade union pluralism? We consider that there is no justification for this.

This is why it is necessary to send an ILO technical commission to Iraq to speed up the amendment of the law and provide assistance to this end.

Interpretation from Arabic: Government member, Morocco – We express our gratitude to the Government of Iraq for the important information provided, which reflects a commitment to cooperate with the mechanisms of the ILO.

Moreover, we greatly appreciate the efforts made, both those already implemented and those planned, to ensure the implementation of the observations and recommendations of the Committee on the Application of Standards. This Committee has made important observations that we greatly appreciate, seeing them as a constructive contribution to supporting Member States in promoting compliance with international standards.

We would also like to commend the essential role played by the Committee of Experts in monitoring the application of international labour standards in order to contribute to promoting a conducive working environment and achieving social justice. In this regard, the remarks made by the Committee of Experts in the case highlighted a number of essential and promising points.

In listening to the Government's responses, we note with appreciation that it has taken steps to draw up a new draft Law on Trade Unions in consultation with the ILO and relevant national bodies. This draft Law has so far been examined twice in Parliament, workshops have been organized and technical amendments have been made to the text of the Law.

Iraq fully complies with the Convention. This compliance is explicitly guaranteed by article 22 of the Iraqi Constitution of 2005 and other relevant national legislation, including the legislative framework for trade union rights and freedoms, as set out in Labour Code No. 37 of Iraq of 2015.

This contributes to the creation of a fair and sustainable working environment where the fundamental rights of workers are respected, including those of foreign workers. These rights include, in particular, the right to freedom of association, collective bargaining, freedom of expression and participation in decision-making that affects their working lives.

In conclusion, the Kingdom of Morocco supports the efforts and measures taken by the Iraqi State to promote this reform, which could address the issues raised in the Committee of Experts' comments. Moreover, the ILO is invited to continue technical cooperation with the Iraqi partners in order to promote social dialogue and trade union rights and freedoms. This will help to enshrine decent work in Iraq and contribute to achieving its aspirations to become a model of trade union freedom and pluralism and of freedom to form independent trade unions at all levels.



Worker member, Norway – I speak on behalf of the trade unions in the Nordic countries. We stand here once again to address the violation by the Iraqi Government of international labour Convention No. 87, which it ratified in 2018.

As a reminder, the Committee of Experts in 2023 confirmed the necessity for Iraq to comply with international standards regarding Conventions Nos 87 and 98, which concerned the right to freedom of association and collective bargaining. All previous reports of the Committee of Experts have emphasized the need to repeal the unjust Law No. 52 of 1987 on Trade Unions and to adopt a new, modern and fair law that includes all sectors of production, whether public, private, cooperative or mixed. The reports also stressed the right to collective bargaining to defend the rights and interests of the Iraqi workers.

The ILO has fully exhausted all efforts to assist in translating Iraq's commitment to Convention No. 87 into practice through a road map and a plan with six recommendations. Yet we see no convincing justifications for this ongoing delay in their implementation.

Today, in this hall, we inform you that the Iraqi trade unions continue to face the unjust provisions of Law No. 52 of 1987, which favours one particular union over others. So how can we speak of free trade unionism under laws that prohibit union representation in the public sector and civil service? And how can it be justified to grant one federation the exclusive authority of trade union representation in a labour market that is broad and inclusive enough for all? We strongly urge the activation of the six recommendations jointly adopted by the ILO and the Iraqi Government. For this reason, we urge the Government to receive technical assistance from ILO to establish an implementation timetable, and to suspend the unjust legal provisions to open the way for genuine trade union pluralism.

Interpretation from Arabic: **Government member, Lebanon** – Lebanon would like to thank the Government for all the efforts made to implement the Convention. We commend the measures taken by the Government to respect international labour standards and modernize its legislation in line with the Convention and the recommendations issued by the Organization and its competent bodies. These measures include reaffirming the constitutional commitment to trade union freedom and pluralism, drafting a new Trade Union Law in consultation with the ILO and relevant national authorities; and reactivating the National Trade Union Council that is involved.

Lebanon welcomes the statement made by Iraq about setting up a Social Dialogue Forum in 2025, with the ILO's support. This forum represents a democratic platform for sustainable dialogue to achieve social justice.

We would like to encourage Iraq to continue its reform of the labour sector, particularly with regard to strengthening legal frameworks and enforcement mechanisms aimed at enhancing transparency and building the capacities of trade unions. We urge the Iraqi authorities to enhance their collaboration with the ILO and their specialized committees as well as to foster constructive social dialogue in order to promote a world of work that provides for social justice. We wish Iraq, our brother country, much stability and success in this process of development.

Worker member, Spain – Iraq ratified the Convention in 2018. However, the current situation regarding its effective application shows clear examples of non-compliance, and the steps taken by the Government in the first few years since ratification have been insufficient.

There are representative trade unions in Iraq that nevertheless face unjustified discrimination due to the Government's practice of favouring one single trade union over the rest by granting it unacceptable legal privileges.



Iraq is currently experiencing a period of opportunity for openness with the recent approval of various regulations aimed at broadening the foundation of freedoms in the country. In this context, it is essential that Iraq does not diverge from the Convention and that it fully commits to the bilateral action plan resulting from numerous meetings and dialogues between the ILO and the Government.

Trade union organizations that suffer from exclusion from participation by the Government have expressed great dissatisfaction with the delay in implementing this bilateral action plan.

As workers, we believe that the effective application of the Convention cannot be achieved without genuine dialogue with all truly representative trade unions.

It is not possible to address the challenges facing Iraqi society – such as improving working conditions, productivity and competitiveness – while the vast majority of the workforce, both in the private sector and in the public administration, is denied the right to organize.

The Iraqi trade unions have demonstrated their commitment to dialogue and negotiation, and in this regard we request the dispatch of an ILO technical mission to establish as soon as possible a clear timetable for the implementation of the road map agreed upon between the Government and the ILO.

Finally, we urge the Government of Iraq to suspend the provisions which unjustifiably grant supremacy to one trade union to the detriment of the others.

Interpretation from Arabic: **Government member, Tunisia** – My country takes note of the information provided by the Government on the application of the Convention. We welcome the draft Law prepared by the Iraqi authorities, which seeks to carry out a reform through the creation or enactment of a new Law on Trade Unions in consultation with the ILO and the entities concerned. We support the reforms carried out, particularly with regard to the recognition of trade union pluralism, the right to form and join trade unions in full freedom, guaranteeing the independence of trade unions while developing clear and fair standards for the registration of trade unions. We appreciate the activation of the National Trade Union Council and the creation of the National Social Dialogue Forum launched this year with ILO support.

My delegation salutes the commitments made by the Government to continue reforms, support the development of trade unions and promote decent work and social justice, while taking into account the comments and conclusions of this Committee and the Committee of Experts.

Interpretation from Chinese: **Government member, China** – We thank the Government representative for the presentation. We have also carefully reviewed the report of the Committee of Experts as well as the written information submitted by the Government to this Committee.

We note that a competent committee has been established in Iraq, chaired by the Director-General of the Legal Department of the Ministry of Labour and composed of representatives from relevant departments. Representatives from the Labour and Civil Society Organizations Committee of Parliament, trade unions and various departments of the Ministry of Labour also participate in this committee. The said committee aims to prepare the final draft of the Trade Union Law. During this process, trade unions have actively participated in the consultations and their positions and voices have been taken seriously. The Trade Union



Council represents all trade unions. All trade unions enjoy the possibility to join the official Iraqi delegation to the International Labour Conference and take part in all activities organized by the Ministry of Labour. The Ministry of Labour also participates in all activities held by trade unions. A sound relationship of cooperation and communication between the Ministry and the unions has been established and well maintained, which China commends.

The Government has earnestly fulfilled its obligations under the Convention, taken seriously the views of the ILO and relevant committees and implemented concrete measures to enhance effective communication and dialogue between the Government and trade unions. This is of great significance for safeguarding the rights and interests of workers in the country.

We support the ILO Secretariat and its supervisory mechanism in maintaining constructive dialogue and cooperation with the Iraqi Government, providing the necessary technical assistance to further promote the country's economic and social development, and enhance its capacity to fulfil its obligations under the Convention.

Interpretation from Arabic: **Government member, Oman** – The Sultanate of Oman appreciates the efforts made by the Government to enhance its compliance with the provisions of the Convention. We also appreciate the Government's commitment to developing a working environment in line with international standards. In this context, our delegation reviewed with interest the report that was submitted and we commend the information it contains about the draft Trade Union Law that is being prepared in cooperation with the ILO. We have to note that this draft Law aims to promote trade union pluralism and guarantee freedom of association, in line with Article 2 of this Convention.

The Sultanate of Oman affirms its support for the fundamental principles upon which the ILO is based, including the promotion of trade union rights and decent work. We also encourage continuous constructive dialogue and technical cooperation between the ILO and the Member States, which will facilitate the sharing of progress and contribute to the achievement of the Sustainable Development Goals.

Interpretation from Arabic: **Government member, Egypt** – We have taken note of the efforts and measures taken by the Government to implement the Convention. We express deep appreciation for the Government's efforts to achieve full compliance with the provisions of the Convention as well as its constitutional and international commitments.

The legislative reforms taken by the Government translate its full commitment to the Convention and the Iraqi Constitution, which guarantees in its article 22(3) freedom of association and trade union pluralism.

The Government has also drafted a Trade Union Law in consultation with the ILO as well as national stakeholders so that it replaces the old Law No. 52 of 1987. This Law recognizes trade union pluralism and the right to freely form and join unions. It also guarantees the independence of trade unions and protects them from government interference. Moreover, it establishes clear and fair criteria for union registration in accordance with Article 2 of Convention No. 87. The Government intends to move forward towards implementing these reforms.

The Government is activating the National Trade Union Council, which includes 11 major union federations and associations. This council will play an advisory and coordinating role including reviewing the legislation and ensuring tripartite dialogue.

We have noted with interest the progress made by the Government and its determination to continue working with the ILO. It has launched the National Social Dialogue Forum in



March 2025 with ILO support. This forum represents a democratic platform for sustainable dialogue on labour legislation, social justice and policymaking.

The Government of Iraq also hosted a high-level ILO mission in Baghdad in April 2024. It also conducted a study visit to Geneva in September 2024. The ILO supported also a road map including trade union capacity-building.

Egypt congratulates the positive measures taken by the Government, including the registration of a number of unions and federations in accordance with national procedures and the development of a database to enhance transparency and simplify registration procedures.

We hope that this Committee will take into account the challenges mentioned by the Government such as limited union awareness, lack of capacity-building and the impact of security and political factors. We appreciate the efforts made by the Government of Iraq to maintain its full commitment to completing the reforms and supporting the development of unions.

Interpretation from Arabic: **Government member, Sudan** – We would like to thank the Government representative for the presentation made and express our support to the Government in implementing the provisions of the Convention. This has been reflected in the presentation made about the procedures and measures taken in cooperation with social partners.

The establishment of a national committee, composed of representatives of trade unions as well as representatives of the Parliament, is a very important and positive step towards social dialogue.

We would like also to commend the establishment or the enactment of a new draft Law on Trade Unions in cooperation with the ILO as well as the employers and workers. This reflects a clear spirit of the Convention we are addressing today.

We would like to thank the Government for its cooperation with the ILO and we call upon it to pursue these efforts.

Interpretation from Arabic: **Government member, Saudi Arabia** – My delegation took note of the clarifications provided by the Government representative and we welcome the positive steps taken to enhance the work environment and improve the legal framework related to social partners. My delegation commends the legislative progress, such as the preparation of a new draft law in consultation with the ILO, which reflects a clear commitment to a serious and comprehensive reform process.

We also commend the important developments at the institutional level, including the activation of the Advisory Council comprising the national stakeholders and the establishment of the National Forum for Social Dialogue.

We commend the active partnership between the Government and the ILO and the efforts made to facilitate the procedure for registration. In light of the above, we affirm the Kingdom's support for the ongoing reform process and we call for continuous constructive cooperation with the ILO to contribute to the promotion of social justice and decent work for all.

Observer, International Trade Union Confederation (ITUC) – We rise once again to express deep concern regarding Iraq's continued violation of the Convention despite its ratification in 2018. Seven years have passed, yet Iraq has failed to implement the Convention's core provisions in national legislation. This delay is not only unjustified, it is harmful.



Trade unions in Iraq that are active, credible and committed to peaceful and constructive engagement continue to face systematic exclusion and legal discrimination. The existing No. 52 of 1987 on Trade Unions remains in force. This outdated Law grants exclusive representation rights to a single union and denies public sector workers who make up the majority of the Iraqi workforce the fundamental right to organize. This stands in direct contradiction to Iraq's democratic evolution and political pluralism. If Iraq recognizes political pluralism, why not trade union pluralism?

The ILO and the broader trade union movement have done their part. A joint road map with six clear recommendations was agreed between the ILO and the Iraqi Government. Yet implementation has stalled without credible explanation.

This Committee has already called for the urgent repeal of Law No. 52 and the adoption of a modern inclusive law that covers all sectors, public, private, cooperatives and mixed. It is time to move from dialogue to action. We call for the immediate dispatch of an ILO technical mission to assist in implementing the road map, setting a clear timeline and ensuring transparency. We also strongly urge the Iraqi Government to suspend all discriminatory provisions in force and guarantee equal rights to all unions in law and in practice. Workers in Iraq deserve the same freedom we defend here today. Let us not allow further delay to erode their rights.

Observer, IndustriALL Global Union – I am speaking on behalf of the IndustriALL Global Union, which has affiliates in the energy and industrial sectors in Iraq.

Freedom of association and collective bargaining are fundamental workers' rights. This means unequivocally that workers in Iraq should not be subjected to laws restricting them from joining the union of their choice or bargaining for their working conditions. We are firmly convinced that the reasons for the delay in translating Convention No. 87 into Iraq national law are almost absent.

IndustriALL's Iraqi affiliated unions, along with the entire union movement in the country, do not deserve any procrastination, especially given their commitment to constructive social dialogue. Moreover, through their participation in most of the dialogues with Iraqi official bodies, Iraqi unions have demonstrated their ability to both improve working conditions and strengthen competitiveness. Iraq's failure to align with international labour standards and its exclusion of public sector employees from forming trade unions is both discriminatory and regressive.

We call on the Government to implement the six recommendations issued by the direct contacts mission in May 2023, which included the call for the creation of the technical committee for the elaboration of the draft Trade Unions Law, the strengthening of the Coordination Council, the establishment of an inclusive tripartite forum, the creation of a network of relevant public authorities and bodies, the launching of ILO-supported training programmes and conducting awareness-raising and communication campaigns.

The Government must adopt the new trade union law without further delay. Workers cannot wait any longer for their fundamental right to freedom of association and the right to organize to be fully recognized and protected.

We call for the urgent dispatch of a technical mission to help expedite the implementation of these recommendations. At the same time, we call on the Government to engage with unions in genuine dialogue to achieve an enabling environment respecting international workers' rights and the full realization of Convention No. 87 in the country.



Interpretation from Arabic: **Government representative** – We have taken note of the remarks made by the Worker, Employer and Government members. Each of these contributions was valuable, and we will give them due consideration. Regrettably, some comments appear to have been based on unofficial or outdated sources of information. Regardless, it is important to recall that the Republic of Iraq has been a Member of the ILO since 1932 – one of the first countries in our region to join. To date, Iraq has ratified 72 international labour Conventions, including all eight core or fundamental Conventions. Of these, 56 remain in force. Since 2003, Iraq has been undergoing a significant transformation aimed at building a democratic State.

In 2005, following a vote by the Iraqi people, we promulgated a new Constitution. This marked a pivotal step toward democracy, though the journey has not been without serious challenges – some of which could be described as existential. Nevertheless, both the Government and the people of Iraq have remained committed to democratic development. We have enacted a range of laws to safeguard political, social and economic freedoms. We hold elections every four years, and our most recent elections resulted in the formation of a new Government. Iraq also has a law on political parties and an independent electoral commission that oversees the electoral process.

Freedom of association is one of many rights enshrined in our Constitution, and it is protected alongside other fundamental freedoms. Within both the Government and Parliament, we are working constantly to strengthen our multiparty democratic system. Some participants in this debate may not be fully aware of the current realities in Iraq. However, we can assure you that trade union pluralism exists and is actively put in practice by the people.

We have two articles in the current legislation that safeguard these matters - articles 42 and 44 – which address trade union pluralism and collective bargaining. Our delegation is not composed of representatives from a single union; rather, it includes members from several trade unions. At the Ministry, we maintain an open-door policy for all workers' organizations and trade unions. We are in continuous dialogue with them and welcome their engagement. Our commitment to inclusive dialogue extends beyond national trade unions – we also maintain active communication with the relevant departments of the ILO. I would like to take this opportunity to express our sincere gratitude to the ILO, whose technical support has enabled the Government to develop appropriate legislation on these important issues.

Our judiciary operates independently and is guided solely by the law. There is no interference in judicial proceedings, and our courts interpret and apply the law as they deem appropriate.

Regarding the legal standing of trade unionists, I want to emphasize that no trade unionist has ever been imprisoned in our country for expressing views that may differ from those of the Government. We operate strictly within the framework of the law and remain committed to upholding it.

We look forward to continuing to benefit from technical support from the ILO, both here in Geneva and through its regional offices in Baghdad and Lebanon.

Employer members – The Employer members express warm thanks to the Government for the information provided and the explanations given to this Committee. We will be brief because what we are looking at here is a general consensus.

There is a lot of common comment around the room that Iraq has taken heed of the advice and support that has been given by the ILO. It is working in the right direction. It is heading towards the compliance that has always been sought. It is working on the issues that



need to be resolved to become compliant with Convention No. 87 and the Employer members think that the downside, if we were to call it that, is that the calls are for getting this done more quickly rather than at the speed it is at.

So the calls are really to continue to work with the ILO to make as much use of the ILO as possible to expedite the finalization of the Trade Union Law, to use the Social Dialogue Forum in the ways that the Government has described to bring about the kind of consensus and understanding that is necessary for everything and then, lastly, to do the things that we were recommending before, to complete that work on the Trade Union Law, to provide some assurances just for completeness that the Government participation in union activities is compliant rather than offending Article 3, provide assurances that worker and employer representatives attending the International Labour Conference are selected in consultation with the Trade Union Council, which I understand to be the peak body for the union movement, and also to provide the information that several commentators have talked about in relation to the status of a small number of unionists who have been in some form of dispute, to make sure that, as the Government representative has stated, these people are not in jail or being penalized unduly. The Employer members also take note that the Government representative has indicated that their situation will be dealt with in accordance with the new law which – as also stated – is not there yet. So those things need to be brought together.

Worker members – We thank all the speakers and in particular the representative of the Government for the written and oral information he was able to provide for us.

We have noted with concern the prosecution of leaders and representatives of independent trade union federations. This testifies to a climate in Iraq that is not yet conducive to the full exercise of freedom of association. It is essential that trade unionists be able to carry out legitimate trade union activities without fear of prosecution and thus exposure to prison sentences and fines. We also noted the encouraging developments in the ongoing legislative reforms.

Taking into account our discussions, we would like to make the following recommendations to the Government.

First, ensure that all measures are taken to ensure an environment conducive to the exercise of freedom of association. This includes ensuring that no union member or leader is subject to arrest, detention or criminal prosecution for their legitimate trade union activities. Proceedings against trade union leaders and representatives of independent trade union federations for their legitimate trade union activities should be immediately dropped.

The Government must also adopt measures to provide for the necessary safeguards to address manifestly unfounded or abusive court proceedings in full respect of democratic values and fundamental rights, including the right of freedom of association, to provide remedies against abusive court proceedings and to impose effective, proportionate and dissuasive penalties on the party who initiated abusive court proceedings.

We also call on the Government to adopt the draft Law on Trade Unions without further delay in consultation with the social partners. This draft Law should meet all the guarantees required by the Convention including the full recognition of trade union rights of public servants and trade union pluralism, the recognition of the trade union rights of foreign workers, the absence of restrictions on the right of certain professions to form trade unions, the guarantee that the minimum number of members required for the formation of unions is set at a reasonable level, the recognition of the right of workers to form independent union organizations at all levels and respect for the autonomous functioning of such organizations.



We call on the Government to work with the ILO to implement these recommendations and to continue to avail itself of ILO technical assistance, including a technical mission to expedite and set clear time frames for the implementation of these recommendations.

We also request the Government to submit a detailed report to the Committee of Experts by 1 September 2025 on the measures taken to implement the recommendations made.

Conclusions of the Committee

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

The Committee took note with concern of actions against representatives of workers and employers' organizations. The Committee also took note of the ongoing legislative reforms that can prevent acts of intimidation against social partners.

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

- **conclude the ongoing legislative reforms, ensure an environment conducive to freedom of association and ensure that there are dissuasive actions against those violating the law; and**
- **provide detailed information on the cases and respective results presented before national courts against the leaders and representatives of the independent trade union federations.**

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

The Committee further requested the Government to provide a detailed report on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Interpretation from Arabic: **Chairperson** – I have the honour to give the floor to the distinguished representative of the Government of Iraq.

Interpretation from Arabic: **Another Government representative** – Let me start by expressing our satisfaction at the way you have conducted the work of this Committee. We have taken note of all the recommendations and the conclusions. We would like to assure you of our commitment to fulfil these requirements and that we will provide the required information by 1 September 2025.



Kyrgyzstan (ratification: 2000)

Labour Inspection Convention, 1947 (No. 81)

Written information provided by the Government

According to the Labour Code, state inspectors in the field of supervision and control over compliance with labour legislation are entitled to hold accountable, in accordance with the legislation of the Kyrgyz Republic on offences, persons guilty of violating laws and other regulatory legal acts on labour and, if necessary, invite them to the authorized state body in the field of supervision and control of labour legislation in connection with cases in progress,

as well as to send information to law enforcement agencies to hold these persons criminally liable, and file lawsuits in court.

Article 87 of the Code on Offences provides norms for holding perpetrators administratively accountable for violations of labour legislation:

- The conclusion of a labour contract with a person for whom the proposed work is harmful to health according to a medical opinion entails the imposition of a fine of ten indicative calculation units for individuals, and 50 calculation units for legal entities.
- Violation of the rules for involving certain categories of persons in night work, overtime work or work on weekends entails the imposition of a fine of 30 calculation units for individuals, and 130 calculation units for legal entities.
- Violation of the rules for involving certain categories of persons in heavy work or work in harmful or dangerous working conditions entails the imposition of a fine of 55 calculation units for individuals, and 170 calculation units for legal entities.
- Failure to fulfil or improper fulfilment by the employer of the obligations to create healthy and safe working conditions for employees, or to introduce means and technologies ensuring compliance with sanitary and hygienic norms, and of the requirements of technical regulations and other regulatory legal acts on labour protection, entails the imposition of a fine of 75 calculation units for individuals, and 230 calculation units for legal entities.
- Unjustified suspension of citizens from work entails the imposition of a fine of 30 calculation units for individuals, and 130 calculation units for legal entities.
- The engagement of individuals by an employer in work without the formalization of a labour contract entails the imposition of a fine of 75 calculation units for individuals, and 230 calculation units for legal entities.

Note: the calculation indicator is equal to 100 som (US\$1.15).

Violations of labour legislation are considered by the authorized body for the control and supervision of labour legislation. The functions of the labour inspectorate are performed by the Service for Control and Supervision of Labour Legislation under the Ministry of Labour, Social Security and Migration of the Kyrgyz Republic (hereinafter the Service), which performs the following main functions:

- carries out state supervision and control of compliance with labour legislation and other regulatory legal acts containing labour law norms in organizations, through inspections, surveys, the issuance of mandatory instructions for the elimination of violations, and by bringing those responsible to justice in accordance with the legislation on offences.
- analyses the circumstances and causes of identified violations, and takes measures to eliminate them and restore the violated labour rights of citizens;
- investigates industrial accidents using the established procedure, analyses their causes, develops proposals for the prevention of such cases, and approves the conclusions of employers' reports of a lack of connection between a minor industrial accident and production;
- summarizes the application of the legislation on labour and labour protection and analyses the causes of violations of that legislation, and prepares appropriate measures for improvement;



- carries out inspections on the use of child labour;
- monitors compliance with the established procedure for the investigation and recording of industrial accidents and occupational diseases;
- considers cases of offences in the field of labour in accordance with the legislation on offences;
- exercises control and provides organizational and methodological guidance to the structural divisions of the Service, and regulatory support for those divisions;
- conducts work on improving the qualifications of labour inspectors;
- submits an annual report on the state of labour protection and working conditions to the Cabinet of Ministers through the Ministry of Labour, Social Security and Migration;
- analyses the state and causes of industrial injuries and occupational diseases, and develops proposals for their prevention;
- coordinates the activities of state supervision and control bodies and public control on issues of compliance with laws and other regulatory legal acts on labour and labour protection;
- informs the public about violations of laws and other regulatory legal acts on labour and labour protection identified in organizations;
- conducts explanatory work on the labour rights of employees, and promotes the training of employers and employees on labour protection issues;
- receives citizens, provides consultations, and considers applications, complaints and other appeals from citizens regarding violations of their labour rights, and takes measures to eliminate identified violations and restore violated rights; and
- performs other functions in accordance with the legislation.

The Law on the Procedure for Conducting Inspections of Business Entities establishes the procedure for conducting inspections of business entities by authorized bodies, defines the rights and obligations of authorized bodies and business entities related to the implementation of inspections, indicators of the effectiveness of the activities of authorized bodies, as well as the protection of the rights of business entities from illegal interference in their activities. Currently, the norm providing for notification of a scheduled inspection of the activities of legal entities and entrepreneurs at least ten days before its commencement has been excluded from this Law. Thus, inspectors currently conduct scheduled inspections for compliance with building codes and regulations, requirements for the production, storage, transportation, and sale of food products, labour protection requirements, and environmental safety, without prior notification.

In cases related to ensuring people's safety and health (in the event of the emergence and spread of infectious diseases and mass non-infectious diseases (poisonings), or industrial accidents), in the event of emergency environmental situations, the threat of an industrial accident, or violation of building codes and regulations, inspections may be sudden and carried out without a written order (an instruction or prescription) in order to identify the causes and sources of the unacceptable impact on the health of the population and to take measures to prevent and eliminate them, with subsequent notification of the authorized body for business development within seven working days. These changes came into force on 14 January 2024.



The Temporary Ban on Inspections of Business Entities was in force until 31 December 2024. As of 1 January 2025, the moratorium (temporary ban) on inspections of business entities has been lifted. An unscheduled on-site inspection of the activities of entrepreneurs can only be carried out by the Service after agreement with the authorized body for business development (the Ministry of Economy and Commerce).

According to the National Statistical Committee, as of 1 January 2025 the number of officially employed individuals in the Kyrgyz Republic amounted to 2,656,200. The number of state labour inspectors in the Kyrgyz Republic today is only 28 full-time units. On average, each inspector is responsible for 100,000 workers. At the same time, in the countries of the Commonwealth of Independent States (Russian Federation, Kazakhstan, Uzbekistan, Tajikistan), on average, each inspector is responsible for 30,000 workers. Due to restrictions on inspections by the Service of all business entities during the period of reorganization of executive authorities, there has been an increase in violations of workers' labour rights (illegal dismissal, non-payment of wages and vacation pay). The number of industrial accidents, including fatal ones, has also increased, as has informal employment. In addition to considering applications, inspectors of the Service also investigate industrial accidents with severe and fatal outcomes. Furthermore, labour inspectors are entrusted with the function of monitoring the mandatory insurance of the employer's civil liability for harm caused to the life or health of an employee during the performance of their labour (official) duties. Currently, the Government is considering the issue of increasing the number of state labour inspectors.

Also, based on section 14 of the Law on Trade Unions, section 239 of the Labour Code, and section 19 of the Law on Labour Protection, and the Regulations on the Technical Labour Inspectorate of Trade Unions of Kyrgyzstan, approved by Resolution No. 15-1 of the Presidium of the Council of the Federation of Trade Unions, dated 27 May 2011, trade unions exercise public control over compliance with labour legislation and other regulatory legal acts containing labour law norms. To carry out this function, legal and technical labour inspectorates of trade unions are created, the powers of which are defined in the relevant laws and regulations on trade unions. Obstruction in any form of the lawful activities of workers' representatives is prohibited.

Discussion by the Committee

Chairperson – I have the honour to invite the honourable Government representative of Kyrgyzstan, Ambassador, Permanent Representative of Kyrgyzstan to the United Nations Office at Geneva, to take the floor.

Interpretation from Russian: **Government representative** – I would like to discuss the introduction of a temporary moratorium on inspections in enterprises, and at the outset, I would like to clarify that this measure was taken in order to eliminate or reduce any unfounded excessive interference from government entities in the activities of entrepreneurs or enterprises.

In addition to slowing down the socio-economic development in our country, such unfounded excessive inspections had inherent corruption risks and paralysed the work and activities of businesses, as a result of which, it was first and foremost the workers of these businesses that suffered – not business people, not representatives of the private sector. It was the workers who suffered. They were the primary victims of such excessive unsubstantiated and arbitrary inspections.



In this regard, it is also important to note, as I mentioned previously, that this measure was of a temporary nature, and it was expected to be lifted once the socio-economic situation stabilized.

The goal was to support small and medium-sized enterprises (SMEs). However, the particularities of this issue are the following: by supporting SMEs, the State was first and foremost supporting those workers that were involved in this sector. They are the main beneficiaries of the development of SMEs. Moreover, it is also important to emphasize that unscheduled inspections, especially when there is a threat to the life or health of workers, continued to be carried out throughout this entire period, throughout the duration of this moratorium. Therefore, this is how we ensured operational reactions to critical situations.

The mechanisms continue to work in order to maintain the balance between the interests of workers and businesses and entrepreneurs, even during the moratorium period.

From 1 January 2025, we lifted this temporary moratorium, and fully resumed not just unplanned inspections, which continued during this period, throughout the entirety of 2024, despite the moratorium, but also scheduled inspections on occupational safety and health (OSH). One of the main achievements was the annulment of the need for an obligatory notification of inspections ten days prior to the beginning of a planned inspection. Currently, scheduled inspections on OSH and the respect for sanitary health standards and food security take place without notification, which is in full alignment with the provisions of Article 12 of the Convention.

Moreover, should there be any threats to the health or lives of citizens, unscheduled inspections can take place without written orders, should there be notification from the relevant entity within seven days.

Unscheduled and scheduled site visits/inspections are carried out by state labour inspectors, in accordance with Kyrgyz legislation and international commitments, specifically here referring to the Convention. At the same time, there are also aspects that must be improved. We need to increase the number of labour inspectors and, in this regard, Kyrgyzstan expresses its gratitude for this fruitful cooperation with the ILO. We highly appreciate the ILO's contribution to the promotion of decent work, social dialogue and the respect of international labour standards. We highly appreciate the ILO's contribution to the promotion of decent work, social dialogue and the respect of international labour standards.

With a view to further strengthening partnerships and the efficient implementation of our priorities in labour and employment, the Kyrgyz Republic would like to request technical assistance and to sign a Decent Work Country Programme. Signing such a programme would facilitate our systematic resolution of these issues and promotion of key issues in employment, thereby improving work conditions and ensuring sustainable development in accordance with international commitments. We very much hope to see a continuation of this constructive cooperation with the ILO, and we express our willingness and readiness to actively participate in the development and implementation of a Decent Work Country Programme.

Worker members – Even though the examination of the case of Kyrgyzstan concerns the Labour Inspection Convention, 1947 (No. 81), we cannot address this case without mentioning the difficult context prevailing in Kyrgyzstan with regard to the exercise of fundamental freedoms such as the freedom of expression, freedom of assembly and freedom of association. Trade unionists have been imprisoned, their possessions confiscated by the authorities, and trade unions are subject to interference by the authorities in their internal affairs, as evidenced, for example, by the forced replacement of the leadership of the Kyrgyzstan Federation of Trade



Unions (FPK). Compliance with international labour standards cannot be guaranteed when a State does not ensure an environment conducive to the exercise of basic democratic rights and freedoms. We regret to note that such guarantees do not currently exist in Kyrgyzstan.

Inspection services are a vital public function, ensuring the promotion of decent working conditions and respect for fundamental principles and rights at work. To fulfil this mission, inspection services must be provided with an appropriate legal framework and resources commensurate with the importance of their mission. Unfortunately, we note that the inspection services do not enjoy all these guarantees in Kyrgyzstan.

The first striking factor is the extremely low number of labour inspectors. According to the latest information provided by the Government, there was the equivalent of 28 inspectors working full time. This low number does not allow for proper monitoring of citizens' rights at work or for preventive measures to be taken. The Government itself indicates that violations of workers' rights have increased. The number of industrial accidents has also increased, as has informal work.

The territory that certain inspectors are required to cover is so large that they do not have time to perform their duties fully. Furthermore, illegal practices such as forced labour and trafficking in persons are not dealt with by the inspection services. The lack of human resources already prevents the inspection services from functioning properly. It is positive to note that the Government is considering increasing the number of inspectors. This should not only be considered but also be implemented in practice.

The legal framework within which the inspection services have to operate in Kyrgyzstan also has many shortcomings.

The most contentious issue is the moratorium imposed on inspections. A temporary ban on scheduled inspections was imposed in 2023. A Presidential Decree of 9 January 2024 introduced a new moratorium on scheduled inspections for the whole of 2024. The ILO supervisory bodies have repeatedly pointed out that moratoria on inspections contravene the provisions of the Convention and considerably weaken their effectiveness.

This moratorium nullifies the only positive element highlighted in the Committee of Experts' report. Legislation had indeed taken a positive step forward with the amendment of section 6 of Law No. 72 of 2007, by no longer requiring scheduled inspections to be announced in advance. Unfortunately, the moratorium has suspended all scheduled inspections.

Furthermore, with a few exceptions, inspectors are still required to obtain prior official authorization from the Ministry of Economy and Commerce before conducting an unscheduled inspection.

The Committee of Experts' report highlights further limitations on the powers of the inspection services provided for by Law No. 72 of 2007:

- limitation of the frequency of inspections according to the risk profile of enterprises;
- limitation of the scope of inspections;
- limitation of inspections to working hours;
- limitation of the possibility of imposing penalties.

However, Articles 12 and 16 of the Convention provide that inspectors must be able to enter freely and without previous notice, at any hour of the day or night, any workplace liable to inspection. Workplaces must be inspected as often and as thoroughly as is necessary to



ensure the effective application of the relevant legal provisions. All the restrictions mentioned above cannot be in line with these requirements.

Furthermore, inspectors may be dismissed if a court does not confirm the existence of a violation detected by an inspector and finds that the inspector has committed an error.

While cases relating to personal safety and health are among the exceptions where prior authorization from the competent authority is not required for carrying out an inspection, the Committee of Experts' report points out that the lack of information on measures having immediate executory force to ensure the safety and health of workers makes it impossible to ascertain whether the legislation of Kyrgyzstan is in conformity with Article 13(2)(b) of the Convention. The written information provided by the Government does not shed any more light on this matter.

As we have just seen, there are many reasons for concern regarding the ability of the inspection services to carry out their duties in Kyrgyzstan. The Committee of Experts already identified, in its 2019 general observation on the Labour Inspection (Agriculture) Convention, 1969 (No. 129), that a number of Member States which have ratified one or both of the labour inspection Conventions have implemented reforms that significantly weaken the inherent functioning of labour inspection systems. It noted that this trend was particularly evident in Eastern Europe and Central Asia.

Kyrgyzstan is no exception to this trend. Nevertheless, we hope that the Government will engage in constructive dialogue with the Committee, and with all the ILO supervisory bodies, in order to follow up on the recommendations made to it and thus improve the situation of the inspection services in both law and practice.

Employer members – First, let me start by thanking the Government of Kyrgyzstan for both its explanation just before and the information it provided in May to supplement the Committee of Experts' report.

We would like to stress the importance of state compliance with the Convention. In fact, it is important for States to comply with all Conventions that are ratified, but here we are focusing on the Convention that was ratified by Kyrgyzstan in 2000. It has never been discussed before this Committee, but there have been observations in 2018, 2020, 2022 and 2024 consistently enough for the Committee of Experts to make this a double footnoted case.

In its latest observations, the Committee of Experts highlighted three major issues.

First, regarding the number of labour inspectors. According to the information provided by the Government, published in May this year, the situation is that the number of employed people in Kyrgyzstan is around 2.7 million people. However, there are only 28 full-time inspectors. That is about one inspector per 100,000 people. I think we would all agree that this is not enough.

The Committee of Experts noted that the labour inspection service is structured around a central office in two regions. That itself suggests that there is a stress on the system because there are too few inspectors across two large areas. The Committee of Experts further noted that the distances from places of permanent deployment to districts and the outskirts are very large and, therefore, inspectors do not have time to fully carry out their duties.

Moreover, there are numerous complaints from citizens about violations of labour rights and labour inspectors do not carry out inspections on forced labour and trafficking in persons due to the limited number of staff.



The Employer members would like to highlight that, according to Article 10 of the Convention, the number of labour inspectors shall be sufficient to secure the effective discharge of the duties of the inspectorate.

We note that currently the Government is considering the issue of increasing the number of inspectors and I would echo the Workers' comments in this respect.

It is not just a matter of attending, but actually doing something here is really important. Therefore, we welcome the Government's statement that it is working with the ILO in seeking to establish a Decent Work Country Programme that will take these things into account.

We have taken note that, currently, the Government is considering the issue of increasing the number of state labour inspectors. We appreciate these efforts, and we call upon the Government to take action to ensure that there is a sufficient number of labour inspectors in accordance with the Convention.

In that regard, we would also ask the Government to provide information on the measures taken to increase the number of labour inspectors – not just to say that they intend to – , specifically on what measures will be taken or planned to allocate a budget and to recruit and train a sufficient number of labour inspectors.

Second, regarding the moratorium on inspections, the Committee of Experts noted that a temporary ban on scheduled inspections was imposed between January and December 2023 and, according to the information provided by the Government, this was in effect a temporary ban on inspections of business entities which was in effect until 31 December 2024, and was again lifted in January this year.

We would like to highlight that Article 16 of the Convention provides that workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

So, while we note with concern that the moratorium was introduced, we do welcome the fact that it was lifted, but we will then also urge the Government to not impose any future moratoria as these are inconsistent with the requirements of the Convention.

Third, there are other limitations on the labour inspectorate. The issue of prior notice. According to Article 12(1) of the Convention, labour inspectors provided with proper credentials should be empowered to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection and to enter by day any premises which they may have reasonable cause to believe to be liable to inspection.

The Law on Inspections of Business Entities establishes the procedure for conducting inspections of business entities by authorized bodies. According to the information provided by the Government, the norm providing for notification of a scheduled inspection at least ten days before its commitments has been excluded from this law.

Thus, inspectors currently can conduct scheduled inspections for compliance with building codes and regulations, requirements for the production, storage, transportation and sale of food products, labour protection requirements and environmental safety requirements, without prior notification

In certain cases, for example, relating to ensuring people's safety and health, inspections may be sudden and carried out without a written order. These changes came into force in January 2024.



The Employer members welcome these developments while noting that unscheduled on site inspections can only be carried out after agreement with the authorized body for business development, the Ministry of Economy and Commerce, according to section 575 of Law No. 72 of 2007.

To better understand the situation, the Employers' group asks the Government to provide statistics regarding the number of inspections undertaken by labour inspections without previous notice as compared to inspection visits undertaken with prior notice as well as statistics on the number of penalties imposed and effectively enforced.

According to Article 16 of the Convention, workplaces have to be inspected as often and as thoroughly as is necessary to ensure the effective application of the law

The Committee of Experts noted that the following other restrictions provided for in Law No. 72 of 2007 actually remain in force:

- Regarding frequency, scheduled inspections should not be conducted more than once a year in workplaces considered to be at high risk and not more than once every three years in workplaces with an average degree of risk.
- Inspections should not be conducted in new businesses within the first three years of their operation.
- There are limitations to the scope of inspections, particularly in terms of the issues that can be examined.
- Inspections can only be carried out during working hours.
- Where a court does not confirm the existence of a violation as detected by an inspector, and where the court considers that this is the result of the fault of the labour inspector, the inspector is to be removed from office.
- Scheduled and unscheduled inspections are not intended to impose financial or other sanctions on businesses.

Taking into account these restrictions, the Employer members recommend that the Government ensure that inspectors are able to undertake inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions in line with Articles 12 and 16 of the Convention. Furthermore, in line with Article 17 of the Convention, labour inspectors should be able to initiate or recommend immediate legal proceedings without prior warning where required.

Finally, we recommend that, in line with Article 18 of the Convention, adequate penalties for violations of the legal provisions enforceable by labour inspectors shall be provided for by national laws or regulations and effectively enforced.

Interpretation from Russian: Worker member, Kyrgyzstan – I would like to greet you on behalf of the Kyrgyzstan Federation of Trade Unions (FPK) and on behalf of the workers of Kyrgyzstan. The FPK currently includes 500,000 people. These workers are invested in events, for example, those carried out by the ILO. The FPK would like to express its gratitude to the ILO for this comprehensive review of the Convention. I believe we should remind all participants here, that the FPK was the initiator behind this request in 2023 on the implementation of this Convention.



We would like to thank you for these recommendations on improving the situation in the Kyrgyz Republic. We appreciate the role played by the ILO as an authoritative body that facilitates the promotion of global standards in the world of work and ensures social justice.

Recently, with tripartite involvement, we worked with the Ministry of Labour as well as the Employers' group, and we carried out a lot of work in this area.

The FPK actively uses the tripartite mechanisms, and we are engaged in constructive dialogue with the Cabinet of Ministers in Kyrgyzstan in order to improve the system of labour inspections. The issue of ensuring state labour inspections, and providing inspectors with the necessary human resources and technical resources, especially in remote areas, was raised by the FPK.

The FPK has participated in consultations and initiated consultations with the Ministry, during which we achieved an understanding on the need to improve and increase the number of labour inspectors as well as reviewing the regional distribution of resources. I believe that this is a significant achievement in which employers, in particular, participated. We are currently addressing the issue of including this in the budget for 2026.

Based on the results of our dialogue with our social partners in 2025, it was decided to annul the moratorium, and the FPK participated in the discussion around this decision.

The FPK participates in the work and the working group on the review of legislation regarding regulation of labour inspection. Particular attention is paid to the issue of streamlining the process for receiving authorization to carry out inspections and improving the capacity and the authority of inspectors to carry out inspections, should there be threats to the life or health of workers.

We are also working on improving punitive measures and sanctions and ensuring that they are efficient, and on introducing standards for labour inspections, including those in the public sector. In order to implement this right, the FPK should note that we have taken advantage of the rights conveyed to us. We have increased our work with labour inspectors.

From 2024 to this day, inspections and reviews were carried out on the implementation of legislation in businesses that are part of the FPK.

We would like to note that, to date, we have covered approximately 20 per cent of the FPK's organizations, and that is where our labour inspectors work.

Our main goal is to prevent any accidents at work, as the lives of our workers, the lives of our people, are the priority. This means that no economic measures taken for employers can justify the loss of a human life. This is why we are intensifying our work, and we can say, for example, that where previously only two workers were engaged in labour inspections, we have now increased that number to 20. We have done that over the last years.

The main goal of such work is to ensure that requirements under OSH legislation are respected, by analysing collective agreements, providing methodological support to trade union organizations, providing consultations to employers on issues related to respecting labour rights, as well as strengthening social partnership institutions and improving the culture in these enterprises

As we raise the issue of the application of the Convention, I would like to note that, currently, distinguished colleagues, not one single worker or participant in such movements is detained or imprisoned.



We have noted that, indeed, there is some turbulence in our country, but the situation is being resolved, and we provide all information on this situation. We have participated in meetings on this topic and have committed to providing written information regarding your concerns about the situations of our compatriots, our workers. Many of them are no longer detained. In fact, they are in leadership positions.

Reforms have been carried out and they were a necessity in order to improve the respect of labour laws and standards. As the Chair of the FPK, I can now state that there are no political issues related to the work of our Federation and the members of our trade unions and the trade union movement. We have been in fact discussing these economic issues properly. All investigations were concluded regarding the property of the chairpersons. Nothing was confiscated.

I would like to share with you a saying that we have, which is that it is best to see something once rather than hear it 100 times. And we would like to invite you to visit us, to pay a visit to our country so that you can see with your own eyes how the FPK is now engaged and carrying out its work.

I would like to reiterate to you once again our goal is to protect the rights of workers. Our priority is the worker and the workers' interests that we are attempting to protect. We do not want to just increase in number. We want to protect the interests of our workers.

In conclusion, I would like to say that the FPK reiterates its full commitment to the provisions of the Convention, and we express our readiness to continue constructively cooperating with the ILO and, as this is a tripartite institution, we cooperate with our social partners, with the Government and the employers. We are convinced that, only through collective efforts, can we build an effective professional and independent labour inspection system that would be able to ensure that the rights of workers are respected and that there is justice in this sector, and thanks to our collective efforts, we can in real life, and not just on paper, protect the labour rights of our members.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the EFTA countries **Iceland** and **Norway**, members of the European Economic Area align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Labour inspection, as provided for in the Convention, is key in promoting and safeguarding decent working conditions.

The EU and Kyrgyzstan signed an Enhanced Partnership and Cooperation Agreement with labour provisions in June 2024, advancing and strengthening cooperation with the country in key policy areas such as trade and investment, employment and social affairs.

Moreover, the Kyrgyz Republic became the first country in the region to receive EU trade preferences under the Generalised Scheme of Preferences Plus programme (GSP+), committing to the implementation of 27 core international Conventions, particularly on human rights and labour rights. Kyrgyzstan has a workforce of about 3 million people.



We note with concern the latest Government's indications that there are currently only 28 labour inspectors and that the lack of staff impacts Kyrgyz regions unequally as, in some, there are only one or two inspectors in total.

We also note with deep concern the Government's information regarding the increase in violations of workers' labour rights and the increase in industrial accidents, including fatal ones. We regret that, due to the limited number of staff, labour inspectors do not carry out inspections on forced labour and human trafficking.

In line with the Committee of Experts' recommendation, we urge the Government to ensure the effective application of the relevant legal provisions in all regions and to provide information on the measures planned or adopted to increase the number of labour inspectors. The effective functioning of the labour inspection system is crucial to ensure full realization of labour and other human rights in practice.

We took note of the Government's written information from 19 May, in which it states that it is considering the issue of increasing the number of state labour inspectors. We share the Committee of Experts' deep concern on the temporary ban on scheduled inspections imposed between January and December 2023 and on the renewed moratorium on labour inspections introduced in January 2024 until the end of 2024.

We would be interested to know the reasons leading to the Government introducing this moratorium, which is a serious violation of the ratified labour inspection Convention, and which can significantly weaken the enforcement of labour standards and workplace conditions.

We appeal to the Government to remove the multiple remaining restrictions and limitations on the powers of labour inspectors contained in Law No. 72 of 2007 in order to ensure that they are empowered to enter workplaces freely and without previous notice, to undertake inspections as often and as thoroughly as necessary, to initiate or recommend immediately legal proceedings without prior warning, and to ensure the effective enforcement of penalties for violations of the legal provisions as set out in the Code of Offences.

We therefore urge the Government of Kyrgyzstan to bring its national legislation into full conformity with the Convention. We encourage the Government of Kyrgyzstan to follow up on the request by the Committee of Experts to provide information and statistics in this regard.

Moreover, we appeal to the Government to take the necessary measures to bring its legislation into conformity with the Convention to ensure that orders requiring measures with immediate executive force may be issued by labour inspectors, and to ensure the safety and health of workers, particularly in case of imminent danger. We invite the Government to provide information on the number and content of these measures to the Committee of Experts.

The EU stands ready to support Kyrgyzstan with the aim of strengthening the Government's capacity to address the issues raised with regard to meeting its obligations under the ratified Conventions.

Government member, Switzerland – Switzerland supports the statement delivered by the EU and wishes to make the following points. Switzerland would like to reiterate the key role played by labour inspection systems, provided that they are effective, in ensuring the respect and enforcement of legal provisions established by labour law. In this regard, labour inspection is a cornerstone of the implementation of fundamental principles and rights at work.

In this regard, Switzerland expresses its concern regarding the numerous practical, political and legal restrictions that undermine the proper functioning of the labour inspection



system in Kyrgyzstan. With only 28 inspectors throughout the country, according to the figures provided by the Government in its latest report, the staffing situation is extremely critical. This drastically limits the capacity of inspectors to perform their duties. Due to a lack of resources, inspectors do not, for example, carry out inspections on forced labour or trafficking in persons. In addition to the lack of staff, two consecutive moratoria were implemented, which suspended all scheduled inspections from January 2023 to December 2024.

Switzerland therefore calls on the Government to take all necessary measures to ensure that the labour inspection system has sufficient staff and resources to carry out its functions properly, including ensuring the effective enforcement of penalties.

Worker member, Sweden – I am speaking on behalf of the workers in the Nordic countries. Labour inspection is an essential institution for enforcing labour rights. Its efficient functioning is central for the rule of law, the health and safety of workers, the sustainability of enterprises and the transition from an informal to a formal economy. Without an impartial and fair labour inspection equipped with enough staff and means to supervise labour and harsh legislation and to prescribe remedies, workers' rights are hard to enforce. Especially when freedom of association is not guaranteed, and that is the case for Kyrgyzstan, which is in category 5, the worst category of the International Trade Union Confederation Global Rights Index.

Regretfully, many governments from newly independent States in the former Soviet Union seem not to understand the significance of the Convention for the entire labour rights system. Today, we are discussing this issue in Kyrgyzstan. We will discuss it in Uzbekistan later. We discussed it in Kazakhstan last year and Tajikistan several years ago. Referring to this region, the Committee of Experts in its general observation in 2019 expressed concern that some Member States had ratified the labour inspection Conventions but had taken measures that substantially undermine such inspections, all in the name of improving the investment climate and business environment. Some governments, including Kyrgyzstan's, enact moratoria on labour inspections, and even if the Kyrgyzstan Government reports that the moratorium was not prolonged, there are no guarantees that a new moratorium will not be enacted.

We call on the Government to refrain from new moratoria. Our experience from the Nordic countries is that good working conditions, including a good working environment, lead to better results and contribute to increased productivity. That explains why many employers in our countries are involved in collective bargaining and care about labour inspections as well.

That is one of the reasons why it is so sad to learn that labour inspectors in Kyrgyzstan face restrictions in many different ways. The inspectorate itself is underfinanced and understaffed. Kyrgyzstan, with a workforce of more than 3 million workers, has only 28 labour inspectors. The inspectors are simply too few and lack the means to do their job.

The Government must adapt its national laws so that inspectors can carry out their work as often and as thoroughly as necessary to ensure compliance with the Conventions Kyrgyzstan has ratified. In addition, labour inspectors must be authorized to directly order measures to improve the safety and health of workers, to monitor compliance with these measures, to take legal action against those responsible for violations, and to impose penalties. All this is clearly identified by the Committee of Experts. We in the Nordic countries and the EU expect our trade partners to respect fundamental workers' rights. Kyrgyzstan has received beneficial trade arrangements but fails to live up to its commitments to workers' rights.



The detention of trade union leaders and the presence of security officers at trade union congresses is completely unacceptable. Freedom of association, the right to organize and bargain collectively, and the right to a safe and healthy working environment are interconnected fundamental rights at work and, in line with the Convention, labour inspection is a vital public function.

In its report, the Government recognizes certain shortcomings and indicates that it is discussing with social partners and lawmakers the necessary steps to improve the situation. We sincerely hope that the Government will take those steps.

*Interpretation from Russian: **Government member, Belarus*** – We would like to thank the delegation of the Kyrgyz Republic for providing detailed information on this issue. We welcome the progress made by the Government in the implementation of the provisions of the Convention. This country has developed and has a functioning effective system for the supervision and control of labour legislation with a view to ensuring that the interests of workers are protected. It is constantly being improved.

At the same time, measures are provided to prevent any unfounded interference in the work of businesses by the regulatory bodies. We appreciate that the Kyrgyz Republic has demonstrated that it is striving towards openness and transparency in the labour sector, which is reflected in the provision of information on labour relations and its public availability. We welcome the active tripartite dialogue with social partners, which ensures that all interested parties are able to participate in the formation and improvement of state policy on labour and employment.

The commitment of the Kyrgyz Republic to respecting international labour standards shows that the country is ready to implement universally recognized best practices in this area at the national level.

*Interpretation from Russian: **Worker member, Russian Federation*** – Russian trade unions support the efforts undertaken by Kyrgyzstan's trade unions to align legislation and practical work of the state labour inspectorate with the Convention, in industry and commerce, with a view to ensuring its effectiveness when it comes to protecting the rights of workers.

In our view, considering that this is a key Convention, it is not only trade unions but also employers that should be interested in minimizing any violations of the rights of workers and in adhering to safe labour conditions and reducing cases of injuries at work. This is why we believe that employers are also interested in labour inspectors working efficiently.

At the same time, the Committee of Experts' report shows that the number of inspectors is insufficient, as a result of which they are simply not able to quickly and effectively react to any workers' complaints. In addition to that, the mechanism of moratorium was used in the interest of foreign investors to decrease and limit unscheduled inspections by labour inspectors. Currently, the process for carrying out scheduled inspections is also complicated. The basis for such inspections is restricted to threats to the life and health of workers, which means that labour inspections are unable to cover other rights. We would like to note how widespread such practices are in countries in our region, including my country, which justifies the attention paid by the ILO supervisory system.

Considering the aforementioned, we would like to call on the Government and Parliament of Kyrgyzstan to implement the recommendations of the Committee of Experts, including with regard to increasing funding and the number of inspectors of the national labour inspection services, as well as expanding the authority of these inspectors in order to fully align them with the commitments undertaken when ratifying the Convention. We also call on them to abandon



this damaging practice of introducing moratoria on the work of labour inspections, which leads to loss of life and health of workers and does not protect the interests of investors.

Government member, United Kingdom of Great Britain and Northern Ireland – The United Kingdom has a long-standing commitment to protect workers' rights through encouraging robust and adequately funded labour inspection regimes. We welcome the opportunity to discuss these important issues in this forum. The United Kingdom welcomes the amendment to section 6 of Law No. 72 of 2007 of the Kyrgyz Republic which permits planned inspections to be conducted without prior notice as provided for in the Convention.

However, despite such steps and in line with observations made by the FPK, we note that the Kyrgyz Republic remains non-compliant with the Convention and has been selected for discussion at this Committee.

Indeed, as noted by the Committee of Experts, there remain limitations in Law No. 72 of 2007 on the powers of inspectors, including but not restricted to the requirement for inspectors to obtain prior formal authorization before carrying out an unscheduled inspection, limits on the frequency of labour inspections and limits on the scope of inspections.

The Committee of Experts has also determined that there is an insufficient number of labour inspectors undermining the inspectorate's ability to perform its duties effectively. We are also concerned by the renewed moratorium on labour inspections enacted by presidential decree, which appears to constitute a serious violation of the Convention.

The United Kingdom works closely with the Kyrgyz Republic right across multilateral Geneva and welcomes its steadfast commitment to international law and, therefore, encourages it to make every effort to comply with the Convention by removing these limitations. We also hope that the Kyrgyz Government will renew its commitment to ensuring that labour inspectors are sufficiently resourced by addressing funding and capacity issues. Working together with the ILO, we can create a safer and more equitable working environment for all our workers.

So, in conclusion, the United Kingdom encourages the Government of the Kyrgyz Republic to implement the recommendations of this report and meet its obligations under the Convention. We hope that the Government's next report to the Committee of Experts will confirm the full implementation of the requested action and demonstrate further positive developments towards the effective functioning of the labour inspection system.

Government member, Kazakhstan – Kazakhstan expresses its support for the Kyrgyz Republic in its efforts to strengthen compliance with the Convention. We acknowledge the points outlined in the Committee of Experts' report and commend Kyrgyzstan's commitment to address them. The Republic of Kazakhstan recognizes the right of each State to independently develop its labour inspection systems in accordance with national socio-economic conditions and international obligations.

In our view, this approach ensures a balanced integration of universal ILO standards with country-specific contexts, fostering sustainable development and social stability. In this connection, we acknowledge the notable steps that Kyrgyzstan has taken to align its labour inspection system with the Convention, including the lifting of the temporary ban on business inspections. These actions demonstrate political will and the commitment to strengthen oversight of labour law compliance. We view Kyrgyzstan's efforts as an important contribution to protecting labour rights, ensuring safe working conditions and promoting social dialogue.



Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – The right to a safe workplace is a fundamental human right in the field of work and in labour relations. It actually occupies a key position in the system of labour standards because it is essentially about protecting and saving lives. Two institutions can guarantee safety and health in the workplace. These are the state labour inspectorate and free and effectively functioning trade union organizations. In relation to occupational health and safety, the tasks of both are to identify and eliminate occupational hazards and risks in close cooperation where possible. Unfortunately, we know that this system of health and safety protection has seriously degraded in all the countries of Eastern Europe and Central Asia. It has led to a decrease in the value of human life and increase in statistics of injuries and accidents at work, including fatal ones.

We therefore commend the Government of the Republic of Kyrgyzstan for providing information to the Committee and for its stated willingness to cooperate with the ILO. We hope that this will be the first step that will reverse the negative development and will be followed by other steps aimed at creating a holistic and effective system of safety at work. At the same time, we would like to note that in the context of the Kyrgyz Republic, this will require significant effort because it is a matter of the need to seriously change people's attitude to the issue of their own safety. It is also necessary to create a system of employer responsibility that encourages investment in safety in the workplace. Experience shows that only punitive measures on the part of the State do not lead to positive results. On the contrary, they can encourage corruption in the workplace safety system.

But that is what the Government report seems to be focusing on, not making an effort to consider positive motivation measures for employers and workers, and not considering the promotion of social dialogue on issues related to health and safety. Another factor that cannot be overlooked in the creation of an effective occupational safety system is the presence or absence of freedom of association. In an atmosphere of mistrust of state authorities and the absence of truly independent workers' organizations, it is impossible to ensure the elimination of hazards and occupational risks. And here it should be noted that the space for freedom of expression, peaceful assembly and association in Kyrgyzstan has been significantly reduced in recent years.

In particular, the authorities have intensified efforts to suppress all forms of public criticism despite substantial and well-founded objections from civil society and international nongovernmental organizations. Journalists and civil rights activists critical of government policies have faced increased media attacks, arbitrary detention, harassment and unfair trials. The authorities use a very broad definition of political activity to restrict the right to freedom of association. Trade unions have also come under pressure from government authorities, as was recorded in the complaint to the Committee on Freedom of Association registered under Case No. 3386.

The situation in Kyrgyzstan was the subject of discussion at our 28th IUF Congress in 2023 where the delegates from different countries of the world expressed concerns about legislative initiatives restricting trade union rights in Kyrgyzstan. But this situation became worse in the following period. Between November 2023 and spring 2024, six elected trade union leaders were placed under arrest, each of them for several months.

The reasons for this arrest are still unclear and we believe this is a serious reason for us to express concern about the compliance of the country with fundamental ILO Conventions, especially the Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), and the Convention on the Right to Organise and Collective Bargaining, 1949



(No. 98), which are enabling instruments to enforce international standards, including on health and safety at work.

We call on the Government to provide explanations on the reasons for the arrests of the trade union leaders. This should be publicly explained as a necessary step to enable trade unions to function in an atmosphere free of fear of interference and to construct a safe and healthy environment in the workplace.

Observer, IndustriALL Global Union – I am speaking on behalf of IndustriALL Global Union, which has three industrial affiliates in Kyrgyzstan. Although the moratorium reported by the Committee of Experts was lifted earlier this year, we are concerned about the Government's continued practice of imposing temporary bans and restrictions on scheduled inspections, which remains unacceptable. Likewise, other limitations on the scope and functioning of labour inspections as highlighted by the Committee of Experts are also unacceptable.

Nevertheless, we welcome the lifting of the last moratorium, and we expect the Government to take further steps to ensure that labour inspections are conducted as regularly and as thoroughly as necessary to achieve the effective application of legal provisions, in compliance with Article 16 of the Convention.

The Government should also address immediately the insufficient number of labour inspectors. There are currently 28 labour inspectors to service 2.6 million workers in a country which is mostly mountainous with many areas of difficult access. Therefore, we call on the Government to increase the number of labour inspectors, allocate sufficient means to implement their job and ensure that all regions are covered.

The Government should also implement all recommendations, as stated in the last report of the Committee of Experts, to bring its national legislation into full conformity with the Convention, thus removing the multiple remaining restrictions on the powers of inspectors, enabling inspectors to initiate or recommend immediate legal proceedings without prior warning and ensuring the effective enforcement of penalties for violations of the legal provisions enforceable by labour inspectors as set out in the Code of Offences.

We call on the Government to seek the assistance of the ILO to implement the necessary legal changes and to accept a direct contacts mission to facilitate tripartite dialogue in the application of fundamental labour standards.

Even though we expressed satisfaction at the liberation last year of Eldar Tadjibaev, the Chairperson of the Mining and Metallurgy Trade Union of Kyrgyzstan, which is affiliated with the IndustriALL Global Union, and we understand the charges against him were dropped and he was able to return to his position, we call on the Government to ensure the full respect of fundamental labour rights as enshrined in Conventions Nos 87, 98 and 81. Freedom of association, the right to organize and collective bargaining, and the right to a safe and healthy working environment, are interconnected fundamental principles and rights at work.

Observer, Building and Wood Workers' International (BWI) – The BWI represents workers in construction, building materials, wood and forestry – sectors where the effective functioning of labour inspection systems is not a formality but a matter of life and death. For workers in these high-risk industries, compliance with the provisions of the Convention is not only a legal obligation but an essential requirement for protecting their health, safety and fundamental rights.



As outlined in the Article 2 of the Convention, the purpose of labour inspection is to enforce legal provisions related to conditions of work and the protection of workers. Additionally, Article 5 of the Convention mandates that the competent authorities should take appropriate measures to promote cooperation between labour inspectors and employers and workers or their representative organizations.

However, the effective application of these Articles is impossible without genuine and meaningful social dialogue between the government, employers and workers. And such dialogue cannot exist in an environment where freedom of association is not fully respected. Recent developments within the FPK, including its branch unions and affiliates of the BWI, between late 2023 and early 2024, during which six trade union leaders were detained and others stepped down from their positions, have raised concerns about the current environment for trade union activity in the country. The BWI encourages the Government to reaffirm its commitment to fundamental labour rights, particularly to freedom of association, as upheld by international standards and the nation's own constitution.

Labour inspection systems are not merely an administrative tool. They are vital public institutions. When they are unfunded, legally constrained or unable to operate independently, they fail to protect workers from exploitation, unsafe conditions and rights violations. Their effectiveness is fundamentally linked with the broader respect of international standards, particularly the fundamental rights guaranteed by Conventions Nos 87 and 98 on freedom of association and collective bargaining.

Therefore, in addressing the situation in Kyrgyzstan and addressing compliance with the Convention, the ILO should place particular emphasis on the necessity of adhering to Conventions Nos 87 and 98. Ensuring these rights are essential to restoring the integrity and effectiveness of labour inspection, and to safeguarding the lives, health, and dignity of workers across BWI sectors and beyond.

Interpretation from Russian: Government representative – I am very pleased to align myself not just with the words spoken but every letter contained in the statement of our distinguished colleague from Kazakhstan who, I note with great pleasure, was able to clarify the specificities of the situation in Kyrgyzstan, comparing, for example, the conditions or the context of situations in all countries in the region. I am referring specifically to Central Asia. In order to respond to the questions that were voiced during our discussion, I would like to make a few clarifications.

Again, if we were to go back to the statement by our colleague from Kazakhstan, the majority of these issues are of an objective nature, and I believe that is why certain questions were addressed not just to us but to other countries in the region and I believe that is why the Employer members called Kyrgyzstan Kazakhstan three times. In fact, we are delighted to be confused with our brotherly, neighbourly nation and I believe that such an approach where everyone is grouped together, shows a certain lack of understanding of the facts and I will explain why I have this impression, an impression that is now a conviction in fact.

I would like, on behalf of Kyrgyzstan, to invite these critics of our country to pay us a visit and see the changes that are currently underway, that have been underway since the peaceful revolution of 2020. I invite you to pay us a visit and see what we are doing, what measures we are taking, and I would like to share a few facts with you.

Over the last three years, the volume of tax contributions to the budget of Kyrgyzstan has increased threefold and the volume of customs contributions has increased fourfold. Our economy, although it is growing at a rate faster than 10 per cent, cannot provide for such a



level of contributions to the budget and that is why this is a result of our actions in combating organized crime and corruption. As a consequence, our country is able to increase wages and pensions.

At the World Health Assembly, which recently concluded, we noted with great pleasure that last year alone wages increased by 50 per cent for all medical professionals. With regard to the baseless accusations that are related to freedoms or rights, I agree with our colleague. Once again, I would like to invite you to pay us a visit.

Then we also heard certain accusations – in fact, the only word we can use for this is accusations – regarding forced labour and trafficking in persons, but there has not been a single case of forced labour in our country. No official registered cases. I would like to request the Worker members to provide us with this information, should they somehow be in possession of it. I am not saying that the Labour Code prohibits forced labour. I am saying that we have no such information. There are no statistics, no data on this. There is no such phenomenon in our country.

Next is the statement by distinguished representative of Poland on behalf of the EU, which contained a request to provide clarifications on the moratorium of 2024. In my introductory remarks, I believe I sufficiently clearly explained the reasons for this moratorium in detail. The reasons for the moratorium are not or were not to impede or attack the rights of workers. Quite the opposite. The only reason behind the moratorium was related to combating corruption in regulatory or supervisory bodies. Once again, I would like to explain that corruption in these control mechanisms, the bodies and authorities that handle these, leads to the impingement or infringement of the rights of workers.

We believe that Kyrgyzstan's logic behind introducing this moratorium is quite clear and, in that regard, I would warmly welcome the comments from the representative of Switzerland who emphasized, that without sufficient resources, the labour inspection system itself cannot effectively carry out its work. I referred to that in my introductory comments.

We request and we are suggesting that we sign a Decent Work Country Programme with a view to expanding technical assistance to the Kyrgyz Republic. That is what we request and recommend.

When it comes to the questions from the Worker members and our colleague from Sweden, as well as the representative of the IUF, regarding criminal cases against the former leadership of trade unions, the former leadership of the trade unions unfortunately found itself mired in corruption. They forgot for whom and for what they existed and whose contributions or whose fees with which they were leading luxurious lives.

The State, through law enforcement and the court system, was forced after numerous complaints from regular members of these trade unions, to activate mechanisms through which the courts handled these investigations and these issues. As a result, none of these figures were imprisoned. Six were detained and the majority of these people who found themselves mired in corruption when they returned the funds stolen from the workers, were all released.

Moreover, several of them are once again active in the trade union sector. This is thanks to our independent judicial system, and those who were able to prove their innocence and their non-involvement in the misappropriation or abuse of funds that took place under the previous leadership of the trade unions, were able to resume their activities in the area.



In conclusion, I would like to close my statement by once again reiterating that the moratorium, which was active last year, was an emergency measure and was a temporary measure that was introduced in order to protect the rights of workers and to resolve or prevent the results of the corruption of certain figures in this area. I wanted to explain very quickly why this moratorium was introduced last year and the reason for it.

Once again, I would like to extend an invitation to you to visit Kyrgyzstan. I would like to invite the Worker, Employer and Government members, those of you who are genuinely interested in finding out what the situation is and the situation that we are currently discussing, you are most welcome. We invite you to Kyrgyzstan. Our doors are open for you. We will welcome you and explain to you, show you why and for which reasons we are unable, for example, to fully meet certain commitments currently.

Once again, the work in which we are engaged in our country to eliminate corruption and organized crime results in certain innovations that certain members of our Cabinet may consider to be an infringement of rights or the non-fulfilment of commitments by Kyrgyzstan and that is why once again I would like to extend to you a warm welcome to Kyrgyzstan.

Employer members – First let me thank the Government and my apologies for my earlier error. I would also like to thank the other speakers that have spoken. There have been a number of things talked about. I have to say some of those were a bit off-piste in the sense that we are here to talk about labour inspection, but we have heard about a number of other areas as well. So, when we get to the conclusions obviously, we need to make sure we come back to focus.

We just reiterate what I said earlier, which is that the Convention is a governance priority Convention, and we stress again that we condemn any non-compliance relating to the application of ratified Conventions in general and here, as we have heard, labour inspection is a critical piece of the functioning of an effective and efficient labour market and the rule of law. A rules-based system requires an effective labour inspection system to function properly.

In light of the Committee of Experts' observations in today's discussion, we would simply like to recommend the following.

First, we would call upon the Government to ensure that there are a sufficient number of labour inspectors in line with Article 10 of the Convention, and furthermore, the Government should provide information on measures planned or taken to increase the number of labour inspectors, and on the budget allocation for labour inspection services.

Second, we would ask the Government to provide statistics regarding the number of inspection visits undertaken by labour inspectors without previous notice as compared to inspection visits undertaken with prior notice, as well as statistics on the number of penalties imposed and effectively enforced.

With these actions, we also note that we heard the Government's explanation of its reasons behind the moratorium, and we applaud the fact that this moratorium was not a permanent one. It has been lifted. But if these measures that we have recommended are taken, that should alleviate the need for any other emergency measures involving a moratorium, and we would urge the Government not to take those sorts of measures again in the future.

Lastly, we would recommend that the Government bring national law and practice into line with Articles 12, 16, 17, 18 of the Convention. In all of these things, we count upon the cooperation of the Government to implement all of these recommendations, and we urge the Government to take advantage of the assistance afforded by the ILO as they may find useful.



Worker members – We thank the Government representative for the written and oral information submitted to our Committee. We have heard, during our discussions, that the exercise of fundamental freedoms such as the freedom of expression, assembly and association, are particularly difficult in Kyrgyzstan. Trade unionists have been imprisoned, their possessions have been confiscated by the authorities, and trade unions are subject to interference by the authorities in their internal affairs. Our Committee is bound to recall that restoring the guarantee of the exercise of these freedoms is fundamental for compliance with international labour standards.

The same applies for compliance with the Convention. We have observed several shortcomings in this respect.

It is with deep concern that we note that the Government reintroduced a moratorium on labour inspections in 2024, which constitutes a serious violation of the Convention.

The persistence of other restrictions, particularly those contained in Law No. 72 of 2007, on the competencies of labour inspectors, considerably reduce the capacity of the labour inspectorate to effectively carry out its duties.

For this reason, we consider that it is vital for the Government to take measures within the pre-established time limits in order to restore compliance in law and in practice with the Convention.

We therefore invite the Government to guarantee a sufficient number of labour inspectors so that workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the legislation. The territorial coverage of inspection services is also fundamental to ensure that all regions of the country can be covered by labour inspection. It would be useful for the Government to provide information on the measures envisaged or adopted to increase the number of labour inspectors.

It would also be useful for the Government to provide information on the budget allocated to inspection services.

The moratoria on inspection services must be lifted without delay and the Government must refrain from reintroducing such moratoria in the future. The Government must also ensure that labour inspectors have the capacity to carry out inspections as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions, in conformity with Article 16 of the Convention.

The Government must also ensure that its legislation complies with Article 12 of the Convention by removing the multiple restrictions on the competencies of labour inspectors.

It is also paramount for labour inspectors to prompt or recommend legal proceedings without prior warning, where required, in accordance with Article 17 of the Convention.

The Government must effectively enforce the penalties imposed for violations of provisions of the Criminal Code relating to the remit of labour inspectors, in accordance with Article 18 of the Convention.

The Government must provide statistics on the number of inspections carried out by the inspection services without prior warning, compared with inspections conducted with prior warning, as well as the number of penalties imposed and effectively enforced.

The Government must ensure that the inspection services can take measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13(2)(b) of the Convention. In this regard, we request the



Government to provide information on the number of injunctions per year for immediate measures issued by labour inspectors, and also to indicate the reason for these injunctions and their outcome.

We request the Government to receive an ILO direct contacts mission and to provide the Committee of Experts with full information, by 1 September 2025, on the measures taken to implement our Committee's recommendations.

Conclusions of the Committee

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 re-introduction of a moratorium on labour inspections for the year of 2024, which represents a serious violation of the Convention.

The Committee also noted the persistence of other limitations, contained in Law No. 72 of 2007, to the powers of inspectors and the insufficient number of labour inspectors, which significantly undermines the inspectorate's ability to perform its duties effectively.

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

- ensure that there is a sufficient number of labour inspectors so that workplaces can be inspected as often and as thoroughly as necessary to ensure the effective application of the relevant legal provisions;
- provide information on the measures planned or adopted to increase the number of labour inspectors;
- ensure that all regions are covered by the labour inspectorate;
- provide information on the budget allocation for labour inspection purposes;
- act promptly to eliminate the moratorium on inspections and to ensure that labour inspectors are able to undertake labour inspections as often and as thoroughly as is necessary to ensure the effective application of the legal provisions, in compliance with Article 16 of the Convention;
- bring its national legislation into full conformity with Article 12 of the Convention by removing the multiple remaining restrictions on the powers of inspectors;
- ensure that inspectors are able to initiate or recommend immediate legal proceedings without prior warning, where required, in conformity with Article 17;
- ensure the effective enforcement of penalties for violations of the legal provisions enforceable by labour inspectors as set out in the Code of Offences, in conformity with Article 18;
- intensify its efforts to bring the national legislation into conformity with Article 13(2)(b) of the Convention;
- provide all pending information requested by the Committee of Experts.

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



The Committee also requested the Government to provide a detailed report on the measures taken to implement the above recommendations before 1 September 2025.

Chairperson – I invite the Government representative of Kyrgyzstan to take the floor.

Another Government representative – On behalf of the Government of the Kyrgyzstan Republic, I wish to express our appreciation to the Committee for its important work and continued commitment to the values and mechanisms of the ILO supervisory system. We thank the Committee for the time and attention devoted to examining the case of Kyrgyzstan under the Convention. We reaffirm our full respect for the mandate of this Committee and reiterate the readiness of the Kyrgyzstan Republic to engage in a constructive and transparent dialogue with the ILO supervisory bodies.

As a Member State, Kyrgyzstan takes seriously its obligations under the ratified Conventions and remains committed to strengthening its national labour inspection system in line with international standards.

At the same time, we firmly believe that it is in the best interest of all parties involved and of the ILO system as a whole that discussions within this Committee remain focused on issues that are directly relevant to the application of the Convention under review.

We must avoid the conflation of unrelated matters that fall outside the scope of the Convention and that risk diverting attention from the real substance of compliance and improvement.

We are confident that the dialogue between the Government and the ILO will continue in a spirit of mutual respect, clarity and genuine cooperation. Let us remain guided by the shared objective of strengthening labour rights and protections in a manner that is fair, objective and anchored in the legal framework of the ILO.

Libya (ratification: 1969)

Forced Labour Convention, 1930 (No. 29)

Written information provided by the Government

The Government has provided the following written information as well as copies of the Council of Ministers Decision No. 227 of 2025 modifying the structure of the Ministry of Internal Affairs and approving certain provisions, Libyan Criminal Code of 28 November 1953 (extract), Act No. 5 of 27 September 2022 on combating cybercrime (extract), Decision No. 439 of 2023 establishing and delineating the functions of a committee to study the legal status of expatriate workers (extract), Act No. 19 of 28 January 2010 on combating illegal migration, Council of Ministers issued Decision No. 16 of 2024 establishing the functions of the Supreme Committee to follow up on illegal migration and borders, and the Bill of 2013 on combating human trafficking.

Libya joined the ILO in 1952 and ratified ILO Conventions, starting with Convention No. 29, with a view to incorporating international provisions in its national system and overcoming any obstacles to the achievement of a decent and secure working environment for workers, free from violence and stress.

It should be noted that in 2024, Libya was elected as a regular member of the Governing Body of the ILO, representing the African continent for the period 2024–2027, at the 112th Session of the International Labour Conference. Libya received 195 votes, which is



indicative of the trust that it enjoys among the Members of the ILO and the extent of its commitment to the ILO Constitution and its Conventions and Recommendations.

In addition, its membership in the ILO Governing Body will allow Libya greater opportunity to participate in the formulation of international policies relating to labour and workers and strengthen cooperation with other countries in this field.

With regard to the observations made by the Committee of Experts, including that the United Nations Independent Fact-Finding Mission on Libya expressed deep concern in its final report of 3 March 2023 over the deteriorating human rights situation, and that illegal migrants were victims of violence in Libya, the report did not include the suffering endured by Libya in the context of the current instability and exceptional circumstances in the country. There can be no doubt that the situation has affected national, regional and, also, economic security, since the Libyan authorities have recorded some 5,187 offences committed by migrants over the past five years.

We are therefore unable to confirm or deny any figures, national or international, monitored through reports as they are not based on optimal reporting mechanisms. Any organization must base the reports that it prepares on facts and evidence and indicate the sources of the information contained therein, which the aforementioned report fails to do. The report should not be built on tales told by migrants, who failed to reach Europe and have been targeted for repatriation, in order to evade deportation or the enforcement of national laws.

In this context, it should be noted that the employment of irregular migrants inside Libya constitutes an offence under the provisions of the Labour Relations Act No. 12 of 28 October 2010, which provides for specific conditions of employment including the proper legal status of foreign workers. This is not the case for irregular migrants present on Libyan territory. In addition, they engage in economic activities in violation of the applicable legislation, which sets out clear legal conditions regulating the presence and employment of foreigners. This is what happens in the informal Libyan labour market, where they work in agriculture, construction and blacksmithing and various types of trade in order to make what they need to reach their country of destination. They also seek in the Libyan people the values of humanity imposed by custom, the true Islamic religion and the local legislation.

It should also be noted that the respect of Libya for international Conventions, in the fields of labour, human rights or in other fields, corresponds with the commitment of the organizations from which these Conventions emanate to take into consideration the spirit of Member States' national laws in terms of customs, traditions and religions. In any event, it is unacceptable to request any State to alter its national legislation in a manner incompatible with its sovereignty or national security.

Human trafficking organizations are international organizations that have turned Libya into a country of transit for migration to Europe, not a country of destination. Therefore, responsibility for action against this phenomenon does not fall to one party but must be assumed through joint action and genuine collective efforts, through which positive results in combating human trafficking and protecting victims can be achieved. Effective international cooperation is key to countering this phenomenon and achieving sustainable solutions.

In view of the above, the Government takes this opportunity to request the provision of substantive, technical and material ILO support in order to strengthen its capacities to combat human trafficking, arbitrary detention and forced labour. It recognizes that this assistance will contribute to improving the conditions of migrants and ensure the protection of their rights in application of the provisions of Convention No. 29.



It should be noted that the current political and security crisis in the country, as well as exploitation by international organized criminal gangs in order to commit human trafficking offences and organize illegal migration journeys to Europe, have constituted a major burden on Libya and have had an impact on the national economy, particularly in light of the political divide, the dual executive authorities, and the gap between the legislative and executive authorities, all of which have prevented the adoption of urgent practical and constitutional measures to address the issue.

Nevertheless, the Government adopted substantive measures to combat this offence, protect victims and hold accountable those involved in order to ensure the protection of migrants' rights. The legislature attached special importance to this issue. Act No. 19 of 28 January 2010 on combating illegal migration provides in article 1 that: "An illegal immigrant is anyone who enters Libyan territory or resides therein without permission or authorization from the competent authorities, for the purpose of settling therein or transiting to another country."

Article 4 of the same Act further provides for a penalty of imprisonment for a period not exceeding one year and a fine not exceeding 10,000 Libyan dinars for anyone who commits any of the offences established for the purpose of obtaining material or non-material benefit, directly or indirectly. The penalty is increased to imprisonment for a period of not less than five years if the perpetrator belongs to an organized criminal gang for the smuggling of migrants.

Article 43 of Act No. 5 of 27 September 2022 on combating cybercrime provides for a penalty of imprisonment for anyone who creates a website or publishes information on the internet or any electronic system for the purpose of human trafficking or its facilitation or handling.

The Libyan Criminal Code of 28 November 1953, in article 418, establishes the trafficking of women as an offence and, in article 419, establishes a penalty for anyone who facilitates the trafficking of women by any means.

Article 426 on dealing and trafficking in slaves further provides as follows:

Anyone who deals in or traffics slaves or disposes in any manner of a person in a situation of slavery or a person in a slavery-like situation shall be liable to a penalty of imprisonment for a period not exceeding ten years.

The penalty shall be imprisonment from three to twelve years for anyone who disposes of an enslaved person or a person in a slavery-like situation, or who delivers, possesses, acquires or keeps a person in that situation.

Article 428 on abduction provides that: "Anyone who abducts, detains, imprisons or deprives someone by any means of his personal freedom by force, threat or deceit shall be liable to a penalty of imprisonment for a period not exceeding five years."

The measures adopted by the authorities include the issuance by the Council of Ministers in the Government of National Unity of Decision No. 439 of 2023 establishing and delineating the functions of a committee to study the legal status of expatriate workers, address the issue of their presence in the country and grant them a period in which to regularize their situation in accordance with the regulations and legislation in force.

In the same vein, the Council of Ministers issued Decision No. 16 of 2024 establishing and delineating the functions of the Supreme Committee to follow up on illegal migration. A national strategy was formulated to address the issue, control borders, merge efforts in this regard in coordination with the relevant authorities to establish a consolidated database and communicate with international and regional bodies to clarify the role of the Libyan



Government in fulfilling its obligations with regard to action against illegal migration, border control and combating human trafficking.

In addition, the Council of Ministers of the Government of National Unity issued Decision No. 227 of 2025 modifying the structure of the Ministry of Internal Affairs and approving certain provisions. Article 2 of the decision provides for “the dissolution of the Directorate for Combating Illegal Migration and the transfer of its powers to the Ministry of Internal Affairs”. The decision came in response to international and national observations concerning abuses committed in some shelters under the authority of the Directorate and as a result of the Libyan Government’s desire to strengthen institutional oversight, instil the principles of transparency and accountability, strengthen governance, improve the situation of migrants and reorganize and strengthen the institutional framework concerned with migration management, in order to ensure that all shelters and measures taken regarding migrants comply with national and international human rights standards, under the direct supervision of the Ministry of Internal Affairs, which is the authority responsible for security and law enforcement.

This step forms part of the Government’s efforts to curb violations, encourage the humane treatment of migrants and ensure that migration policies are subject to continuous review and evaluation, which reflects the practical commitment of Libya to improving the situation of migrants and protecting them from exploitation and potential violations.

In accordance with the recommended measures, the Government drafted a Bill on human trafficking with the aim of strengthening the legal framework to combat this offence and making available adequate preventive and protective measures. The provisions of the Bill are based on the League of Arab States’ model law on combating human trafficking, which, in turn, is derived from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol), to which it acceded in 2004 and which outlines optimal standards for the protection of human rights.

In this connection, the authorities confirm their awareness of the importance of this instrument for the protection of migrants’ rights and that the provisions thereof are fully implemented and incorporated into national legislation. Furthermore, slavery in all its forms has been criminalized in law since 1953 through the provisions of the Criminal Code, which criminalize slavery and servitude.

Having acceded to the Organized Crime Convention in 2000, Libya is working towards the establishment of mechanisms for its application at the national level and to deliver those involved in organized crime to justice. This endeavour is reflected in the concerted efforts and support of the security services to counter human trafficking. In this respect, persons involved in human trafficking offences have been sentenced by the courts, which demonstrates that the Criminal Code is enforced regarding this matter and that the Government is serious about holding accountable those responsible for these offences. The security services and the judiciary continue to work to hold perpetrators accountable and ensure that they do not go unpunished.

In addition, the Libyan security services and the judiciary conduct thorough investigations into cases of human trafficking, arbitrary detention and forced labour, prosecute alleged perpetrators and bring them to justice. In this context, the Criminal Court of Tripoli completed investigation procedures into the activities of three persons accused of intentionally committing human trafficking. The Court convicted the defendants and sentenced the first to life imprisonment and the second and third to 20 years’ imprisonment.



Furthermore, the authorities adopted a number of measures aimed at improving the situation of irregular migrants and reducing their vulnerability to exploitation and violations. The most notable of these include the closure of a number of migrant holding centres, including the premises at Ghawt al-Sha'al, Bi'r al-Ghanam, Al-Nasr al-Zawiyah, Al-'Assah and Tariq al-Matar.

The fight against human trafficking is one of the main long- and short-term objectives pursued by the Libyan authorities and security services; every means has been deployed to eliminate terrorism and organized crime and strengthen land and sea border security, from the far north to the far south of the country.

The security services carried out specific operations targeting dens of mercenaries and human smuggling rings and were able to seize many such dens. One of these operations was a raid carried out by the Joint Security Committee targeting dens of human smugglers, alcohol and drug dealers in the Umm al-Aranib region. In view of the positive results achieved by these operations, efforts to pursue persons acting outside the law and enhance the prestige of the State in various regions continue.

From the far south to the far east of the country, Imsa'id Bi'r al-Ashhab Joint Security Operations Room agents raided several illegal migrant smuggling dens, apprehended a number of people smugglers and some 570 illegal migrants of various nationalities and also arrested several of the smugglers running these dens.

In a high-precision security operation, the Libyan security forces successfully dismantled one of the most dangerous migrant smuggling networks in the town of Al-Shuwayrif in south-western Libya and the authorities were able to liberate hundreds of migrants living in appalling conditions in secret detention dens. The Office of the Public Prosecutor initiated judicial proceedings against this network, following information received concerning suspicious activity by a criminal cell. Illegal migration and human trafficking operations are highly organized; through intensive investigations, the security forces were able to identify forced detention sites and delivered a strong blow to this gang by arresting one of the leaders of the cell and ten cell members who were co-perpetrators in these offences.

The Government, recognizing the importance of international cooperation in tackling human trafficking and forced labour, calls upon the ILO to provide substantive and technical support to the Libyan authorities concerned and to strengthen avenues of collaboration with countries of origin, transit and destination, so that it can benefit from ILO expertise and capabilities and continue to work towards the effective implementation of the Convention.

Despite the efforts expended, the lack of political and institutional stability and security hinders the progress of the executive branch in combating human trafficking, procedures for the presentation and ratification of Conventions and the enactment of laws, including the Human Trafficking Bill, and the promulgation thereof by the competent legislative authority, which constitutes a real challenge to the efforts of the Government in this field. We therefore hope for and look forward to the support of the ILO to overcome these obstacles, produced by the political crisis, in order to update the legal framework necessary to eliminate this phenomenon.

In conclusion, we trust that the Committee will understand the prevailing situation in Libya and reaffirm once again our commitment to international standards and our desire to cooperate with the ILO and our international partners to combat these serious phenomena, achieve justice and preserve human dignity.



Discussion by the Committee

Interpretation from Arabic: **Chairperson** – I have the honour of inviting the honourable representative of the Government of Libya, the Director of the Institute of Labour Culture, to take the floor.

Interpretation from Arabic: **Government representative** – I represent the Government of National Unity of Libya and it is a pleasure for me to speak to you today in order to discuss the observations of the Committee of Experts which can be found in the report concerning the application of the Conventions.

Libya joined the ILO in 1952, and we have ratified most of the fundamental labour Conventions, including the Forced Labour Convention, 1930 (No. 29). This was on 13 June 1961. This ratification demonstrates the significance my country attaches to integrating international labour standards into our national system in order to provide for decent work and a workplace free of stress and harassment.

Furthermore, the Libyan Government was elected in 2024 as a titular member of the Governing Body at the ILO representing the African continent for 2024 to 2027. This demonstrates the confidence that my country enjoys among members of the Organization and also demonstrates how we value both this Organization and its Conventions. Now, the fact that we are a member of the ILO Governing Body will be an important opportunity for my country when it comes to drawing up labour policies at the international level and also with regard to fostering cooperation with other countries.

Concerning the Committee of Experts' comments, we would like to point out that the country is facing cross-border criminal gangs and a security and political crisis in the country, in addition to our economic difficulties. Moreover, there is a double executive authority in the country and a division between the executive and the legislative powers.

I would like to point out that groups involved in trafficking are international organizations, and they have made our country a transit country rather than a destination country. For this reason, the responsibility for combating this phenomenon does not lie solely with Libya; rather, it is a responsibility that should be shouldered in a joint manner in order to achieve positive results when it comes to combating the crime of human trafficking, providing protection for victims and implementing international labour standards.

The Government has adopted substantial measures to combat this crime, protect victims and identify the perpetrators in order to protect the rights of migrants. The Government has addressed this issue and banned forced labour and trafficking in persons in sections 37 and 39 of Chapter 8 of the Labour Relations Act No. 12 of 2010. Moreover, Act No. 19 of 28 January 2010 on combating illegal migration, in its sections 4 to 19, imposes sanctions on persons who are involved in illegal migration. It further criminalizes any violation of these provisions, categorizing such acts as criminal offences.

Likewise, section 43 of Act No. 5 of 27 September 2022 on combating cybercrime provides for a penalty of imprisonment for anyone who creates a website or spreads information on the internet or any electronic system for the purpose of human trafficking or its facilitation or handling. Furthermore, the Government issued Decision No. 439 of 2023 establishing a committee tasked with examining the legal situation of migrant workers and also examining their status and their presence in accordance with the relevant legislation. In addition, Decision No. 16 of 2024 established a dedicated committee to address issues related to illegal and cross-border migration.



A national strategy was also formulated to examine this problem, working together with the relevant authorities in order to establish a unique database and communicate with both international and national authorities to explain the role of the Government in fighting these crimes and human trafficking.

The Government's Council of Ministers also passed Decision No. 227 of 2025 modifying the structure of the Ministry of Internal Affairs. Section 2 of the Decision provides for the dissolution of the body combating illegal migration and the transfer of its functions to the Ministry of Internal Affairs.

Regarding the centres that receive migrants, the Government is ensuring institutional monitoring and promoting transparency throughout legal procedures. Guarantees are provided so that the reception centres are in conformity with international and national human rights standards. This is an important part of the efforts deployed by the State in order to improve the treatment of migrants in the country and to guarantee that migration policies are reviewed so as to reflect Libya's commitment to improving the situation of migrants and to protect them from potential abuse.

The Government has also prepared draft legislation on combating human trafficking which provides for preventative and protection measures. This draft is based on the Model Arab Law on Human Trafficking issued by the League of Arab States, and it also draws inspiration from international instruments on combating human trafficking, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Government acceded to the Protocol in 2004.

Since 1953, the Criminal Code has classified engagement in slavery as a criminal offence. The Government has put in place mechanisms to prosecute individuals involved in these types of crimes. Judicial rulings against perpetrators of human trafficking have been made and published. Likewise, the judiciary is conducting investigations into cases of arbitrary detention, human trafficking and forced labour. Alleged perpetrators are brought to justice. For example, in Tripoli investigations were opened against three individuals accused of being engaged in human trafficking in a premeditated manner. The court found them guilty: one individual was sentenced to life imprisonment, while the second and third received prison sentences of 20 years each.

Furthermore, the Government has adopted a range of measures aimed at improving the situation of irregular migrants. Among these measures is the closure of several detention centres for migrants, including the building in Al-Sha'al, in the region of Al-Khananab and in the town of Zawiyah, and along the airport road.

Combating the crime of human trafficking is a key objective for the Government and for the law enforcement authorities in the short, medium and long term.

Therefore, we have deployed all efforts in order to combat terrorism and organized crime and to step up security at our borders both in terms of maritime and land transit. However, our best efforts are hindered by ongoing political and institutional instability in the country. This instability affects both executive and legislative actions, particularly in relation to the implementation of international labour standards, the fight against human trafficking, the adoption of relevant laws and the ratification of international instruments.

All these factors represent significant challenges, despite all of the Government's efforts. For this reason, ILO support is key to helping overcome the obstacles arising from the political crisis in the country. The Government would like to reiterate its determination to respect



international standards and continue collaborating with the ILO and other international partners to promote social justice and protect human dignity.

Employer members – The Employer members have reviewed the case concerning Libya’s application of the Convention with interest and concern. Libya ratified the Convention in 1961. This case was discussed in the Committee in 1992, though on other matters. There have been seven observations issued by the Committee of Experts on this case, namely in 1990, 1991, 1992, 2016, 2018, 2022 and 2024. The most recent 2024 observations are alarming.

These observations include, by way of example: that the Government provided no information on any measures taken to protect migrant workers from forced labour, including trafficking in persons; that various United Nations (UN) reports indicate ongoing and systematic enslavement, sexual violence and abuse of migrants, especially in detention centres, with evidence of involvement and collusion by state officials and militia-linked traffickers; that women and girls in detention are particularly vulnerable to sexual violence and exploitation and are subjected to systematic and large-scale violations of their fundamental human rights, including sexual exploitation, forced prostitution, trafficking and forced labour; that migrants were arbitrarily detained and subjected to forced labour practices, including trafficking and sexual slavery; and widespread complicity by the Libyan authorities. The Committee of Experts further requested that the Government take urgent and systematic action to end these practices, protect victims, investigate crimes and prosecute the perpetrators.

We are here at least in part because the Government has not sufficiently heeded requests and because the grave concerns reported continue to this day, though we are encouraged by the Government’s commitment to progress, and we are here in an effort to further and facilitate that progress.

As this Committee well knows, double footnoted cases require special attention and demand the very best of us. This is one such case, and the Employer members call on the Government and our Worker colleagues to work collaboratively to achieve tangible progress.

To be clear, the Employer members wish to stress their deep commitment towards the eradication of forced labour, trafficking in persons and related abuse. We stand united in our belief that there should be no place for this abuse in the world of work. We further stand ready in our commitment to exercise any authority that we may have as a social partner to assist in the eradication of this abuse, whether in Libya or elsewhere in our world.

To provide further context, we know that Libya is a transit country for migrants, which in turn creates very complex social and economic challenges for Libya as a country. We also note that migrants represent a population uniquely vulnerable to labour and human rights violations, particularly trafficking in persons and forced labour.

Almost ten years ago, in 2016, the UN Support Mission in Libya issued a report that, by way of example, recounted that migrants were accosted by armed men believed to be members of the Libyan Coast Guard and then subjected to arbitrary detention, sexual exploitation and forced labour. These migrants were reportedly forced to work in Libya’s agricultural, construction and domestic industries.

The Employer members further note that the UN Security Council, through resolution 2388 (2017), opined that this reported abuse supported organized crime and terrorist networks in Libya. These reports have, regrettably, continued. The UN Independent Fact-Finding Mission on Libya, in its final report of 3 March 2023, reported with deep concern that since 2016, migrants across Libya had been the victims of enslavement and sexual violence as



part of broader trafficking, bribery and arbitrary detention schemes. The Mission found reasonable grounds to believe that migrants were enslaved in detention centres run by the Government. The Mission further reported sexual slavery that was committed in the trafficking hubs of Sabratha and Bani Walid. The Mission found evidence to suggest that Government agencies and agents colluded and engaged in this abuse. All levels of the Government were implicated, and the Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus, which was established in January 2021 by the Presidential Council and is made up of an alliance of armed groups, were specifically noted as participating in this abuse.

Similar accounts were described in the 2023 report of the UN Special Rapporteur on violence against women and girls and in the report of the UN Support Mission in Libya of 8 August 2024, which described persistent patterns of abuse, exploitation, forced labour, extortion, torture and other forms of ill treatment against migrants and refugees, in particular those in detention. In this report, the UN Secretary-General urged the Libyan authorities to adopt a comprehensive legal and policy framework on migration that prioritizes the human rights, dignity and well-being of migrants, refugees and asylum seekers, including the exploration of non-custodial measures as alternatives to detention and increased protection from arbitrary detention, forced labour, slavery and trafficking in persons.

The Government, in its written information, has pointed to the current instability and the exceptional circumstances in the country, and the region more broadly, including Libya's limited economic resources and the need for global cooperation to combat human trafficking and its associated challenges. We are encouraged to read the Government's stated commitment to combating human trafficking, arbitrary detention and forced labour, as well as its request for technical assistance from the ILO to support its capacity in this regard.

At the same time, it is important to recall that the Convention is a fundamental Convention. Among other things, Member States that have ratified the Convention, including Libya, commit to adopting measures to suppress the use of forced labour or compulsory labour in all its forms within the shortest period possible. They also commit to ensuring that the illegal extraction of forced labour and compulsory labour is punishable as a penal offence, and to ensuring that penalties imposed by law are really adequate and strictly enforced.

The Employer members share the Committee of Experts' concerns that these mandates are not being sufficiently heeded by the Government. The Employer members' comments should not be taken as minimizing the complex series of political, institutional and security difficulties faced by Libya. Nor do we minimize the fact that these difficulties can make the abuse reported even harder to investigate or to remediate.

Yet the facilitation of forced labour and trafficking in persons presents serious concern for workers, employers and civil society more broadly. It is thus worthy of this Committee's full attention and cooperation. To this end, the Employer members prevail on the Government to take the following steps: to acknowledge the scope and gravity of this abuse and to collaborate with this Committee, the ILO and the social partners.

It is the view of the Employer members that Libya needs both technical and other material assistance, and we call on it to work with legitimate, competent resource groups to begin building a technical road map for eradicating this abuse and their own complicity therewith.

We welcome the Government's efforts to come to this process in good faith to achieve progress. We further recall and reiterate that the UN Secretary-General is urging Libya to adopt a comprehensive legal and policy framework on migration that prioritizes human rights,



dignity and the well-being of migrants, refugees and asylum seekers. We look forward to hearing the views of the other groups on this case.

Worker members – We are discussing Libya under Convention No. 29 on forced labour, a fundamental Convention of the ILO. The Committee of Experts has raised serious concerns over several years, and this year Libya was double footnoted, underscoring the gravity of the non-compliance. The Committee of Experts noted the dehumanizing conditions faced by migrant workers who are arbitrarily detained and subjected to forced labour and trafficking. These concerns fall under Articles 1(1), 2(1) and 25 of the Convention, yet the Government has failed to provide any meaningful response or action. It has not reported any measures taken to prevent trafficking or to protect migrant workers from forced labour. This inaction is deeply regrettable.

The UN Independent Fact-Finding Mission on Libya, in its final report of 3 March 2023, confirmed the country's deteriorating human rights situation. It found that since 2016 migrants across Libya had been victims of enslavement and sexual violence linked to arbitrary detention, trafficking and smuggling. Migrants were enslaved in detention centres operated by the Directorate for Combating Illegal Migration, an official body under the Ministry of Internal Affairs. These are not rogue operations; these are facilities under State control. The same report found that sexual slavery was also being committed in known trafficking hubs.

The complicity of state actors in these crimes is undeniable. The Mission documented systematic collusion between state officials and traffickers, often working with militia, for personal financial gain. This is not just forced labour. It is a criminal enterprise built on slavery, exploitation and impunity.

The UN Special Rapporteur on violence against women and girls, in her May 2023 report, reinforced this picture. She described the rape and sexual violence against migrant and refugee women and girls, especially in detention. The lack of female guards, oversight or independent monitoring creates conditions where women and girls are routinely exploited. There are no safeguards. There is no justice. Victims of these atrocities – including abduction for ransom, forced prosecution, trafficking and sexual slavery – have no recourse. Impunity reigns.

The most recent 2024 report of the UN Secretary-General on the UN Support Mission in Libya confirms that the situation is not improving. It urges the Libyan authorities to adopt a comprehensive legal and policy framework on migration, one that upholds human rights, that upholds the dignity and well-being of migrants and refugees. The UN Secretary-General has called for urgent reforms on decriminalizing irregular entry and stay, introducing alternatives to detention and protecting people from forced labour, trafficking and slavery, but nothing has been done.

We deplore the continued violations: migrants being intercepted, arbitrarily detained and enslaved in state-run detention centres; women and girls subjected to rape and sexual slavery; the collusion between state actors and traffickers and the total absence of justice or redress. This situation constitutes a gross and systematic violation of the Convention, and the interventions by my colleagues will give further examples in this regard.

Government member, Poland – I have the honour of speaking on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the countries of the European Free Trade Association (EFTA), **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.



The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights and the abolition of forced and compulsory labour. We support the ILO's supervisory system in its crucial role of promoting and supervising the application of ratified standards. We note with regret the observations of the Committee of Experts concerning the lack of information provided by the Government, particularly in relation to the measures taken to protect migrant workers from forced labour, prevent trafficking in persons and ensure accountability. We remain deeply concerned by the Committee of Experts' findings regarding the continued perpetration of trafficking, arbitrary detention, forced labour and sexual exploitation of migrants and refugees, with near total impunity for the perpetrators. We are also gravely concerned by the climate of impunity for rape and other sexual violence against migrant women and girls.

We support the Committee of Experts' calls for urgent and systematic action to end these widespread human rights violations, provide immediate protection and assistance to victims and adopt and implement the draft law on combating trafficking in persons.

We also note with particular concern the documented complicity of state officials, local authorities and institutions, including the former Directorate for Combating Illegal Migration and the Libyan Coast Guard, in the perpetration of this abuse or in collusion with traffickers and armed groups.

We urge the Government to ensure thorough and independent investigations to prosecute those responsible and to impose sufficiently dissuasive sanctions in line with its obligations under the Convention. We recall the importance of ensuring that all victims have access to protection, assistance and effective remedies, including voluntary repatriation and reintegration where appropriate.

With regard to the Abolition of Forced Labour Convention, 1957 (No. 105), we note with concern the observations of the Committee of Experts concerning the use of imprisonment involving compulsory labour as a penalty for expressing political views or opinions. We urge the Government to take the necessary legislative steps to repeal or amend the relevant provisions of the Publications Act, the Criminal Code and the Anti-Cybercrime Law to bring them into full conformity with Convention No. 105.

While acknowledging the complex political, institutional and security context in Libya, we recall that such circumstances do not absolve the Government of its obligations under international labour standards nor justify the ongoing grave and widespread human rights violations reported. Reforms and progress, as well as transparency and accountability, are expected from the Government, particularly with regard to the creation of the General Administration for Combating Illegal Migration as a successor organization to the Directorate for Combating Illegal Migration.

The EU and its Member States encourage the Government to intensify its cooperation with the ILO and to engage meaningfully with social partners and the international community. We will continue to follow the situation closely and remain ready to support efforts aimed at ensuring compliance with international labour standards and upholding the rights and dignity of all individuals.

Government member, Switzerland – Switzerland supports the statement delivered on behalf of the EU and wishes to add the following points. Switzerland is deeply concerned at the conclusions of a number of UN reports describing an alarming deterioration in the human rights situation in Libya, particularly for migrants and refugees. Great numbers of migrants are intercepted along migration routes by smugglers, traffickers, armed militia and other



actors linked to organized crime, then detained arbitrarily for the purposes of forced labour, slavery – including sexual slavery – and trafficking in persons. Moreover, detained migrants and refugees are forced to work in inhuman conditions constituting forms of ill treatment and acts of torture.

Switzerland condemns these acts in the strongest possible terms; they constitute grave violations of the Convention. It is all the more alarming to note that there are well-founded suspicions regarding the Libyan authorities' active participation in networks of exploitation and trafficking in persons. Victims, particularly migrant and refugee women and girls, have no access to justice, and much less to redress. Furthermore, the perpetrators of these illegal and inhuman acts enjoy a climate of almost total impunity and are therefore only rarely prosecuted. Switzerland reminds the Government that, under Article 25 of the Convention, adequate criminal penalties must be imposed and strictly applied against any person who has exacted forced labour.

While recognizing the complexity of the political and security context in Libya, the Swiss Government, given the extent and the gravity of the problem, calls on the Libyan Government to adopt urgently all necessary measures to bring an end to the systematic and organized practices, including within the state apparatus, of arbitrary detention and forced exploitation of migrants and refugees. The Swiss Government also calls on the Libyan Government to establish a legislative and legal framework that affords victims effective protection and sanctions perpetrators, including public officials. In that regard, Switzerland expresses the hope that the draft law on combating trafficking in persons will be adopted quickly and implemented in practice by the authorities. The Swiss Government also encourages the Libyan Government to strengthen its cooperation with the Office.

Employer member, Algeria – The situation of women and men as described in the report of the UN Independent Fact-Finding Mission on Libya and reflected in the report of the Committee of Experts is truly chilling. These serious violations of human rights, including, of course the rights of women, are disgraceful and unacceptable. Algeria and Libya are neighbouring countries, we share a border spanning 1,000 kilometres, and we know each other quite well. As an employer organization, our contact with our Libyan partners has given us the impression that there is a strong willingness on their part to restructure their economic sphere and to improve working conditions for their regular workers. However, and we have heard this repeatedly, they are facing significant security challenges caused by cross-border crime which hinders any economic development, any social healing, and that holds the population, workers, employers and migrants hostage. These same partners tell us that their Government is endeavouring to adopt all suitable measures to improve the situation, and that there is a genuine willingness on the part of their State to develop specific mechanisms. Unfortunately, the prevailing instability weakens and, if I have understood the Government representative correctly, paralyses all institutions and makes implementing viable and sustainable corrective mechanisms even more difficult.

I therefore support the Employer members' wish to provide technical assistance to Libya to afford it specific support that allows for the strengthening, within a reasonable time frame, of its institutional capacities in combating forced labour. I am convinced that Libya, which aspires only to stability and progress, will seize on that technical support willingly and enthusiastically.

Worker member, Italy – I speak on behalf of the three Italian confederations: the Italian General Confederation of Labour, the Italian Confederation of Workers' Trade Unions and the Italian Labour Union. Since 2017, when the bilateral agreement between Italy and Libya was



first signed, our organizations have consistently called for its revocation while denouncing the broader practice of externalizing border control. The agreement entrusts the Libyan Coast Guard, particularly in Tripoli, with patrolling the central Mediterranean. This arrangement includes the provision of patrol vessels, a maritime coordination centre and training activities, initiatives that are financed with EU funds.

Unfortunately, since then, and over the course of all these years, thousands of vulnerable people – men, women and children – have been intercepted at sea and forcibly returned to Libya, where they face arbitrary detention; torture; cruel, inhuman and degrading treatment; rape; forced labour and even killings.

The report of the Committee of Experts speaks clearly. The UN Independent Fact-Finding Mission on Libya found reasonable grounds to believe that migrants have been subjected to enslavement in detention centres managed by the Directorate for Combating Illegal Migration. The evidence strongly suggests that officials of Libyan state institutions, most notably the Directorate for Combating Illegal Immigration, the Libyan Coast Guard and the Stability Support Apparatus, have been complicit at all levels. Indeed, the International Criminal Court has issued an arrest warrant for the Commander of the Libyan judicial police for the murder of 34 detainees and the rape of 22 others, including a 5-year-old child.

The UN Independent Fact-Finding Mission on Libya, the UN Support Mission in Libya and the Office of the UN High Commissioner for Human Rights reported that male detainees were forced to carry out cleaning and maintenance tasks under the threat of violence in the Ain Zara detention centre and Al-Mabani, also known as the Tripoli Gathering and Return Centre. In the Bani Walid detention camp, migrants were reportedly forced to work in construction and maintenance under coercive and violent conditions.

We reiterate our demand for an immediate revocation of the bilateral agreement between Italy and Libya. Any agreement, at this time, risks playing a direct role in facilitating and perpetuating forced labour and therefore constitutes a grave violation of the Convention.

Interpretation from Arabic: **Government member, Algeria** – The Algerian delegation listened attentively to the intervention of the distinguished representative of Libya regarding the efforts made by the Government to combat forced labour and the various circumstances surrounding it. The Algerian delegation commends the strategy prepared in this area and the mechanisms put in place by Libya in order to curb this phenomenon. Algeria also appreciates the legal and institutional reforms adopted by Libya and the tightening of penalties for crimes related to human trafficking and cybercrimes that contribute to the exacerbation of this phenomenon of forced labour.

Accordingly, Algeria supports the Libyan State's request for the necessary technical support from the ILO to enhance its capacities to combat human trafficking and forced labour. Algeria also appreciates Libya's commitment to international labour standards and calls on the ILO to support the country in strengthening its capacities to combat forced labour.

Employer member, United States of America – We are taking good note of the concerns raised in this discussion and wish to share our further concerns about the situation in Libya. Although the context of Libya's political and governance instability remains a key consideration, violations and abuses must be acknowledged and recorded at the very least, and certainly in this Committee. Our sincere hope, however, is that we can go further and use this platform to effect some positive change.

To that end, and as the Government has noted today, Libya has ratified the 2000 UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women



and Children. The Government has thereafter, and nonetheless, failed to abide by this Protocol. Worse, the Government has been reported to be materially engaged and complicit through official Libyan Government agencies in the very same grave abuses that the Convention and the Palermo Protocol were designed to curb.

The United States publishes an annual Trafficking in Persons Report. It contains a wealth of information on these issues on a country-specific basis, and it addresses reported abuses in government efforts, along with relevant political and other context. Those that are seeking further information on the situation in Libya or other countries should access this report. Libya has been classified as a “special case” for the last nine years given the systemic issues that persist in the country.

As the 2024 Trafficking in Persons Report has noted, human traffickers exploit domestic and foreign victims in Libya. Migrants in Libya are particularly vulnerable to sex and labour trafficking, including those seeking employment in Libya or moving through Libya en route to Europe. As of December 2023, international organizations estimated that there were at least 706,369 migrants and refugees of more than 44 nationalities in Libya.

In 2022, an international organization reported cases of traffickers compelling migrant boys to drive boats to Europe where they were then detained to facilitate migrant smuggling.

In addition, several credible sources continue to report that an unknown number of migrants are held in criminal prisons that are affiliated with, by way of example, the Libyan Ministry of Justice. According to international observers, Libyan detention operators also force migrants to serve armed groups, to cook and clean, and to transport weapons and other materials. In some cases, detained migrants are forced into sexual slavery in exchange for basic necessities, or they are released from prison.

There are so many other awful reports. It is my sincere hope that shining a further light on these issues will help make a difference in Libya.

Interpretation from Arabic: **Worker member, Bahrain** – I deliver this statement on behalf of the General Federation of Bahrain Trade Unions. The Convention lays the groundwork for decent work and aims to preserve human dignity based on a principle long championed by the ILO; namely, that labour is not a commodity.

Today in Libya, workers of all categories are subjected to numerous violations, particularly of their right to receive wages in return for work. In many cases, we have been told that workers are forced to work for extended periods without pay. The precarious situation in the country has contributed to the absence of a genuine judicial mechanism to enable workers to file complaints and uphold their rights.

We at the General Federation of Bahrain Trade Unions express our solidarity with both national and migrant workers in Libya. We call on the ILO to support the tripartite constituents in Libya through genuine and true tripartite dialogue, to implement all provisions of the Convention and to address all violations, and to establish an effective complaints mechanism to guarantee the work of all workers.

Interpretation from Arabic: **Government member, Egypt** – We have taken note of the measures taken by the Government of National Unity with regards to the implementation of the Convention and commend the efforts made by the Government to achieve full compliance with its provisions, in particular in response to the observations of the Committee of Experts. We have noted with great interest the progress made by the Government of National Unity in improving the human rights situation and combating impunity.



The Government is sparing no effort to ensure that it fulfils its international commitments in spite of the difficulties of the transitional period and the political and institutional divisions that are affecting the country. The Government of National Unity has made every endeavour to ensure its compliance with international labour standards through its national legislation and has affirmed that slavery and forced labour are prohibited crimes under the Penal Code.

Libyan national law also prohibits human trafficking, kidnapping and enforced disappearance, and several measures have been taken to regulate and legalize the status of migrants in accordance with national regulations. To show its commitment to fulfilling its international and national obligations, and in response to local and international criticism of the conduct of the Directorate for Combating Illegal Migration, the Government has recently issued a resolution to dissolve the aforementioned Directorate.

Through its accession to the UN Convention against Transnational Organized Crime, the Government is trying to integrate international standards into national laws and consolidate the efforts of security agencies to support the fight against human trafficking.

The Egyptian delegation expresses its appreciation for Libya's commitment to fulfilling its international obligations and promoting compliance with international labour standards. We commend the progress made and the legislative reforms undertaken by the Government of National Unity to achieve compliance with the Convention and hope that this will be taken into account by the Committee in its conclusions.

Employer member, Democratic Republic of the Congo – We support the observation by the Committee of Experts that there is real concern that it has not been sufficiently demonstrated that the Government has provided information on the measures adopted to protect migrant workers from forced labour, including trafficking in persons. Indeed, contrary to Articles 1(1) and 25 of the Convention, there are certainly major concerns in that regard in the country, including:

- the enslavement of migrants, the existence of forced labour, incarceration and trafficking in persons, which generate significant revenue for third parties;
- the deterioration of the human rights situation in the country.

This is incessant, systematic and widespread. The UN Independent Fact-Finding Mission on Libya has provided sufficient confirmation. We can affirm that a climate of impunity prevails: there is not even a mechanism to provide redress to these victims, of whom there are a great many.

In conclusion, we believe that there is a serious need for a global legal and political framework that centres the promotion of human rights and combats, among other things, forced labour according to the letter and spirit of Article 25 of the Convention. That Article provides that “the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.” That should be done while considering Libya's complex situation, including its well-known security context.

Furthermore, it is incumbent upon the ILO to fulfil its mission to promote labour rights by supporting this sister African country while bearing in mind its current complex context.

Worker member, Spain – We are here today to consider a case of the violation of the Convention by the Government that has made Libya a significant centre for trafficking in persons, slavery and forced labour. The serious violations suffered by migrants in Libya have



become an everyday practice in the face of the indifference shown by the Government, which has made no legislative or executive effort to address those violations.

The Committee of Experts had previously taken note of the various reports issued by different UN bodies, making specific reference to the report on the investigation undertaken by the Office of the UN High Commissioner for Human Rights on Libya of 15 February 2016, which stated that migrants were arbitrarily detained or deprived of their liberty, frequently in inhuman conditions, and subjected to financial exploitation and forced labour.

In that context, the Office of the UN High Commissioner for Human Rights recommended that the Government address the situation of migrants urgently and adopt effective measures to combat trafficking in persons.

The Committee of Experts also referred to resolution 2240 of the UN Security Council, issued in October 2015, condemning all acts of migrant smuggling and trafficking in persons into, through and from Libyan territory and off the coast of Libya which have further undermined the stabilization process in Libya and jeopardized thousands of lives.

We believe that all the initiatives announced by the Government, including the creation of a committee or unit to combat trafficking in persons, are no more than declarations of intent and are not commensurate with the seriousness of the violations of the Convention committed on the ground.

The Government must assume its responsibilities, like all countries of transit, by establishing adequate legislative frameworks and strengthening its supervisory and compliance bodies. We recognize the difficult situation in the country, but that cannot be an excuse for remaining silent in the face of the forced labour and arbitrary exploitation suffered by migrant workers. Libyan legislation must be strict with persons who commit these atrocities, these crimes, and must not allow them to evade punishment.

Interpretation from Arabic: **Employer member, Tunisia** – My delegation would like to express its gratitude for the presence here of the Government of Libya and its responses to the observations of the Committee of Experts concerning the Convention. We note the efforts made by the Government at both the administrative and legislative levels to combat forced labour, protect victims and hold accountable persons involved in human trafficking networks, despite the political and security situation in the country.

Given that context, my delegation is of the view that we cannot leave a country to combat a problem of this scale alone. Many countries must come to Libya's aid. Resources should be made available by the ILO to enable the Government to strengthen its capacities to combat trafficking in persons, arbitrary detention and forced labour, particularly since we note that the Government of Libya expresses a desire to apply the Convention. We pay tribute to the efforts made by the Government, particularly the dissolution of the Directorate for Combating Illegal Migration following international criticism concerning the violations committed in some detention centres. This demonstrates Libya's commitment to improving migration governance and its positive, constructive interaction with international organizations.

My delegation welcomes the Government's commitment to harmonizing its national legislation with international standards while bearing in mind the observations and conclusions of this Committee and of the Committee of Experts.

Worker member, Norway – I am speaking on behalf of the trade unions in the Nordic countries. Libya is facing serious allegations of violations of the Convention. Among the critical



concerns are human trafficking, arbitrary detentions, sexual slavery and forced labour of migrants since 2016.

According to the report of the UN Independent Fact-Finding Mission on Libya of 3 March 2023, there are reasons to believe that migrants across Libya are victims of enslavement and sexual violence in the detention centres run both by official authorities and the militia.

There are strong reasons to believe that, in pursuit of revenue and through strong structural protection, the Directorate for Combating Illegal Migration, the Libyan Coast Guard and the Stability Support Apparatus are all involved in forced labour and trafficking. In addition, there exists a systematic culture of rape, sexual slavery and forced prostitution against migrant and refugee women and girls. These women have no protection, and the perpetrators are not prosecuted.

In 2024, some 787,000 people were present as migrants and refugees in Libya, according to the International Organization for Migration (IOM). These persons, mainly from North or sub-Saharan Africa, went to Libya to search for work or try to reach Europe by crossing the Mediterranean Sea. All of them had a dream of a better life and helping their families back home financially. Instead, they find themselves in precarious conditions and are subjected to a range of violence and abuse both inside and outside the country's detention centres. These people are abducted, subjected to extortion and trafficking practices, assaulted or sexually abused.

It is shocking to find that Libya has institutionalized forced labour through mass detention and extortion. This qualifies as a gross violation of the Convention. We urge the Government to take the necessary measures to ensure that migrant workers and refugees in Libya become protected. In-depth investigations should be undertaken, victims protected and perpetrators prosecuted. Libya's draft anti-trafficking law should be adopted urgently. Further, a comprehensive legal and policy framework on migration that prioritizes human rights, dignity and the well-being of migrants, refugees and asylum seekers should be given priority.

Government member, United Kingdom of Great Britain and Northern Ireland – The United Kingdom closely monitors the human rights and labour conditions in Libya, and we appreciate the opportunity to discuss these critical issues in this forum. The United Kingdom is deeply concerned about the ongoing violations against migrants and refugees in Libya, particularly those subjected to forced labour, trafficking and arbitrary detention. These vulnerable communities across Libya face enslavement in detention centres which are managed by both official and unofficial entities. The involvement of state institutions in these crimes is particularly alarming and constitutes a severe violation of the Convention.

We are also deeply troubled by the impunity for sexual violence against migrant and refugee women and girls. The lack of safeguards and monitoring mechanisms leaves these individuals vulnerable to exploitation and abuse. The United Kingdom calls on the Libyan authorities to engage fully with the UN and the humanitarian community so that all migrants and refugees are treated in accordance with international human rights law. There must be transparency and accountability for human rights violations in Libya and an end to arbitrary detentions and the exploitation of migrants. We call for in-depth investigations into these abuses.

In conclusion, the United Kingdom condemns the severe human rights violations against migrants and refugees in Libya. We urge the Government to end the exploitation and abuse of migrants and establish safeguards and monitoring mechanisms to respect human rights. Together we must uphold the principles of the Convention and ensure justice for the victims.



Worker member, Lesotho – We present before you today the case of the Government of Libya in violation of the Convention, which Libya ratified in the year 1961. The more than half a century that has passed since this ratification has not been enough for the Government to ensure the implementation of this Convention and to protect migrant workers from forms of forced labour and human trafficking.

We are speaking about 850,000 migrants, according to a report issued last January by the IOM, more than half of whom are from sub-Saharan Africa. If we were able to document multiple violations against these migrants, such as exploitation and trafficking, then what remains hidden is likely even more alarming, especially given the disproportionately large number of migrants relative to Libya's population of just 7 million.

As noted in the 2023 report of the Committee of Experts, systemic violations against migrant workers have been documented, carried out by armed groups, human trafficking gangs and official entities. These violations are varied and include:

- debt bondage;
- forced labour under threat;
- arbitrary detention;
- forcing migrants to work in farms and households;
- threats of starvation and rape.

What has the Government done in response to all these condemnations? Of course, nothing worth mentioning. The excuse of political transition is no longer a convincing justification for not issuing a package of legal and executive measures to protect the bleeding expansion of organized trafficking networks and the violence of armed groups against migrant workers.

If no decisive stance is taken by the Government, we may be waiting another ten years or more, and just imagine how many new victims will fall prey to human trafficking, forced labour, coercion and rape.

We demand the dispatch of a fact-finding committee to Libya as soon as possible to intensify pressure on the Government to fulfil its obligations under the Convention.

Interpretation from Arabic: **Government member, Morocco** – I will begin by thanking the Government of Libya for the information provided and the effort made to respond to the observations of the Committee of Experts. After listening to the representative of Libya, we must recognize that significant measures have been adopted to tackle the problems that the country is encountering, particularly with regard to clandestine and illegal migration. Despite some difficulties, we see the Government making an effort to establish a legal framework to combat trafficking in persons, particularly migrants. A number of laws have been adopted to address the situation of migrants, cybercrime, trafficking in persons, abductions and extortion. These laws are based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the regulations of the League of Arab States. The Government has also taken steps to review and monitor detention centres and adopt measures against the perpetrators of illegal acts.

In conclusion, we encourage the international community to cooperate with the Government of Libya. We also call on the ILO to continue to support the Libyan authorities, particularly with regard to implementing the observations of the Committee of Experts.



Worker member, Brazil –I express our deep concern over Libya’s persistent failure to comply with the Convention. We stand in solidarity with Education International and its affiliates in denouncing serious and ongoing violations in Libya and in supporting all workers enduring conditions of forced labour in the country.

As of early 2025, the IOM reported over 850,000 migrants in Libya, a sharp increase on the previous year. Many came from Sudan, Niger, Egypt and Chad, escaping conflict and poverty only to face exploitation upon arrival.

Credible sources, including the IOM and a 2023 UN fact-finding mission, have documented systematic forced labour, sexual exploitation and arbitrary detention. These abuses are committed by both the state and non-state actors and amount to crimes against humanity.

Despite international scrutiny, the Libyan authorities have failed to take meaningful action. The lack of functioning state and independent trade unions impedes both monitoring and victim protection.

Compounding the crisis in Libya is the outdated Penal Code from the 1950s which defines trafficking narrowly, ignoring labour and sexual exploitation and forms of forced labour. This legal gap allows perpetrators to act with impunity and leaves migrant workers unprotected against rape, coercion and conditions of enslavement.

We urge the Government of Libya to:

- fully cooperate with the ILO supervisory mechanism;
- reform its legislation in line with Convention No. 29 and international human rights standards;
- take urgent concrete measures to eliminate forced labour and human trafficking.

Forced labour is not only a violation of Convention No. 29, it is a violation of human dignity. The ILO must act decisively to hold Libya accountable and ensure that justice reaches the most vulnerable.

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC)** – I am Libyan. The denial of workers’ rights has led to serious violations of the Convention. The Government has so far failed to demonstrate commitment, and the violations have persisted. Owing to corruption, human trafficking has become a lucrative activity. Given the pressure on migrant workers in the region, Libya has become a hub for them.

These migrant workers find themselves trapped and cannot enjoy their rights. The authorities make objections to guaranteeing them decent wages. We know that, for years, even nationals have not enjoyed the right to be paid. Benefits are not paid, and workers are threatened with dismissal if they do not follow the Government’s instructions. This is another form of slavery not only for migrant workers, but also for nationals. We call for the establishment of a commission of inquiry to examine the facts and remedy the situation, including for Libyan workers. This is the least that we can do in the service of humanity.

Interpretation from Arabic: **Another Government representative** – The Government expresses its commitment to take into account the recommendations of your Committee. In the statement made earlier by my colleague, only a few measures were mentioned to respond to the observations made by the Committee of Experts. The Government has, for example, dissolved the Directorate for Combating Illegal Migration and closed detention centres. It has brought individuals responsible for mistreating migrants to justice, among them members of



the police. One individual who is a well-known trafficker was arrested and has been taken to the International Criminal Court.

The existing legal framework addresses slavery, servitude and human trafficking. This demonstrates our firm commitment to combating human rights violations more broadly. In particular, we are deeply concerned with safeguarding the rights of migrant workers, in view of our responsibilities under the Convention.

The country is facing exceptional circumstances: there are political divisions, and an armed militia is running wild in the country. Despite such circumstances, the Government is committed to complying with international law, including the Convention.

We are determined to shoulder our responsibilities, but we need to do so in cooperation with the International Labour Office and our other partners to help us take further steps to meet our commitments under the Convention.

Currently, my country is hosting approximately 2 million illegal migrant workers who are residing and working in Libya without legal authorization. These individuals live alongside Libyan citizens and are managing to remit financial support to their families in their countries of origin. Yes, there are some in detention, but according to the IOM, it is a couple of thousand individuals, not 1 million. We are trying to improve the situation, and many centres have been closed.

We are cooperating with the ILO and are seeking technical support and capacity-building from the Organization.

Worker members – We want to thank all the delegates who have taken the floor during this important discussion. We cannot overemphasize the scale and severity of the violations faced by migrant workers in Libya. These are not isolated incidents. They reflect systematic practices of forced labour and exploitation which include work performed under coercion in extremely harsh and abusive conditions and with no freedom to leave.

The reality for many migrant workers includes torture, sexual violence and even death. Migrants are arbitrarily detained in centres run by both official state bodies and unofficial actors where they are subjected to enslavement, forced labour and sexual slavery, with near total impunity for the perpetrators.

The Committee of Experts and various UN mechanisms have clearly documented the complicity of state actors, individuals and institutions that are meant to uphold the law, but that instead collaborate with traffickers and armed groups for personal gain. This impunity must end.

The Government must act with urgency. A fragmented or symbolic response is not sufficient. What is required is a systematic, sustained and holistic approach to end arbitrary detention, to prevent forced labour and trafficking and to protect migrants from abuse and exploitation.

Immediate measures must be taken to ensure protection and assistance for victims, including through voluntary repatriation and meaningful reintegration programmes. These cannot be ad hoc. They must be properly resourced, rights-based and conducted in cooperation with international partners. The investigation and prosecution of perpetrators, including complicit state officials and members of armed groups, must follow.

Justice must not be selective or symbolic. It must be real, and it must include strong dissuasive sanctions for all forms of forced labour and trafficking.



In view of the gravity and urgency of this situation, we call upon the Government to continuously report to the ILO on concrete progress made not only on paper, but in practice; to provide detailed information on steps taken to combat trafficking in persons, including victim identification, protection mechanisms and access to justice; to adopt, without delay, national legislation that specifically addresses trafficking in persons and to provide a copy of such legislation to the ILO as a matter of urgency.

We also urge the Government to formally request the ILO's technical assistance. This is not just an administrative measure, it is a signal of political will, and, where appropriate, we believe that this support must include the direct involvement of the ILO's highest-level experts, sustained over time to ensure real change.

This Committee must send a clear message that forced labour, trafficking, sexual slavery and impunity cannot be tolerated, especially when committed in the shadow of state authority. The international labour standards that we uphold in this Organization mean nothing if such violations are allowed to continue without consequence. We therefore call on the Government to meet its obligations under the Convention fully and without delay and to place the rights, dignity and safety of migrant workers at the centre of all policy and action. We also want to urge the Government to accept a high-level mission of the ILO.

Employer members – In closing, the Employer members would like to stress, once again, that we consider unacceptable any forms of forced labour, notably where they target the most vulnerable categories of society or where the central authorities are complicit in the practices. Our position thus aligns in this regard with the Committee of Experts.

In these circumstances, the Employer members request the Government to, first, ensure the complete elimination of the use of compulsory labour; second, to engage in meaningful and thorough investigations and to ensure that alleged perpetrators are prosecuted, including and especially those engaged by the Government; third, to cooperate with the ILO and the most representative workers' and employers' organizations to ensure the full application of the Convention in law and in practice; and finally, fourth, to provide information on concrete measures taken in this respect, including the development of a road map and reporting on progress therewith.

We trust that the Government will implement such recommendations in a timely manner in order to achieve full compliance with the Convention, both in law and in practice, and to report on their progress to the Committee of Experts by the 1 September deadline.

Conclusions of the Committee

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

While noting the prevailing situation in the country, the Committee expressed deep concern regarding the situation of migrant workers who are forced to work under extremely harsh conditions and experience ill treatment, including torture, death, enslavement, and sexual exploitation with the complicity of the Government. Taking into account the discussion, the Committee urged the Government to take, in consultation with the social partners, effective and time-bound measures to:

- **provide migrant workers with adequate legal protection, including by ensuring the adoption of the Bill on combating trafficking in persons shortly and requests the Government to provide a copy thereof;**



- ensure that migrant workers who are victims of abusive practices amounting to forced labour are provided with adequate protection and assistance as well as remedies, rehabilitation and compensation, and take immediate measures for the protection and assistance of victims, including through voluntary repatriation and reintegration;
- ensure migrant workers have access to the justice system and are protected against reprisals, including deportation, and that their cases are processed expeditiously and that decisions are enforced;
- introduce and enforce effective and sufficiently dissuasive penalties against offenders including militia groups and labour recruiters who engage migrant workers in situations amounting to forced labour, including perpetrators in official and unofficial migrant centres, and strengthen the capacity of law enforcement bodies in this area;
- ensure that in-depth investigations are undertaken, alleged perpetrators are prosecuted, including complicit state officials and members of armed groups, and sufficiently dissuasive sanctions imposed on those who exact any form of forced labour; and
- strengthen the law enforcement, hire and train additional labour inspectors and increase material resources necessary to enable them to carry out inspections in this regard.

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 practice.

The Committee requested the Government to fully comply with its reporting obligations and to provide information on the application of the Convention in law and practice and on the measures taken to implement these recommendations, in consultation with the social partners, to the Committee of Experts by 1 September 2025.

Chairperson – I invite the representative of the Government of Libya to take the floor.

Interpretation from Arabic: **Government representative** – We have taken due note of the conclusions as adopted and would reaffirm the following: Firstly, our country reaffirms its commitment to the respect of the ILO Conventions which it has duly ratified. Secondly, the Government will continue its efforts to fight trafficking in persons and all abuses and human rights violations in general, and in particular those affecting the rights of workers. We reject any insinuation of Government involvement or complicity in the violation of migrant workers' rights. Thirdly, we reject the use of certain terms contained in the conclusions, such as slavery, and we reaffirm that our national laws reject such actions of slavery, bondage and servitude. Fourthly, we welcome the work of the Committee and would welcome any assistance from the ILO to strengthen our technical capacity. Fifthly, the Government will continue to make every effort to strengthen workers' rights.



Malaysia (ratification: 1961)

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

Written information provided by the Government

The Government has provided the following written information as well as copies of the Industrial Relations Act 1967 (Act 177) (updated text), Consultation sessions on section 12A of Act 177, the Trade Unions (Amendment) Act 2024, the Industrial Relations (Amendment)

Regulations 2024, the Trade Unions (Amendment) Regulations 2024, the Appointment of date of coming into operation of the Industrial Relations (Amendment) Act 2020 and the Trade Unions (Amendment) Act 2024, and statistics on collective agreements.

Legislative reform

Malaysia reaffirms its strong collaboration with the ILO through the Memorandum of Understanding on the Decent Work Country Programme signed in 2019. This partnership has supported Malaysia in advancing legislative reforms in line with international labour standards. Domestically, the National Labour Advisory Council serves as a key tripartite platform to discuss and strengthen such reforms. The amendments to the Industrial Relations (Amendment) Act 2020 and the Trade Unions (Amendment) Act 2024 reflect major reforms to Malaysia's industrial relations legislation. The first phase of the Industrial Relations (Amendment) Act 2020, effective 1 January 2021, strengthened access to justice by providing for automatic referrals of dismissal cases and enhancing the powers of the Industrial Court. The second phase, which took effect on 15 September 2024, introduced more complex reforms, particularly on trade union recognition and sole bargaining rights, which reflect the need to regulate situations where multiple unions may represent the same class of worker. The significant amendments to Act 177 included section 9 (claim for recognition), section 11 (trade unions accorded recognition), sections 12A and 12B (new section – sole bargaining rights), section 13 (collective bargaining), section 26 (reference of trade disputes to the court), section 62 (power to make regulations relating to the process of determining the sole bargaining rights) and the First Schedule (essential services). This gradual approach enables employers, trade unions and employees to adapt progressively to relevant legal changes. Complementary amendments to the Trade Unions Act 1959 (Act 262), effective 15 September 2024, removed long-standing sectoral restrictions on union formation. Trade unions and federations of trade unions are no longer required to be set up in a specific establishment or subject to the principle of similarity in industry, trade or occupation. This change allows for broader representation and a more diverse membership. The amendment to the Act also allows for the existence of more than one trade union representing the same group of workers in a single workplace. This amendment gives workers the freedom to choose which union they wish to join. Also important was the repeal of the competency checks, which were previously used as a stalling tactic by employers to delay or challenge union recognition. This amendment shifts towards facilitating more efficient and fair union recognition procedures. These reforms under Act 177 and Act 262 form a coherent framework to further improve Malaysia's industrial relations system. The amendment significantly aligns Malaysia's legal framework and legislative instruments with the Convention. It represents a strategic shift towards a more enabling commitment to freedom of association, a democratic system for trade unions and effective collective bargaining. This alignment between Act 177 and Act 262 and the subsidiary regulations demonstrates a commitment to a cohesive and integrated industrial relations system in Malaysia. Please find below the amendments to the Industrial Relations Act 1967 (Act 177) and its regulations, as well as the Trade Unions Act 1959 (Act 262) and its regulations, which came into effect on 15 September 2024.



Article 1 of the Convention: Adequate protection against anti-union discrimination

Although sections 8 and 59 of the Industrial Relations Act 1967 (Act 177) remain unchanged, we would like to highlight the key steps taken by the Government to ensure that anti-union discrimination complaints are properly handled and workers have access to effective remedies.

(1) Prohibition of anti-union discrimination (section 8)

Section 8 of the Industrial Relations Act 1967 expressly prohibits any act of interference, intimidation or discrimination by employers or their representatives against workers for participating in lawful trade union activities. This includes:

- dismissal or threats of dismissal;
- alteration of employment conditions to the worker's detriment;
- denial of promotion or employment based on union affiliation.

To illustrate enforcement, the Department of Industrial Relations Malaysia (DIRM) recorded the following complaints under section 8:

- complaints received in 2023: 16 cases;
- complaints received in 2024: 9 cases;
- complaints received between January and April 2025: 0 cases.

All 25 cases filed under section 8 of Act 177 in 2023 and 2024 have been resolved (21 at the DIRM level through conciliation and voluntary withdrawal, while 4 were referred to the Industrial Court). Most cases were resolved through conciliation by the Director General for Industrial Relations (DGIR), showing the effectiveness of administrative processes in handling union-related complaints. All section 8 cases were either settled or referred for adjudication, ensuring that workers' rights were addressed. This reflects the Government's commitment to protecting trade union rights and the efficiency of Malaysia's industrial relations system.

(2) Right to representation and referral to the Industrial Court (section 20)

In 2021, section 20 was amended to remove the Minister's discretion in referring unfair dismissal cases to the Industrial Court. This authority now lies with the DGIR. Under the new process, workers can file complaints directly with the DGIR, who will attempt conciliation. If no settlement is reached, the DGIR must refer the case to the Industrial Court, ensuring that all workers have access to a fair hearing. This reform promotes transparency, consistency and stronger protection for workers, especially those dismissed for union involvement.

(3) Criminal enforcement mechanism (section 59)

Section 59, which prohibits retaliation against workers for trade union activities, remains in effect. As it is a criminal offence, there is no conciliation process. Instead, the DIRM investigates complaints and, if necessary, initiates criminal proceedings.

(4) Government measures to ensure access and effective redress

Although sections 8 and 59 remain unchanged, the Government has put in place administrative measures to ensure that all anti-union discrimination complaints are promptly handled by the DGIR, victims have access to redress through conciliation or judicial referral and section 59 cases are properly investigated and prosecuted when offences are found.

In summary, while sections 8 and 59 remain unchanged, the amended section 20 significantly strengthens legal protections for workers against dismissal, including for union activities. This, along with active enforcement and complaint-handling mechanisms, highlights Malaysia's commitment to upholding international labour standards and protecting workers' rights to freedom of association without discrimination or reprisal.



Duration of recognition proceedings

The amendment to the Industrial Relations Act 1967 (Act 177), effective from 15 September 2024, introduced key reforms to simplify and speed up the trade union recognition process. The main changes are:

- (a) The responsibility for determining the eligibility and representational scope of trade unions has shifted from the Director General of Trade Unions (DGTU) to the DGIR. Previously, decisions by the DGTU could be appealed to the Minister, with the Minister's decision being subject to judicial review. This multi-tiered process has been eliminated, making the recognition process more efficient and quicker.
- (b) The authority to decide on the capacity of trade union members (that is, managerial, executive, confidential or security status), and issuance of the recognition declaration, has been shifted from the Minister to the DGIR, removing a discretionary layer and streamlining decision-making.

These changes have significantly reduced the duration of the recognition process from six to nine months or more to a maximum of four months in most cases. The reforms also address the legal gap that allowed employers to challenge decisions by the DGTU or DGIR during the recognition process. Under the new framework:

- There is no longer a separate decision on competency subject to early legal review.
- Employers can only contest the DGIR's decision after the recognition process is complete.

This has strengthened the integrity of the recognition process and has minimized procedural delays arising from premature judicial interventions.

The DIRM closely monitors and addresses any allegations of employer interference during the trade union recognition process under sections 4, 5, 7 and 8 of Act 177, especially during the secret ballot.

When a complaint of employer interference is raised during recognition:

- The DIRM will promptly assess the complaint. If found to be without merit, the recognition process will proceed without delay. No complaints have yet caused a delay in the process.
- If the issue can be resolved during the process, the DIRM will continue the proceedings without postponement to avoid unnecessary delays.
- If the issue is unrelated to the recognition process but involves violations under sections 4, 5, 7 or 8, the parties are advised to file a separate complaint with the DIRM. These matters will be handled independently and will not disrupt the recognition process.

This approach has been affirmed by the Federal Court in the case of *Valeo Malaysia Sdn Bhd v. Director General for Industrial Relations, Department of Industrial Relations Malaysia & Anor*, which affirmed the principles laid down by the High Court as follows:

- (a) The right to be heard before the DGIR to accord recognition is not specifically provided for in section 9 of Act 177.
- (b) The court will not be warranted in supplementing the legislation, that is Act 177, even if the legislative provision of section 9 thereof is not as full and complete as the court might think appropriate.



- (c) If the legislature has by its legislation decided what opportunity should be afforded, the court is bound by the legislation as much as the citizen and has no warrant to vary the legislative scheme of Act 177.
- (d) Not all common law principles relating to natural justice are applicable. The rules and ambit of natural justice vary according to the circumstances and context.
- (e) It is well established that when a statute has conferred on anybody the power to make decisions affecting individuals, the court will not only require the procedure prescribed by the statute to be followed, but will readily allow so much and no more to be introduced by way of additional procedural safeguards as will ensure the attainment of fairness.
- (f) The court should not fly in the face of a clearly evinced parliamentary intention to exclude the operation of the *audi alteram partem* rule.
- (g) It is not for the court to amend the statute by engrafting upon it some other provision that it might think more consonant with a complete opportunity for an aggrieved person to present his or her views and to support them by evidentiary material.

Exclusive bargaining rights: Minority unions

The Government acknowledges the ILO Conference Committee's 2022 recommendation to adopt measures, in consultation with social partners, to ensure that in situations where no union is declared as the exclusive bargaining agent, all unions within the bargaining unit are allowed to negotiate, jointly or separately, on behalf of their respective members. In response, the Government wishes to highlight that the matter has been addressed through the Industrial Relations (Amendment) Act 2020 (Act A1615), which introduced section 12A into the Industrial Relations Act 1967 (Act 177) to govern sole bargaining rights.

The introduction of section 12A provides a structured mechanism whereby:

- In cases where multiple trade unions represent the same class of worker at a particular workplace, the unions may agree among themselves on which union will have sole bargaining rights.
- If there is no agreement, the DGIR may determine the matter, including through a secret ballot to identify the union with the highest level of support. This provision was introduced after thorough consultations with employer and employee representatives, before being tabled and approved in Parliament as attached in annex. The Government's approach aims to:
 - avoid fragmented bargaining involving multiple unions representing the same category of worker at a single workplace;
 - ensure clarity and efficiency in the collective bargaining process;
 - resolve the issue of representation proactively, thereby preventing scenarios where no union is declared the exclusive bargaining agent. In line with this framework, the Government does not provide for all unions within the unit to negotiate jointly or separately on behalf of their individual members once the process under section 12A has been invoked and a union has been determined to hold sole bargaining rights. This is to ensure orderly and coherent industrial relations, prevent conflicting demands and promote effective and unified representation.



Migrant workers

Malaysia affirms that section 28(1)(a) of the Trade Unions Act 1959, which requires the authorization of the Minister of Human Resources prior to the registration of union office bearers, plays a crucial role in safeguarding national security and upholding the integrity of the industrial relations system. As of 2024, more than 28,000 foreign workers are registered as union members. To further support inclusive representation, a blanket ministerial exemption, effective from 15 January 2025, was granted to a trade union that submitted a formal application to register their office bearers under section 28(2) of the Act. This exemption enables non-citizen union officers to serve without requiring individual approval, demonstrating Malaysia's balanced and progressive approach to trade union governance.

Scope of collective bargaining

The Government informs the Committee that section 13(3) of the Industrial Relations Act 1967 (Act 177) was amended to support broader reforms aimed at aligning national legislation with international labour standards and strengthening collective bargaining in Malaysia. The revised section 13(3) now states that a trade union of workers may not include in its collective agreement proposals any matter relating to:

- (a) the promotion of workers by the employer from a lower to a higher grade or category;
- (b) the transfer of workers within the organization, provided there is no detriment to the terms of employment;
- (c) the appointment by the employer of any person to fill a vacancy;
- (d) the termination of a worker's services due to redundancy or reorganization, or the criteria for such termination;
- (e) the dismissal and reinstatement of a worker;
- (f) the assignment or allocation of duties consistent with the terms of employment.

It is important to note that the amended provision introduces a new clause allowing trade unions to discuss general matters related to the restricted topics with employers, even if these are not part of formal collective agreement proposals. This aims to promote more open dialogue while respecting employers' decision-making authority. The Government acknowledges the Committee's long-standing recommendation to review and limit broad restrictions on collective bargaining. The recent amendment marks important progress by:

- clarifying that unions may engage in discussions on general issues related to restricted matters;
- narrowing the scope of prohibition to only formal proposals in collective agreements;
- encouraging broader consultation and transparency in employment-related decision-making. This balanced approach supports workers' rights while maintaining operational flexibility and reflects Malaysia's commitment to strengthening its industrial relations in line with the Convention. Subsequently, although the Industrial Court does not maintain specific statistical records on this matter, it is observed that approximately 98 per cent of collective agreements accorded cognizance by the Industrial Court have encompassed the above-mentioned subject matters.



Restriction on collective bargaining of public servants not engaged in the administration of the State

The Government is fully committed and has taken the necessary measures to enable collective bargaining for public servants not involved in state administration. Recent negotiations through the National Joint Council (NJC) led to the successful implementation of the Public Service Remuneration System in 2024, as detailed in Service Circular No. 1/2024. With 99.9 per cent of public sector employees accepting the new package, this highlights the success of the NJC's bargaining process. The Government affirms that the NJC remains the effective collective bargaining mechanism, grounded in a legitimate framework and democratic representation, with a key role in shaping policy outcomes.

Collective bargaining in practice

The Industrial Court gave cognizance to 274 collective agreements in 2023 and 240 in 2024. Sector-specific statistics for both years are provided in the annex.

Direct request

The Government has taken steps to explore the extension of Part VI of the Industrial Relations Act 1967 (Act 177), which provides for representations on unfair dismissal, to public servants employed under statutory bodies, in accordance with section 52(3) of the Act. Consequently, consultations were conducted from 23 to 25 August 2021 with a number of statutory authorities and regulatory agencies to assess the feasibility and implications of such an extension. These engagements involved key stakeholders from across the public sector. The consultations revealed that all statutory bodies already maintain internal mechanisms and disciplinary procedures for handling dismissal-related matters, established under their respective enabling Acts. These frameworks, in many cases, mirror the protections afforded under Part VI of the Industrial Relations Act and serve as parallel systems for resolving employment disputes. In light of these findings, the matter was referred to the Attorney General's Chambers (AGC) for legal review. The AGC advised that enforcing section 52(3) in its current form would lead to overlapping legal protections, as these statutory bodies are governed by specific legislation that already provides for an independent authority or body empowered to hear and determine industrial disputes. These internal mechanisms operate in parallel to the Industrial Court, and extending Part VI without legislative reconciliation could result in jurisdictional conflicts and enforcement inconsistencies. Accordingly, the Government acknowledges the need for further policy alignment and legislative harmonization to ensure clarity, consistency and effective protection across all public sector frameworks. The matter remains under active review. Such findings also have been communicated to the employees' associations, that is, the Malaysian Trades Union Congress and the Congress of Union of Employees in the Public and Civil Services, during a series of engagements between 2022 and 2024.

Discussion by the Committee

Chairperson – I have the honour to give the floor to the distinguished Government representative of Malaysia, the Undersecretary of the International Division of the Ministry of Human Resources, for his opening statement.

Government representative – I stand before this esteemed Committee with utmost respect and gratitude for the opportunity to reaffirm Malaysia's commitment to the Convention. Malaysia has submitted comprehensive documentation, including the updated



Industrial Relations Act (IRA), the Trade Unions (Amendment) Act 2024, and accompanying regulations. These documents reflect major steps in aligning our national laws with international labour standards.

Malaysia's legislative journey is guided by strong collaboration with the ILO through our Decent Work Country Programme established in 2019.

The National Labour Advisory Council, a tripartite body, has played a vital role in ensuring social dialogue throughout this reform process. The amendments to the IRA via the Industrial Relations (Amendment) Act 2020 reflect major reforms to Malaysia's industrial relations legislation.

Key reforms were introduced in two phases:

- The first phase of the Industrial Relations (Amendment) Act 2020, effective 1 January 2021, improved access to justice, most notably by enabling automatic referrals of dismissal cases and enhancing the powers of the Industrial Court.
- The second phase, which came into force on 15 September 2024, brought further improvements especially around union recognition and sole bargaining rights, a necessary evolution to address overlapping union representation, the collective bargaining process and reference of trade disputes to the court under section 26(2) of the IRA.

These reforms were complemented by amendments to the Trade Unions Act (TUA), which eliminated long-standing restrictions. Today, trade unions or federations of trade unions in Malaysia may be formed beyond sectoral boundaries, enabling more inclusive and representative union structures. Workers can now choose among multiple unions in the same workplace, enhancing their freedom of association.

Significantly, Malaysia repealed the competency check mechanism, a long-standing, opaque requirement that had been systematically misused to delay trade union recognition, marking a significant step forward for workers' rights. Now, a fairer, faster process ensures that workers' rights are not unjustly withheld. This represents a strategic shift towards a more enabling commitment to freedom of association, a democratic system of trade unions and effective collective bargaining. This alignment between the IRA and the TUA and the subsidiary regulations demonstrates a commitment to a cohesive and integrated industrial relations system in Malaysia.

Although Malaysia has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the legislative reforms made are a powerful demonstration that we are embracing the spirit and objectives of the Convention.

Under section 8 of the IRA, anti-union discrimination, be it dismissal, demotion, or denial of promotion, is strictly prohibited. The conferment of discretion upon the Director-General for Industrial Relations (DGIR) to directly refer cases to the Industrial Court without the need for the Minister's prior discretion marks a significant and progressive development in the industrial relations framework. As a result, it streamlines procedures, promotes transparency, and allows for more timely resolutions, which enhances workers' confidence in the fairness and impartiality of the system.

To illustrate enforcement, the Department of Industrial Relations Malaysia (DIRM) recorded the following complaints under section 8 of the IRA:

- complaints received in 2023: 16 cases;
- complaints received in 2024: 9 cases;



- complaints received between January and April 2025: 0 cases.

All 25 cases filed under section 8 of the IRA in 2023 and 2024 have been resolved: 21 at the DIRM level through conciliation and voluntary withdrawal, while 4 were referred to the Industrial Court. The majority of cases were successfully resolved through conciliation by the DGIR, demonstrating the efficiency of administrative processes in managing union-related complaints. Furthermore, all section 8 cases were either settled or referred for adjudication, ensuring the protection of workers' rights. This reflects the Government's commitment to protecting trade union rights and the efficiency of Malaysia's industrial relations system.

The amendment to section 20 of the IRA empowers the DGIR to directly refer dismissal cases to the Industrial Court, eliminating the need for ministerial discretion. Notably, the amendment has hastened the settlement of the cases based on the statistics as follows:

In 2023:

- Total cases resolved: 4,294 cases.
- Settlement through conciliation: 2,802 cases.
- Cases reported/referred to the Industrial Court: 1,492 cases.

In 2024:

- Total cases resolved: 4,394 cases.
- Settlement through conciliation: 2,945 cases.
- Cases reported/referred to the Industrial Court: 1,449 cases.

In 2025:

- Total cases resolved: 1,894 cases.
- Settlement through conciliation: 1,223 cases.
- Cases reported/referred to the Industrial Court: 671 cases.

From the statistics, the DIRM has addressed every case regarding reinstatement without exception.

This change streamlines the process, ensuring faster, more efficient resolutions. It strengthens the dispute resolution framework, promoting transparency, impartiality and timely justice for all parties involved.

Section 59 of the IRA, which criminalizes violations of trade union protections, remains fully enforced. The process includes a thorough investigation, where evidence is gathered and analysed by the relevant authorities. Once the investigation is complete, and if sufficient evidence is found to support the allegations, the matter is formally brought before the court. This ensures that unionized workers' rights are effectively protected at every stage, strengthening the legal process for enforcing those rights.

The Government has put in place administrative measures to ensure that all anti-union discrimination complaints are promptly handled by the DGIR, victims have access to redress through conciliation or judicial referral, and section 59 cases are properly investigated and prosecuted when offences are found.

One of the most impactful reforms lies in the duration and fairness of the union recognition process. Overcoming its former length and susceptibility to premature legal



challenges, the recognition application process now concludes in under five months. Discretionary powers of appeal to the Minister on competency issues have been removed. The DGIR now makes binding decisions on union recognition according to employer and member eligibility.

Since the amendment took effect, the recognition process has demonstrated significant responsiveness. From 15 September to 31 December 2024, a total of ten recognition applications were received, and all ten were settled within this period. Subsequently, from 1 January to 30 April 2025, a further 19 applications were received. Out of these, 7 have been settled, while 12 are currently ongoing. This shows that, within the first five months following the amendment (15 September 2024 to 15 February 2025), a total of 17 recognition cases were settled, demonstrating a positive trend in expediting the recognition process under the amended regulations.

Furthermore, the DIRM closely monitors allegations of employer interference during the trade union recognition process under sections 4, 5, 7 and 8 of the IRA, especially during the secret ballot.

When a complaint is raised:

- The DIRM will quickly assess the issue. If the complaint is unfounded, the recognition process will continue without delay.
- If the issue can be resolved during the process, the proceedings will proceed without postponement.
- If the complaint is unrelated to recognition but involves violations under the relevant sections, the parties will be advised to file a separate complaint, which will not impact the recognition process.

This is supported by the Malaysian Federal Court, in the case of *Valeo Malaysia Sdn Bhd v. Director-General for Industrial Relations, Department of Industrial Relations Malaysia & Anor* that affirmed the principles laid down by the High Court as follows:

- (a) The right to be heard before the DGIR to accord recognition is not specifically provided for in section 9 of the IRA.
- (b) The court will not be warranted in supplementing the legislation, that is the IRA, even if the legislative provision of section 9 thereof is not as full and complete as the court might think appropriate.
- (c) If the legislature has by its legislation decided what opportunity should be afforded, the court is bound by the legislation as much as the citizen and has no warrant to vary the legislative scheme of the IRA.
- (d) Not all common law principles relating to natural justice are applicable. The rules and ambit of natural justice vary according to the circumstances and context.
- (e) It is well established that when a statute has conferred on anybody the power to make decisions affecting individuals, the court will not only require the procedure prescribed by the statute to be followed, but will readily allow so much and no more to be introduced by way of additional procedural safeguards as will ensure the attainment of fairness.
- (f) The court should not fly in the face of a clearly evinced parliamentary intention to exclude the operation of the *audi alteram partem* rule.



- (g) It is not for the court to amend the statute by engrafting upon it some other provision that it might think more consonant with a complete opportunity for an aggrieved person to present views and to support them by evidentiary material.

This decision affirmed that legislative procedure rather than judicial interpretation should govern the recognition process. This ruling ensures legal certainty and reinforces our statutory intent.

In response to the Committee's 2022 recommendations, Malaysia introduced section 12A of the IRA to address sole bargaining rights. When multiple unions represent the same category of workers, the DGIR, through a secret ballot, if needed, identifies the union with the majority mandate.

In line with this framework, the Government does not provide for all unions within the unit to negotiate jointly or separately on behalf of their individual members. Once the process under section 12A of the IRA has been invoked, and a union has been determined to hold sole bargaining rights, such a union may initiate bargaining with the employer. This is to ensure orderly and coherent industrial relations, prevent conflicting demands and promote effective and unified representation.

While unions not selected as sole bargaining agents cannot negotiate separately, they remain free to advocate for their members. This structure, built on tripartite consultation, balances representation and industrial coherence.

Malaysia is proud to report that over 28,000 foreign workers are currently members of trade unions across the country, underscoring the nation's commitment to fair and inclusive labour practices. In January 2025, the Government introduced a significant policy change by granting a blanket ministerial exemption to a specific union, allowing non-citizens to serve as union officers within that union without requiring individual case-by-case approval. This exemption was granted following a formal application by the union and was approved by the Minister.

While the exemption applies to one union only, it represents an important step toward more inclusive trade union governance. The reform enables migrant workers in that union to take on leadership roles, recognizing their essential contributions to Malaysia's workforce and affirming their right to representation within union structures. This development highlights Malaysia's ongoing efforts to strengthen labour rights and promote equitable participation in trade union leadership.

While the exemption granted by the Minister does not eliminate the overall requirement for case-by-case approval, it marks a positive and progressive step by the Government. By approving a blanket exemption for one union, the Government has demonstrated its willingness to support more inclusive union leadership and facilitate greater participation of migrant workers in trade union governance. This move acknowledges the vital contributions of migrant workers to Malaysia's workforce and reinforces their right to representation within union structures.

Although non-citizens generally still require ministerial approval to hold union office, the exemption granted in this case illustrates that there are no absolute barriers to migrant workers serving in leadership roles, especially where unions actively seek inclusive representation. This contributes to the growing inclusivity and diversity of union leadership across the country.



With respect to the participation of migrant workers in effectively exercising their collective bargaining rights, it is important to note that the IRA does not impose any restrictions in this regard. In practice, there have been instances before this where collective agreements and awards have been successfully concluded involving trade union representing migrant workers.

It is also worth highlighting the fact that the terms of a collective agreement, once concluded, apply uniformly to all workers within the relevant scope of employment, not only to union members. This ensures that the benefits of collective bargaining extend to all employees, including migrant workers, thereby reinforcing inclusive and equitable labour practices.

Amendments to section 13(3) of the IRA clarify that while certain managerial prerogatives remain excluded from formal collective agreements, trade unions may engage employers in discussions on these matters. This provision promotes constructive dialogue, enhances transparency and reflects the Committee's recommendation to limit overly broad restrictions.

The amendment marks meaningful progress by:

- enabling unions to raise general concerns on restricted topics;
- narrowing the prohibition to formal proposals only;
- fostering broader consultation in employment matters.

While the provision does not compel employers to reach agreement on such issues, it encourages openness to dialogue in good faith. In situations where an employer declines to engage, maintaining records of such efforts may support continued advocacy and transparency in industrial relations.

Notably, around 98 per cent of collective agreements recognized by the Industrial Court have included such matters, underscoring their practical importance. In 2023, the Court accorded cognizance to 274 collective agreements, and 240 in 2024.

In conclusion, Malaysia's comprehensive reforms in law, policy and practice mark a strategic and progressive shift towards a modern, fair and inclusive industrial relations system.

These reforms, ranging from streamlined union recognition and stronger enforcement against anti-union discrimination, to inclusive union leadership and more balanced collective bargaining, demonstrate Malaysia's firm alignment with the principles of the Convention.

Our labour law reform continues to evolve with purpose and clarity, reflecting our unwavering commitment to fairness, inclusivity and the protection of workers' rights.

Central to this transformation is our close and constructive collaboration with tripartite partners, governments, employers and workers as well as steadfast support from the ILO. Malaysia sincerely thanks the Committee for its continued engagement and guidance and we reaffirm our dedication to deepening this partnership and upholding the highest standards of labour rights and social justice.

Employer members – Malaysia ratified the Convention in 1961, and has been under close scrutiny by the ILO supervisory bodies for several decades. Malaysia's compliance with the Convention has come before the Committee multiple times (namely, in 1992, 1994, 1999, 2016 and 2022), and over this period the Committee of Experts has issued numerous observations (23, in fact, since 1989) urging Malaysia to align its laws and practices with the Convention.



In recent years, Malaysia has undertaken significant legislative reforms that mark substantial progress toward compliance with the Convention. Since 2016, the Government, with support from ILO technical assistance, has implemented major amendments to the IRA and the TUA. These changes were designed in consultation with the social partners and are aimed at strengthening freedom of association and collective bargaining rights, in line with international standards. Changes included improved access to justice by removing the Minister's discretion over referrals of dismissal cases to the Industrial Court and related measures, and reforms to trade union recognition and bargaining rights.

At the same time, complementary amendments to the TUA came into force in September 2024, removing long-standing restrictions on union formation that had constrained workers to organizing only within specific trades or industries. Likewise, the repeal of the so-called "competency check" (a procedure formerly used to challenge a union's suitability for recognition) has closed a loophole that employers could use to stall union recognition. These reforms have been welcomed by the ILO's supervisory bodies as aligning Malaysia's legal framework more closely with the Convention.

Malaysia has also strengthened enforcement and dispute resolution mechanisms. For instance, prohibiting anti-union discrimination and making retaliation against union activities a criminal offence liable to prosecution.

Statistical evidence indicates improving enforcement outcomes. The DIRM recorded 16 complaints of anti-union discrimination in 2023 and 9 in 2024, with all 25 cases resolved either through conciliation or by referral to the Industrial Court.

However, despite the significant progress, several continuing challenges remain to be overcome before Malaysia can be considered in full conformity with the Convention. In its latest observation, the Committee of Experts highlighted a number of areas where further improvements could be achieved. These include:

- Anti-union discrimination – Workers do not appear to have an independent right to take an anti-union discrimination claim directly to court. The Employer members echo the Committee of Experts' concern that they once again urge Malaysia to ensure that victims of anti-union discrimination have the right to lodge complaints directly before an impartial tribunal and that remedies are available (such as reinstatement, compensation, and sufficiently dissuasive sanctions). The lack of detailed public information on section 8 complaints has been noted with regret by the Committee of Experts. This data gap needs to be closed so that progress can be measured and any bottlenecks identified.
- Trade union recognition procedures – While the IRA reforms have streamlined recognition on paper, practical impediments in the recognition process persist. The Committee of Experts observed that no clear statutory definitions of these categories exist, and while the DGIR can now make the initial determination, employers still have the right to appeal this decision. The challenge going forward is to implement the new four-month recognition timeline in practice, including at the appeals stage, by removing any unnecessary procedural hurdles. Additionally, the ILO has pointed out that protection against acts of interference during the recognition process should be strengthened and the Employer members echo that thought.
- Exclusive bargaining rights and minority unions – A new feature of Malaysia's industrial relations system is the "sole bargaining agent" framework (section 12A of the IRA), established in 2024. This mechanism was created to deal with situations where multiple unions exist at a workplace, by designating one union as the exclusive bargaining



representative of all workers in the unit. This approach prioritizes unified representation, but it has given rise to a challenge regarding the rights of minority unions. Specifically, this Committee recommended in 2022 that if no union achieves exclusive bargaining status (for example, if a recognition ballot fails or turnout is too low), all unions in the unit should be allowed to negotiate – jointly or separately – at least for their own members. Current Malaysian law does not provide for such a scenario. If a union does not secure the required majority or highest vote, the result simply seems to be that no collective bargaining can occur at all. This needs to be rectified.

- **Restrictions on trade union officers (migrant workers)** – Another outstanding issue, as we have heard from the Government, is the restriction on non-citizens holding office in a union, even if they are union members. The Committee of Experts has reiterated that migrant workers should be able to fully participate in union activities, including running for union office, and it regrets that its long-standing request to remove this blanket restriction has not yet been met in law, despite limited exceptions being granted.

In conclusion, the Employer members commend the Government for the progress it has made in modernizing its industrial relations regime and enhancing compliance with the Convention while at the same time recognizing that some gaps need to be addressed. The Employer members also support Malaysia in continuing to avail itself of technical assistance from the ILO. In particular, with ILO assistance on streamlining recognition and defining managerial exclusions, by developing best practices for handling multiple unions, focusing on clarity, efficiency, and dialogue, and ensuring that procedures are clear, processes move swiftly, and all stakeholders have a voice in solutions, Malaysia can resolve the remaining challenges in a manner that sustains both workers' rights and productive, harmonious workplaces.

Finally, we underline the importance of ongoing social dialogue and engagement with the ILO as Malaysia implements these recommendations. The National Labour Advisory Council should continue to be used as the forum to discuss any proposed legal or policy changes, thereby securing buy-in from both employers and workers.

Worker members – From the outset, the Worker members express deep concern over the Government's refusal to deposit credentials for the Workers' delegates at this Conference. The Government justified this by alleging an "absence of legitimate leadership" in the Malaysian Trades Union Congress. We recall the Government's obligation under article 3(1) and (5) of the ILO Constitution to nominate a fully tripartite delegation, ensuring that Workers' delegates are chosen in agreement with the most representative workers' organizations.

This is the second time in four years that our Committee examines Malaysia's application of the Convention. Following up on the conclusions adopted in 2022, the Committee of Experts has identified serious concerns regarding Malaysia's compliance.

The Worker members are particularly troubled by the persistent failure to address anti-union discrimination. Remedies remain slow and ineffective. Section 8 of the IRA still grants the DGIR discretionary power to decide whether anti-union discrimination cases proceed to the Industrial Court, effectively denying workers direct access to justice. Despite explicit requests from the Committee of Experts, the Government has not provided data on the number, duration or outcomes of such cases. Meanwhile, as you will hear from my colleagues in the room, unions and members are routinely denied effective remedies against anti-union discrimination.



Effective protection requires swift, effective procedures and remedies ensuring reinstatement and adequate compensation, as well as sufficiently dissuasive sanctions. We urge the Government of Malaysia to repeal section 8 of the IRA and enact provisions allowing workers who are victims of anti-union discrimination to lodge complaints directly in court. Furthermore, the burden of proof should shift to employers once a *prima facie* case is established.

Despite long-awaited legal amendments which now establish the principles of plurality of trade unions and freedom of choice for workers employed in different sectors, significant barriers to trade union recognition for collective bargaining persist. Employers continue to interfere in secret ballots, and the Director-General retains broad discretion in handling recognition complaints. Trade unions have long decried the lengthy recognition process, which can take up to nine months, compounded by the possibility of appeals that further delay outcomes. The new formula introduced in the IRA for calculating votes needed for recognition still requires broad worker support in a bargaining unit, which is difficult to achieve in many sectors.

We urge the Government to establish effective administrative and judicial procedures for trade union recognition in collective bargaining. It must also take measures to prevent and address employer interference, including through accessible, efficient and expedited complaint mechanisms. Echoing the Committee of Experts, we call on the Government to amend the legislation so that, where no union is declared an exclusive bargaining agent, all unions in the unit can negotiate jointly or separately on behalf of their members.

Interference by authorities extends to unions' right to elect their representatives. Despite repeated calls, section 28(1)(a) of the TUA still bars non-citizens from being elected to trade union executive bodies unless the Minister of Human Resources deems it necessary to represent persons outside Malaysia. This restriction must be immediately repealed.

Regarding collective bargaining, the Worker members deplore the lack of progress since our last review. According to the Committee of Experts, collective bargaining coverage remains extremely low – 0.4 per cent in 2018, the latest available data. This dismal figure reflects the excessive legal restrictions in Malaysia.

In the public sector, civil servants not engaged in the administration of the State remain excluded from collective bargaining under the IRA. Bodies such as the National Joint Council (NJC) serve merely consultative roles rather than functioning as true bargaining platforms. The IRA also imposes undue restrictions through compulsory arbitration on disputes involving certain government services and statutory authorities, some of which include workers beyond public servants in the administration of the State. Furthermore, businesses linked to defence and security are classified as essential services, contrary to Convention provisions.

In the private sector, the scope of collective bargaining remains severely limited. Section 13 of the IRA restricts the scope of collective bargaining and excludes promotions, transfers, appointments to vacancies, redundancy terminations, dismissal and reinstatement, and the assignment or allocation of work.

The Worker members firmly recall that, under the Convention, governments must actively promote and encourage the full development and utilization of machinery for voluntary negotiation mechanisms between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means



of collective agreements. The broad restrictions in both private and public sectors violate the Convention and must be lifted without delay.

We call on the Government to align its legislation with the Convention and ensure in practice that the rights to organize and bargain collectively are fully respected and realized throughout the country.

Employer member, Malaysia – The Malaysian Employers Federation (MEF) acknowledges the Committee of Experts’ observations on Malaysia’s legislative reforms, especially concerning section 8 of the IRA. The MEF commends the Government’s continued alignment with international labour standards and would like to offer clarifications and voice concerns on the subject.

The DGIR’s discretion in referring anti-union cases is not arbitrary. It prevents system abuse, manages caseloads, follows internal standard operating procedures (SOPs), and remains reviewable by the courts.

On the proposal for direct court access by workers, the MEF urges caution. While this may appear to enhance worker protection, it risks overwhelming the courts with unvetted cases, potentially delaying justice for all parties (“justice delayed is justice denied”). Malaysia’s current system, via the Industrial Relations Department’s conciliation process, has proven effective. More than 85 per cent of reported cases at the Industrial Relations Department were resolved amicably, indicating the system’s strength in delivering practical outcomes.

Delays often stem from parties’ actions, not systemic issues. Remedies like reinstatement and compensation are already fairly applied.

The proposal to reverse the burden of proof must include safeguards to avoid unfair consequences for employers, especially small and medium-sized enterprises (SMEs).

The MEF supports freedom of association but stresses that reforms must balance worker protection with procedural fairness and practical implementation.

Trade union recognition – The MEF welcomes the reform to the IRA and the TUA, effective as of 15 September 2024. This reform promotes union pluralism aligned with global standards. The removal of sectoral restrictions and the introduction of impartial secret ballots enhance union freedom, transparency and trust. The MEF refutes allegations of employer interference.

Malaysia has strong legal protections under sections 4 to 8, including criminal penalties. Any claims must be evidence-based. The secret ballot system ensures a fair and confidential platform for union elections.

While supporting union pluralism, the MEF warns against over-fragmentation, especially for SMEs. Multiple unions in one workplace can lead to rivalry and inefficiency. Recognition processes must balance workers’ rights and employers’ needs. Constructive engagement is vital for a sustainable industrial climate. Delays in union recognition reflect necessary legal steps like classification and ballot logistics, not inefficiency. Accuracy matters due to the long-term impact on employers.

The DGIR ensures neutrality and due process. Judicial review protects all parties and should be viewed as a safeguard. Reclassifications of executive and confidential staff are based on business needs. Exclusion from union participation avoids conflicts of interest as provided for in section 9(1) of the IRA. The 2024 reform, that is to say, faster ballots and enhanced authority of the DGIR, are already improving the process.



Union recognition timeline – The MEF stressed that the timeline must be seen through the lens of due process and the complexity of legal assessments, such as workers’ eligibility and union representativeness. Judicial review and the DGIR oversight ensure neutrality and fairness.

The MEF strongly objects to the term “pseudo-promotions”. Promotions are legitimate human resources tools and should not be presumed to be anti-union tactics without evidence. Reforms such as abolishing competency checks and enhancing the powers of the DGIR are improving the timelines.

Union recognition and bargaining – The MEF welcomes recognition of recent reforms but disagrees with the view that Malaysia’s “50 per cent plus 1” majority threshold is too high. This threshold ensures democratic legitimacy and industrial stability. Reducing it could lead to fragmented bargaining and inconsistent representations. Parallel bargaining by minority unions would burden employers, especially SMEs, and risk conflicting demands.

The MEF supports the use of ballots to determine a sole bargaining agent under section 12A of the IRA ensuring coherent and fair negotiations. Liberalized union formation must be balanced by unified bargaining. The MEF urges voluntary inter-union cooperation, not statutory mandates.

Scope of collective bargaining under section 13(3) of the IRA – The MEF acknowledges the Committee of Experts’ concern regarding section 13(3) of the IRA, but emphasizes that this provision is a necessary safeguard. It excludes key management functions like promotion, transfer, redundancies and dismissals from mandatory bargaining to preserve operational efficiency and legal certainty, especially for SMEs. Importantly, section 13(3) of the IRA is not a blanket provision. Parties may voluntarily negotiate these matters, and unions may raise them under section 18 of the IRA. No formal complaints suggest misuse and this aligns with international standards recognizing managerial functions. Rather than revising section 13(3) of the IRA, the MEF proposes maintaining it as a default, supported by clearer guidelines and data collection. Any reform must involve tripartite consultation.

The MEF highlights the Government’s proactive efforts in the form of streamlined union registration, sectoral union support, gig worker protection and initiatives like the MADANI worker card benefiting more than 1 million union members with up to 30 per cent discounts on products and services, demonstrating Malaysia’s strong commitment to worker empowerment and alignment with ILO standards.

Compulsory arbitration under the IRA – Compulsory arbitration under section 26(2) of the IRA and point 10 of the First Schedule of the IRA is used sparingly in critical sectors like defence and healthcare, ensuring national stability. It applies only with state consent and does not affect ordinary businesses. It balances workers’ rights with public interest. Defence-linked sectors, for example military logistics, are appropriately classified as essential based on the national risk.

Voluntary bargaining remains the norm; this exception upholds the principles of the Convention. The MEF supports the keeping of this safeguard conducting tripartite reviews and sharing data with the ILO to ensure transparency and responsible application.

Collective bargaining rights for public servants – The MEF appreciates the Committee of Experts’ focus on public servants. The Government’s dual role as both employer and policymaker requires a differentiated framework. While public sector collective bargaining may not mirror the private sector, the National Joint Council (NJC) functions as an effective negotiation platform, with binding outcomes such as 13 per cent wage adjustment and



improved benefits. In addition, many statutory bodies and government-linked companies (GLCs) engage in formal collective bargaining.

Collective bargaining coverage and practice in Malaysia – The MEF welcomes the Committee’s attention to collective bargaining, but stresses that Malaysia’s reported 0.4 per cent coverage must be viewed in context. Malaysia’s economy is largely SME-driven, with more than 650,000 microenterprises having fewer than five employees. In such cases, direct informal arrangements often suit both parties better.

The Malaysian bargaining framework is enterprise-level and voluntary, unlike countries with sector-wide models, so global comparisons can be misleading. Nonetheless, in Malaysia, more than 300 collective agreements are signed annually in key sectors like manufacturing, transport and finance, covering employment terms and registered with the Industrial Court.

The 2024 reforms have strengthened this system to improve procedures and voting mechanisms. Barriers to wider bargaining are not legal but structural, such as low union density, worker preference and union fragmentation.

The MEF supports collective bargaining that reflects Malaysian economics and cultural realities, not “one size fits all” models. Malaysia has embarked on substantial reforms, many of which are still in the early stages. The MEF respectfully urges the ILO to allow adequate time for these measures to mature and to be evaluated. The MEF remains committed to upholding the Convention and advancing decent work through a fair, inclusive and sustainable ecosystem for all stakeholders.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine**, and the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of the fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

The EU and Malaysia signed, in 2022, a Bilateral Partnership and Cooperation Agreement which further strengthens bilateral cooperation and encompasses a wide range of areas, including human rights and sectoral cooperation on labour and employment.

We welcome the Government’s recent legislative reform through amendments to the IRA, the Industrial Relations Regulations, the TUA and the Trade Unions Regulations.

We note the observations made by the ITUC related to the remedies for anti-union discrimination and lengthy procedures. We recall that effective protection against acts of anti-union discrimination requires rapid and effective procedures and remedies through reinstatement and adequate compensation, as well as sufficiently dissuasive sanctions. We also recall that workers who are victims of anti-union discrimination should have the right to directly lodge a complaint before the courts.

Regarding the criteria and procedure for recognition of trade unions for the purposes of collective bargaining, we note the “satisfaction” expressed by the Committee of Experts regarding the entry into force of several legislative amendments. However, we recall that the recognition processes should provide safeguards to prevent acts of employer interference, and we ask the Government to take the necessary measures to prevent or repress such acts.



We also echo the Committee of Experts' request to further review the legal framework for the recognition of trade unions with a view to simplifying and expediting the administrative and judicial procedures.

We join the Committee of Experts' request to the Government to take measures – in consultation with the social partners – to ensure that, in situations where no union is declared the exclusive bargaining agent, all unions in the unit are able to negotiate, jointly or separately, at least on behalf of their own members.

In addition, we call on the Government to ensure that foreign workers do not face instances of discrimination, including in relation to trade union membership.

We note the Committee of Experts' observations that the elements considered during their analysis may not demonstrate the existence of complete bargaining machinery. Moreover, we share the Committee of Experts' concerns about the very low coverage of collective bargaining, with a rate of 0.4 per cent in 2018.

We call on the Government to take the necessary actions to remove any remaining legal and practical obstacles to collective bargaining addressed in the Committee of Experts' comments, including on the scope of collective bargaining, compulsory arbitration, and restrictions applied to public servants not engaged in the administration of the State. We ask the Government to take concrete measures to promote the full development and utilization of collective bargaining.

We acknowledge the Government's written submission in response to the observations made by the Committee of Experts.

The EU and its Member States encourage the Government to avail itself of the technical assistance of the ILO. We remain committed to constructive engagement with Malaysia and encourage the Government to further strengthen its cooperation with the ILO, social partners and the international community.

Government member, Brunei Darussalam – I have the honour to deliver this statement on behalf of the **Association of Southeast Asian Nations (ASEAN)**. At the outset, ASEAN would like to express its appreciation to the ILO for its continued engagement and collaboration with regional organizations and its Members, including with our Member States.

We reaffirm our collective commitment to advancing the Decent Work Agenda and promoting fair, inclusive, and rights-based labour practices in the region, in accordance with international labour standards and ASEAN's own shared goals and principles.

In this regard, ASEAN takes note of the efforts made by the Government of Malaysia to strengthen its industrial relations framework through legislative reforms, developed in close cooperation with the ILO under the Decent Work Country Programme. These reforms, implemented in phases since 2019, reflect ongoing efforts to improve transparency, efficiency, and inclusiveness in Malaysia's labour governance, while taking into account national circumstances.

ASEAN acknowledges Malaysia's steps to enhance union recognition, strengthen legal safeguards for trade union activities, and address anti-union discrimination. Reforms such as the streamlining of the union recognition process and measures to ensure clearer procedures in cases of trade disputes are indicative of Malaysia's intention to promote greater access to industrial justice. These measures, while still evolving, contribute to a more rules-based approach to industrial relations.



We also take note of efforts to foster greater inclusivity, including provisions that facilitate the participation of migrant workers in trade unions and collective bargaining.

It is also important to highlight that these developments take place within the broader regional context. As a community, ASEAN remains committed to supporting its Member States in their respective journeys toward strengthening compliance with international labour standards.

We recognize that each Member State must navigate its own path, shaped by national realities, legal traditions and institutional capacities. In doing so, we continue to uphold the ASEAN principles of mutual respect, non-interference and regional solidarity.

ASEAN believes that constructive cooperation, both within our region and with partners such as the ILO, will remain essential in fostering resilient, just and forward-looking labour systems. Our shared vision is to promote decent work for all and to advance social protection, social dialogue and sustainable growth across ASEAN.

In conclusion, ASEAN reaffirms its support for Malaysia's ongoing efforts to strengthen its labour governance in alignment with international labour standards. We respectfully encourage the ILO to continue its constructive partnership with Malaysia, not only in supporting compliance with international norms but also in advancing the development of sound, inclusive labour policies that promote sustainable national growth. A continued and balanced collaboration between Malaysia and the ILO will contribute not only to national progress but also to the creation of a more coherent, resilient and harmonious labour environment across the ASEAN region.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran supports Malaysia's remarkable achievements in advancing workers' rights and strengthening industrial relations. We commend our Malaysian partners for their visionary leadership in implementing comprehensive labour reforms that serve as a beacon of progress for the region and beyond.

Malaysia's collaboration with the ILO since 2019 through the Decent Work Country Programme demonstrates commitment to international best practices. The two-phase reform of the IRA reflects careful planning and genuine dedication to workers' welfare. We particularly applaud Malaysia's decisive action in removing restrictive sectoral limits through amendments to the TUA. This bold step towards greater freedom of association aligns with fundamental principles of worker empowerment that resonate deeply with our own values.

The Islamic Republic of Iran recognizes Malaysia's strengthened protection against anti-union discrimination as a cornerstone of just labour relations. The clear prohibition of all forms of discrimination under section 8 of the IRA, coupled with the Director-General's enhanced authority to refer cases directly to the Industrial Court, ensures swift and impartial justice for workers.

Malaysia's streamlined union recognition process, completed within five months, exemplifies administrative excellence and respect for workers' organizing rights. The removal of ministerial appeal powers and the Director-General's binding authority over union recognition creates a transparent, predictable framework.

The Islamic Republic of Iran particularly celebrates Malaysia's inclusive approach to migrant workers in union representation. With over 28,000 foreign workers as union members and the 2025 policy exempting non-citizens from individual approval requirements for union leadership, Malaysia demonstrates that worker solidarity transcends national boundaries.



Malaysia's expansion of collective bargaining scope to include discussions on managerial prerogatives, while maintaining appropriate boundaries, shows sophisticated understanding of modern industrial relations.

In conclusion, the Islamic Republic of Iran views Malaysia's comprehensive labour reforms as a testament to what can be achieved through political will, international cooperation and genuine commitment to workers' welfare. These reforms represent not merely legislative changes but also a fundamental shift towards a more democratic, transparent and rights-based industrial relations system.

Employer member, Cambodia – The Cambodian Federation of Employers and Business Associations (CAMFEBA) wishes to express its strong support for the comprehensive and balanced statement delivered by the Malaysian Employers Federation (MEF) in response to the Committee of Experts' observations on the Convention. As fellow representatives of employers in ASEAN, CAMFEBA commends the MEF's principled stand in defending the integrity of Malaysia's industrial relations framework, while acknowledging the need for continuous alignment with international labour standards.

CAMFEBA particularly supports the MEF's clarification that the role of the DGIR in Malaysia is not arbitrary but structured and subject to judicial review. This mechanism, based on conciliation, is not a weakness but a strength. It allows for the early and amicable resolution of disputes, protecting both workers' and employers' interests. Cambodia and many other jurisdictions particularly in ASEAN adopt similar principles in their labour dispute resolution system, emphasizing the importance of institutional filters to maintain industrial harmony and avoid court congestion.

On the matter of union recognition, CAMFEBA supports the MEF's call for a fair and transparent process that respects workers' choices while avoiding fragmentation of unions, especially for SMEs. In Cambodia, we too have witnessed how overlapping union representation led to counterproductive rivalry rather than constructive engagement. CAMFEBA agrees that union pluralism must not come at the cost of enterprise-level stability.

The MEF's caution regarding the reversal of the burden of proof and calls for stronger sanctions is also well-founded. Any reforms in this area must maintain balance and avoid inadvertently creating procedural unfairness, particularly for small enterprises lacking resources.

CAMFEBA also endorses the MEF's position on collective bargaining coverage. Malaysia, like Cambodia, has a predominantly SME-based economy. It is critical that international assessments recognize the diversity of national industrial contexts and avoid "one size fits all" comparisons.

Finally, CAMFEBA commends the MEF for its evidence-based, constructive, and forward-looking engagement with the Committee. CAMFEBA echoes the MEF's call for reforms to be guided by practical realities, social dialogue and tripartite consultation, principles that are at the core of the ILO's mission.

Worker member, United Kingdom of Great Britain and Northern Ireland – We are used to conflicts between decent laws and poor practice. Malaysia is unusual in that a positive legal framework based on the Trade Unions Act 1959 is undermined not just by poor practice but by an entirely separate legal framework, the IRA. The result is confusion, complication, and great difficulty for Malaysian workers to exercise their right to join a union.



While the 1959 Act allows for simple recognition processes, this dual system creates unnecessary barriers for trade unions. In one case, the Electrical Industry Workers' Union filed for recognition with an electrical company in August 2024. A full nine months later, the Government responded that 1,200 of the workers involved were confidential workers, not eligible for union rights. Denying basic union rights to electrical workers could form the basis of a Conference complaint all by itself.

Delays and arbitrary reclassifications of worker eligibility are a form of bureaucratic smothering of the collective bargaining process. The IRA sets the Director-General for Industrial Relations no time frame, meaning unions can be left in limbo indefinitely with no legal path to restitution for delays. The system urgently needs some urgency.

The Government also applies troubling methodologies to recognition votes. In one example, the National Union of Drink and Food Industry Workers (NUDFIW) finally secured a ballot. Out of 99 workers who were entitled to vote, 49 votes were for the union, 3 were spoiled, 3 were for the employer and 44 were not cast. The union therefore gained 89 per cent support for recognition from votes cast, a clear win.

But the Government ruled that the 44 uncast votes were votes for the employer, meaning that the union's recognition attempt failed by one vote. This is clear evidence of a system set up to discourage union recognition and with it to stifle collective bargaining. Government complicity makes it all the easier for employers in defiance of the Convention to interfere with union processes. Unions report that workers have been prevented from voting in secret ballots by being given special tasks that kept them busy or by outright threats.

Employer agents are then able to lurk around during the ballot while unions are kept away. Indeed, unions are held at arm's length throughout the whole process. NUDFIW reports huge difficulty in getting access to workplaces, as does the Electronics Industry Employees Union, forcing them to go from town to town and village to village to meet workers away from the workplace, itself reinforcing the idea that the union is frowned upon.

Workers should not have to feel as if they are engaged in something shady and illicit just to exercise their rights. The Government is not meeting its obligations to properly promote collective bargaining with a simple process, either through underhand manipulation or blatant threats with the explicit support of the State via provisions for challenging successful recognition votes. Both Government and employers are impeding union rights.

The Government must decide which set of laws it wishes to give precedence to. Alas, its shameful failure to accredit workers to its delegation this year suggests it is far from showing the right inclinations, but I hope this case will persuade it of the need to act firmly in favour of compliance with its obligations.

Interpretation from Arabic: **Government member, Saudi Arabia** – My delegation notes the clarifications provided by Malaysia. We thank Malaysia for their constructive cooperation with ILO mechanisms. They have cooperated in a number of ways, including by presenting oral information that is comprehensive and written information that was submitted at the right time. This has enriched our discussion here in this Committee. We welcome the structural and institutional reforms under way in Malaysia in recent years. We also note recent amendments that entered into force in December 2024 to strengthen relevant legal and institutional frameworks within the country and to enhance the transparency of procedures. All of this is in line with obligations under the relevant international instruments. We commend this positive step and we would encourage Malaysia to continue implementing reforms efficiently in order to enhance awareness among all partners and to create a working environment based on



institutional equity, fairness and transparency. We recognize all that is done by Malaysia at the international level and its ongoing cooperation with the ILO and its constituents.

Employer member, Philippines – The Employers Confederation of the Philippines (ECOP) aligns itself with the Malaysian Employers Federation (MEF) in addressing the Committee of Experts' observations on Malaysia's application of the Convention. ECOP commends the Malaysian Government and the MEF for the substantial, forward-looking legislative reforms to the IRA and the TUA. These reforms demonstrate a sincere commitment to workers' rights, while recognizing the operational realities of a diverse SME-driven economy.

ECOP echoes the MEF's position that mechanisms such as conciliation, secret ballots for union recognition, and current majority thresholds enhance democratic legitimacy, prevent misuse and foster industrial harmony. These measures align with the principles of the Convention and must be appreciated in the context of Malaysia's administrative and legal landscape.

ECOP shares the MEF's concerns regarding proposals like reversing the burden of proof and unrestricted and direct court access. While worker protection is vital, safeguards for procedural fairness and business sustainability, especially for SMEs, which make up 98 per cent of Malaysia's enterprises, are equally important.

On collective bargaining, ECOP supports the protection of core managerial functions such as promotions and dismissals. These do not preclude voluntary negotiation but maintain clarity in employer responsibilities.

Finally, compulsory arbitration in essential sectors, including defence and healthcare, is a legitimate sovereign measure to ensure national stability. The success of Malaysia's National Joint Council in delivering gains for public servants reflects the fact that flexibility and protection can coexist.

In conclusion, ECOP recognizes Malaysia's significant progress and urges the Committee to allow time for these reforms to take full effect. ECOP is confident that MEF will continue to play a constructive role in the tripartite process to promote decent work and inclusive growth.

Worker member, South Africa – I speak on behalf of the workers of South Africa, standing shoulder to shoulder with our sisters and brothers in Malaysia. They face a calculated assault on their rights, rights that are guaranteed under the Convention, yet violated with impunity. Picketing is not a crime. It is a fundamental tool of collective bargaining yet Malaysian workers, especially those in the National Union of Bank Employees (NUBE) are being punished for exercising their right.

What do they face? They face harassment and intimidation. They face threats of prosecution. They face state-orchestrated efforts to silence and break their unions. In February of this year, 10 NUBE members were dragged into long, intimidating investigations and forced to travel long distances simply for picketing after hours. Employers are working hand-in-hand with the authorities handing over confidential union information to the employers' unions to target and isolate workers. Even union leaders are under siege.

While Malaysia claims to respect the right to strike, in reality legal obstacles render this right meaningless. This is not negligence. It is a deliberate and systematic campaign to crush workers' rights and to undermine the Convention. We therefore demand that the Government of Malaysia end the harassment and intimidation now, align its laws and practices fully with the Convention, and guarantee the right to picket and to strike in practice, not just on paper.



Workers' rights are universal and they are non-negotiable. Therefore, as workers of South Africa, we stand with our Malaysian comrades.

Government member, Fiji – International labour standards set out minimum requirements. This is to help governments bring their law and practice into line with the Conventions. The benefit is that it provides protection to workers. It assists our businesses, improves productivity and it sets out the right platform for our national development.

As members of this Organization we, the Governments, have to play our part. We should ensure that when we ratify a Convention, our laws and practice are in line with it.

The Malaysian Government has been reminded by the ILO supervisory mechanism that there are severe gaps between what is in the current law and practice and what is set out in the Convention, which they have ratified.

When a government fails to do so, we consider that the government has not only failed with their workers and businesses, it has also failed to uphold and respect the objectives of this Organization.

As a government minister, I know it is not that easy to have both social partners agree easily on matters. Giving up is not the answer. I can say from my experience that with continuous practice, tripartite discussions and help from the ILO, it is possible to overcome difficulties.

A constructive industrial relations environment helps all: workers, employers, and the Government. It contributes to national development efforts.

I join others to plead to the Malaysian Government to engage with the social partners and, in discussion with them, help bring the law and practice into line with the Convention as recommended by the Committee of Experts.

Worker member, Peru – It is important to recall that States are required to comply strictly with the Convention, that is, to respect trade union organizations without any form of interference, coercion or, much less, discrimination. Malaysia must do so, particularly given that it ratified this Convention in 1961. The reality is different from what we have heard today from the Government.

We in Peru have become aware of systematic action allegedly undertaken by government officials and employers to undermine trade union activity and workers' rights in Malaysia, in flagrant violation of the principle of protection for trade unions and workers from discrimination.

In the disputes referred to the Ministry for conciliation, trade unions are neither consulted nor involved, and decisions are taken on their behalf, resulting in substandard agreements that are unacceptable to the trade unions and their members.

The Government has processed criminal complaints submitted by employers against trade union members and leaders for participating in peaceful protests, thereby criminalizing legitimate trade union activity. The Ministry accepted the employers' request to refer to the Industrial Court cases relating to collective agreements that were never negotiated with trade unions, in violation of the principles of collective bargaining and fundamental trade union rights.

It should be emphasized that section 8 of the IRA is the main provision affording protection against acts of anti-union discrimination. This section is supplemented by sections 39 and 59 of the same Act, and these are criminal law provisions. Despite this



legislation, trade union members face ongoing discrimination. In 2024 and 2025, NUBE lodged 42 complaints under section 39 and 7 complaints under section 59. These complaints related to intimidation on account of participation in trade union activities, refusal of trade union leave, warnings, salary deductions, suspensions and dismissals that affected 130 members.

The Government sent the Committee of Experts statistics on section 8 complaints lodged from 2023 to 2025. It did not, however, provide information from before 2023. In 2019, NUBE lodged three complaints under sections 39 and 59, and the Government has yet to adopt measures against the employers or to provide information to the trade union.

Lastly, we see the same thing happening with regard to the dismissal of workers. Section 20 of the IRA is intended to provide reparation to affected workers. Such reparation is limited owing to slowness on the part of the Government. We request the Government to reveal the number of reinstatements under section 20 in order to evaluate its effectiveness.

Government member, Bangladesh – Bangladesh notes with appreciation the efforts made by Malaysia in submitting the report. We take note with appreciation of the genuine intention of the Government for its engagement and collaboration with the ILO including through the Decent Work Country Programme to reform its industrial relations framework.

We recognize the initiation of automatic referrals of dismissal cases and the strengthening of the Industrial Court's powers, improving access to justice. We also acknowledge enhanced union recognition, introducing sole bargaining rights, and the improvement of the process for resolving trade disputes.

To widen the scope of collective bargaining, amendments to section 13(3) of the IRA were carried out. It allows unions to discuss managerial prerogatives with employers, though formal proposals on these are limited. This also encourages good-faith dialogue and transparency without obliging employers to agree. The Industrial Court has recognized such discussions in the vast majority of collective agreements, reflecting their practical importance in Malaysia's industrial relations. We appreciate the introduction of section 12A of the IRA to clarify sole bargaining rights among multiple unions representing the same worker category.

Bangladesh takes good note of the streamlining of the union recognition process, which can now be completed within five months. The removal of ministerial appeal powers on competency issues gives the Director-General for Industrial Relations binding authority over union recognition and member eligibility.

Bangladesh encourages the Office to capitalize on the Government's forthcoming approach to deepen its engagement to address all the outstanding issues.

Worker member, Japan – I stand here to speak out on the continuing challenges faced by Malaysian unions in carrying out collective bargaining. In particular, I would like to highlight a lack of protection against sexual harassment of Malaysian workers.

The example I will highlight shows that women workers in Malaysia in this age and time still face real dangers of sexual harassment. As a woman and president of the largest global trade union, it saddens me to see that we still have to campaign for the protection of women.

A union member employed at a bank was sexually harassed by an executive of the bank. The sexual harassment started on 7 May 2021 when lewd messages were sent to her by the executive and the matter has still not been resolved.

The matter involved a woman worker and her direct supervisor in Malaysia's leading local bank, which is a government subsidiary. The matter was reported in 2021 and no action was



taken by the bank, despite many reminders by the worker. Instead of resolving the matter, the branch manager coerced her to sign an agreement to close the matter.

After three years, the worker sought assistance from the union and from then onwards the union took up the case. Grievances were filed and were submitted to the Ministry. No action was taken by the Ministry. The action by the bank forced her to be terminated, which was also brought to the Ministry's attention, but no action was taken and the matter is still in the Court.

The sexual predator has been charged in the Criminal Court of Malaysia while the matter is still pending in the Industrial Court. He remains employed by the bank while the female worker has been terminated.

The bank's inaction regarding the sexual harassment resulted in NUBE commencing industrial actions for more than six months. The Government referred the employers' complaint against the union to stop the picketing, which is the union's fundamental right.

By law, no picketing is allowed after the matter is referred to the Court. This is a violation of the Convention. In the meantime, the bank sought a cease-and-desist order from the Industrial Court against the union to cease industrial actions, which itself is an infringement of trade union rights. The Ministry did not carry out any investigation or conciliation but only referred her termination complaint to the Court after more than three months and disqualified two of her intimidation complaints.

I would like to ask the Government what measures they have provided to dissuade such actions in law and through collective bargaining at workplaces. What kind of punishment is given for such actions of harassment condoned by the employers and the Government? Without strong punishments, such problems will continue. What other dissuasive measures have been taken at the workplace in Malaysia to avoid sexual harassment issues? Employers must be reminded that this is the duty of the employer to provide a safe and healthy working environment for workers. This is a right of workers.

Interpretation from Chinese: **Government member, China** – My thanks to the Government of Malaysia for the information presented. We have studied carefully the report from the Committee of Experts and all written information submitted by the Government of Malaysia to this Committee.

Malaysia has shown a steadfast commitment to respect international labour standards and has always stood ready to honour its obligations under various Conventions. A number of legislative amendments were adopted recently in order to change the legislation governing the recognition of trade unions and also to remove certain sectoral restrictions on the establishment of trade unions and to enhance legal recourse and appeal when required. These amendments also serve to further strengthen the rights of workers. We believe that these amendments should be recognized and encouraged by our Committee.

China commends all of the sustained efforts undertaken by Malaysia as part of its ongoing legislative reform. All of this work is done through consultations and in close cooperation with the ILO. We know that the National Consultative Committee is vital to all of this work and it provides a platform to ensure that national standards are in line with international standards.

We fully support the ILO Secretariat and its mechanisms in order to allow it to provide the technical assistance required.

Worker member, Singapore– I would like to intervene on behalf of the Malaysian Trade Union Congress (MTUC) regarding the scope of bargaining and relate it to what the Committee of Experts observed in its report regarding the law and practice in Malaysia.



As highlighted by the Committee of Experts, the Malaysian Government claims that all restrictions on the scope of bargaining and in particular the restrictions contained in section 13(3) have been lifted. As you know, the restrictions relate to promotion, transfer, appointment, termination, dismissal and allocation of tasks.

The Government claims that the workers and employers are free to raise issues of a “general nature”. In other words, the Government argues that while the restrictions are still there, the law also provides for unions and employers to discuss whatever they agree to negotiate. This is a fallacy. The restrictions still apply, according to the MTUC. No union can negotiate on a promotion, transfer, appointment, termination, dismissal or allocation of tasks. Denying them this right to negotiate is unfair.

In essence, the Government has never lifted the restrictions. Job security, protection from unfair dismissal, the right to negotiate on transfers and the right to discuss job descriptions are the most important issues for any worker. If there are provisions to lift the restrictions, why can the union not negotiate? Moreover, employers need to exercise their discretion in good faith. Unions must have the right to hold employers accountable when they fail to do so and also have an avenue to appeal against such actions by employers.

For example, in Case No. 4/2-482/24 between the bank employers and the union, the employers’ lawyers have raised absolute discretion under section 13(3) and denied the union any right to even raise discussions in relation to a disciplinary process which includes dismissal. Yet in another case, the union and employer agreed to a collective bargaining fee. This is to deter “free-riders”. The Industrial Court refused to recognize it, saying that it was outside the scope of collective bargaining.

The Convention guarantees that workers and employers can negotiate any matter that relates to them. The refusal by the Government to talk about such genuine issues as dismissal and recognizing collective bargaining fees is a complete violation of the Convention.

The Malaysian Government should take cognizance of the current situation and immediately review the law with clarity, to create an atmosphere of constructive industrial relations that promotes harmony and leads to national development.

Worker member, France – In 2024, Malaysia amended its Trade Unions Act to remove union membership conditions. But to date, the Government has not approved the NUBE constitutional amendments in line with the reforms sent in December 2024. This delay, without a prescribed timeline, constitutes interference under Article 2(1) of the Convention. The country’s IRA further hinders union rights.

In June 2024, NUBE filed 34 complaints against companies in the banking sector for not complying with the collective agreement on matters such as mandatory social dialogue and occupational health and safety training. Yet these cases will not be heard until July 2025, with decisions expected in 2025 or 2026. Justice delayed is justice denied.

In 2021, a major bank which is a government subsidiary filed a trade dispute to silence NUBE from campaigning against unfair labour practices. The bank misused the Industrial Court to seek injunctive relief outside the court’s jurisdiction and to restrict the union and drain its resources.

In November 2024, NUBE submitted an application to represent workers at a large local bank but the Government delayed its decision until August 2025. In the meantime, the Government registered an in-house union for the same group of workers. Recognition was quickly granted to this in-house union, raising concerns about the fairness of the process.



Another case of customer service workers at a multinational bank where NUBE filed a recognition case in June 2024 remains pending. It is not clear whether the delay in recognition of NUBE was deliberate and part of a broader effort to undermine its representation.

The Government and employer's action deprived workers of their right to freely choose their representation. These events indicate possible collusion between the Government and the employer to create a union that would not threaten their interests.

The Government claim that recognition timelines have been reduced to four months is not true. It is clear from both cases that the duration is much longer and lacks transparency.

These examples highlight a systematic pattern of state-sanctioned interference in trade union activities. Malaysia's failure to uphold its obligations under the Convention must be addressed. Trade union rights are human rights and denying them undermines the foundation of decent work and social justice.

Worker member, Fiji – ILO is a tripartite organization, a house for workers, employers and governments, all having equal rights and responsibilities. We discuss, negotiate and agree upon ways and means to provide decent working conditions for workers, promote good business and contribute to national development efforts. Accordingly, labour laws based on ILO Conventions play a pivotal role. Member Governments have an obligation to abide by the Constitution and the objectives of ILO

Malaysia has failed in this regard, as pointed out by the Committee of Experts. A middle-income country like Malaysia has failed in many ways to respect the ILO objectives. It has miserably failed to bring law and practice into line with the Convention. Instead, they have been attacking the unions.

Leaders of the NUBE bank union were summoned by the police and were accused of participating in picketing. The head of industrial relations from the bank complained to the police that she did not like the placards displayed in the picket. This is nothing but sheer harassment and intimidation. Trade unions cannot be denied the right to exercise the legitimate trade union right of picketing.

The Ministry has overbearing powers, which it uses to control unions. As pointed out earlier, NUBE submitted an amended constitution to the registrar of trade unions. It has now been over six months and the Ministry has yet to approve it. Another example of harassment is that unions must submit notices of change of union officers within two weeks of the election with full minutes and the attendance list signed by several officers of the union. If delayed, the Ministry punishes the union by refusing to register it. This high-handed attitude of the registrar of trade unions goes against helping to develop constructive industrial relations. This is nothing short of interference in legitimate trade union work.

The Government is allowing employers to have contempt for proceedings against officers of unions participating in picketing and other union activities. These are rights guaranteed under trade union and civil laws. This is nothing but prosecution of trade union leaders and members. Employers, emboldened by apparent political backing, have drastically shifted their approach towards collective bargaining, abandoning legal frameworks and good industrial relations practices in favour of aggressive and unlawful tactics. These actions are strongly condemned. Blatant misuse of government power to suppress legitimate trade unions, the employers' complicity in this campaign of intimidation and the aggression must stop immediately.



Lastly, we are shocked to see that the Government has denied the right of the representatives of the MTUC, the largest workers' representative organization in Malaysia, to be here as delegates. The Malaysian Government knows that this tripartite house requires the Government to bring a complete delegation to the Conference. By denying the right of workers, the Government not only has failed but is in complete violation of the Convention. Denying the right of Workers' delegates is denying their right to freedom of association.

As the President of the Asia-Pacific Regional Office of the International Trade Union Confederation (ITUC), I call on the Malaysian Government to do the right thing.

Worker member, Brazil – We express our deep concern over the serious and systematic violations of the Convention by the Government of Malaysia. This is not about isolated breaches. What we are witnessing is a deliberate pattern of collusion between the Government and certain employers to undermine trade unions, suppress workers' rights, and dismantle collective bargaining frameworks.

Let me highlight four particularly alarming issues:

1. Union exclusion from dispute resolution – The Ministry of Human Resources often engages directly with employers behind closed doors, excluding unions and imposing settlements that fall far short of what is just and acceptable.
2. Interference in collective bargaining – We have seen agreements referred to the Industrial Court without any negotiation with unions. In one case, the Ministry claimed a deadlock, when no meeting had even occurred. This is a blatant violation of workers' rights.
3. Legal harassment of union leaders – The misuse of defamation lawsuits, injunctions and other legal tools to intimidate and silence union representatives is deeply troubling and must be condemned.
4. Retaliation against victims of harassment – In one shocking case, a woman who filed a complaint of sexual harassment was dismissed, while the perpetrator remained protected. The union's attempt to support her was suppressed by the authorities.

This situation is not just about the Convention, it is about the erosion of democratic space for workers to organize, speak out, and defend their rights.

We urge this Committee to recommend that the Government of Malaysia:

- Cease interference in trade union affairs.
- Guarantee genuine collective bargaining processes.
- Reinstate workers and union leaders dismissed for their activities.
- Investigate all cases of retaliation and collusion.
- Fully comply with the Convention in both law and practice.

Finally, we appeal to Governments in this Committee: do not remain silent. To stay silent is to stand with oppression. Workers in Malaysia deserve justice, dignity and our collective solidarity.

Observer, Building and Wood Workers' International (BWI) – IndustriALL and the Swiss workers align themselves with this statement. Indeed, Malaysia has amended key labour laws. However, persistent implementation gaps are still found in law and practice, undermining workers' rights to organize and bargain collectively, in breach of the Convention, and



particularly Article 1(2)(b). This Article obliges governments to protect workers from dismissal or prejudice due to union membership or lawful trade union activities. However:

1. A BWI Indonesian migrant worker and union member was illegally dismissed, wrongfully convicted, caned and imprisoned for 11 months, despite having a valid work permit and having a pending case appeal.
2. In a wood processing company, four migrant organizers of the Sabah Timber Industry Employees Union (STIEU) were illegally dismissed shortly after filing for union recognition. The other local and migrant members were blacklisted, intimidated and denied overtime, and an in-house union was promoted to undermine the STIEU.
3. In an automotive company case, five leaders of the National Union of Transport Equipment and Allied Industries Workers were dismissed for attending a union briefing after office hours. No redress has been granted.
4. The Electrical Industry Workers' Union faced threats and intimidation from two multinational corporations. Similarly, migrant workers were denied access to a secret ballot and were warned of deportation.

These cases expose the Government's failure to enforce its pertinent laws, particularly sections 4, 5, 7, 8, 20 and 59 of the IRA, violating its obligations under the Convention. We respectfully urge this Committee to recommend:

1. Strict enforcement of anti-discrimination provisions with statutory timelines and penalties;
2. Reform the recognition and secret ballot process under section 9, ensuring workplace access to unions, and non-interference voting, including a bystander clause to prevent employer interference;
3. Equal protection for migrant workers, including guaranteed work permits during pending disputes;
4. A moratorium on dismissal for six months before and after a secret ballot;
5. Enactment of whistle-blower protection to protect worker witnesses from retaliation.

Malaysia's commitment to the Convention must be realized through enforcement and structural reform. Without this, workers, especially migrant workers, will remain vulnerable for exercising their fundamental rights.

Observer, International Trade Union Confederation (ITUC) – The entire Malaysian industrial relations are vested in the hands of the Government. Ministerial powers are used to trample on trade unions' bargaining rights. This is evident from the Minister's adamant refusal to deposit credentials for the MTUC as a workers' representative organization at this Conference while there are 40 Government members here and 8 Employer members. This is a blatant breach of the ILO Constitution and Conventions Nos 87 and 98.

In 2023, the Government got the Industrial Court to dictate the removal from a collective agreement of a 10 per cent bargaining fee that was to be paid by non-members or "free-riders" who benefited from the union's efforts. This fee was negotiated by NUBE with the employer's union, the Malayan Commercial Banks' Association (MCBA), in the 19th collective agreement. The court threatened that non-compliance with the collective agreement would exist if the bargaining fee was not removed, which would nullify the entire collective agreement. The question is: why use cognizance to interfere in collective bargaining when it should be a simple registration? This is a violation of Article 4 of the Convention.



In 2023, the MCBA and NUBE signed a Festival Aid Agreement where 17 banks agreed to pay workers festival aid equivalent to one month's salary every year, beginning in 2023. The banks and NUBE also agreed that both parties may review the payment for the following year.

In 2024 the banks had afterthoughts and refused to pay the aid but NUBE stood firm on the agreement. When a trade dispute ensued, the Director-General for Industrial Relations called for conciliation. While a third conciliation meeting was pending, the Minister met the bank to strike an inferior deal.

When NUBE lodged police reports against the Minister for abuse of power, the Minister rushed the matter to the Court. The Court glaringly acted in favour of the Minister, denied NUBE's application to subpoena the Minister and nullified the 2023 agreement. The Minister supported banks that refused to commence negotiation for the 20th collective agreement on the expiry of the 19th collective agreement by referring the matter to the Court while NUBE was urging negotiations.

In the Court, the banks are retracting from all progressive articles bargained in the 19th collective agreement. The Court bends over backwards to help the banks by denying NUBE's application for documents to prove its claim for the 20th collective agreement. The Government refuses to raise awareness about ILO Conventions among the courts, even when a court is under the Minister's direct purview.

I am confident this house can see the obvious breach of the Convention and the repugnant government-employer interference in trade union independence and the expansion of union funds to challenge unfair court and ministerial decisions.

Government representative – First and foremost, Malaysia would like to thank to all Members for taking the floor concerning the application of the Convention. Malaysia would like to stress to the Committee that article 3(5) of the ILO Constitution gives the Government power to accredit its national delegation to attend the 113th Session of the Conference. However, as the Committee is undoubtedly aware, the MTUC is currently embroiled in a serious internal dispute concerning legitimacy of its leadership and the administration of office bearers for the 2022–25 term. This dispute has directly affected the MTUC's capacity to represent workers, particularly in light of the Court of Appeal's decision for the Joint Special Committee to be established to carry out elections of new office bearers, which had yet to be done.

Following objections from other affiliate union members also, it could not be said that the Joint Special Committee represents the MTUC. This matter has been newly referred to the Credentials Committee for its consideration and as such it would be more appropriate for it to be addressed within that specific forum. In addition, the Government humbly requests from the Committee to encourage workers' unions in Malaysia to work together and end any animosity and personal agendas between them in order for the Government to carry out its powers as enshrined in article 3(5) of the ILO Constitution.

The Government cannot be said to be the barrier within the worker union members when the internal issues of the appointment of office bearers of the MTUC have yet to be settled since 2022, having further been acknowledged by the order of the court.

The Government, having power to nominate and accredit its national delegation to attend the Conference, would be highly pleased in issuing the required credentials to the eligible most representative workers' and employers' organizations.



It is high time that the different factions within the MTUC settle their differences and carry out fair elections to appoint new office bearers for the term 2025–27 to avoid such an occurrence happening again next year.

The Government would also like to put on record that currently in Malaysia we have 775 trade unions registered with 1,041,554 members. Yet, the only one that we hear from time and time again is NUBE.

Malaysia also wishes to emphasize that all concerns and measures raised by NUBE have been thoroughly examined and appropriate actions have been taken accordingly.

Malaysia acknowledges the importance of ensuring effective protection against anti-union discrimination and remains committed to upholding the principles enshrined in our Conventions, particularly Convention No. 98. At the same time Malaysia adopts a traditional framework that prioritizes conciliation as the primary means of resolving disputes including those involving anti-union discrimination. This approach reflects a deliberate policy choice grounded in the preservation of industrial harmony and the fostering of cooperative labour relations.

The current system allows complaints of anti-union discrimination to be brought before the Department of Industrial Relations Malaysia (DIRM), where the Director-General for Industrial Relations (DGIR) facilitates conciliation between the parties. This is not a procedural barrier but rather a mechanism designed to resolve disputes efficiently and amicably.

Importantly, statistical evidence shows the effectiveness of this model, resolving more than 85 per cent of industrial disputes. Even disputes involving allegations of unfair labour practices or discrimination are successfully resolved at the conciliation stage.

This high success rate highlights the system's ability to deliver timely and mutually agreeable solutions without resorting to protracted litigation. When conciliation fails, the DGIR may refer the matter to the Industrial Court. The process also includes judicial review safeguards ensuring that the DGIR's discretion is not exercised arbitrarily. These mechanisms, together, provide a balanced approach which facilitates early resolution.

Worker members – As we close this discussion, the Worker members reiterate their deep concerns regarding the continued non-compliance by the Government of Malaysia with the Convention. We are dismayed by the Government's refusal to deposit the credentials of the Workers' delegates, an action that undermines the principle of tripartism at the heart of this Organization. This is not merely a procedural issue. It is a direct challenge to the rights of workers to be represented by their own freely chosen organizations.

Despite this Committee's conclusions in 2022 and the clear guidance of the Committee of Experts, we have seen no meaningful progress on critical issues. Anti-union discrimination remains pervasive and inadequately addressed. Trade union recognition continues to face procedural delays and employer interference. Legal restrictions on both the scope of bargaining and the right to bargain persist in both the public and private sectors and foreign nationals are still denied the right to fully participate in trade union leadership. These are not abstract issues. They impact real workers every day, denying them dignity, a voice and protection at work.

We call on the Government to: take immediate and concrete action to remove all legal and administrative obstacles to trade union recognition; ensure prompt effective remedies for anti-union discrimination; repeal or amend, in full consultation with the social partners, restrictive provisions in the IRA and the TUA, in particular sections 8 and 13 of the IRA and



section 28.1A of the TUA; and, lastly, guarantee full and unrestricted collective bargaining rights for all workers including public sector employees and those in so-called essential services.

The Worker members strongly encourage the Government to engage in genuine dialogue with the social partners to bring its legislation and practice into full conformity with the Convention. The values of this Organization rest on the commitment of its Members to uphold the rights of workers to organize and bargain collectively. We urge the Government to approach the outstanding issues with the seriousness, diligence and urgency they clearly require and we call on the Government to accept a high-level tripartite mission.

Employer members – I would like to thank, as others have done, all of the speakers that have made their contributions today. They have informed all of our thinking and they will certainly help to produce some considered recommendations.

As mentioned in my opening remarks, Malaysia has made measurable progress over the last few years towards compliance with the Convention. However, despite the significant process, there are several continuing challenges that remain to be overcome before Malaysia can be considered to be in full conformity with the Convention.

Today's discussion has highlighted a number of areas where further improvements are needed and the Employer members make the following recommendations accordingly.

With respect to anti-union discrimination, the Employer members urge Malaysia to ensure that victims of anti-union discrimination have the right to lodge complaints directly before an impartial tribunal, that remedies such as reinstatement and compensation are available and sanctions are sufficiently dissuasive, and that data on how complaints are handled and resolved are made publicly available.

With respect to the trade union recognition procedure, the Employer members ask the Government to ensure that implementation of a decision of the DGIR to grant recognition to a union is not subject to unduly restrictive practices and, in particular, the Government should implement the new four-month recognition timeline in practice, including at the appeal stage, by removing any unnecessary procedural hurdles, and strengthen protection against acts of interference during the recognition process.

With respect to exclusive bargaining rights in minority unions, the Employer members call upon the Government of Malaysia to amend the provisions of the IRA relating to bargaining rights to ensure, if no union achieves exclusive bargaining status, for example, if a recognition ballot fails or turnout is too low, that all unions in the unit are allowed to negotiate jointly or separately at least for their own members in line with the conclusions of this Committee in 2022.

Lastly, with respect to the restrictions on trade union office for migrant workers, the Employer members ask the Government to remove the remaining restrictions on non-citizens, allowing them to be able to fully participate in union activities including running for and holding union office.

In conclusion, the Employer members commend the Government of Malaysia for the progress made in modernizing its industrial relations regime and enhancing compliance with the Convention while at the same time urging it to close the gaps I have just identified. The Employer members also support Malaysia in continuing to avail itself of ILO technical assistance.



We underline the importance of ongoing social dialogue and engagement with the ILO as Malaysia implements these recommendations. The National Labour Advisory Council should continue to be used as the forum to discuss any proposed legal or policy changes, thereby securing buy-in from both employers and workers.

Conclusions of the Committee

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

The Committee noted with concern that gaps remained in the protection against anti-union discrimination, lengthy recognition procedures and the need to promote the full development and utilization of collective bargaining.

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

- **remove all the remaining legal and practical obstacles to collective bargaining and to promote its development;**
- **ensure effective protection against acts of anti-union discrimination with dissuasive sanctions, and that victims of anti-union discrimination have the right to access justice and remedy;**
- **review recognition procedures for collective bargaining, with reasonable and adequate safeguards to prevent interference, simplifying and expediting the administrative and judicial processes; and**
- **enable collective bargaining machinery for public servants who are not engaged in the administration of the State.**

The Committee requested the Government to accept a technical advisory mission of the ILO before the next session of the Conference.

The Committee also requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.

Chairperson – I have the honour to give the floor to the distinguished Government representative of Malaysia.

Government representative – The Government extends its sincere appreciation to the Committee for its constructive engagement and the thoughtful observations regarding the application of the Convention, which Malaysia ratified in 1961. We take due note of the concerns raised by the Committee, which serve as valuable input for our ongoing efforts.

While we recognize the importance of strengthening the framework supporting freedom of association and collective bargaining, we wish to note that these observations will be kept in view within the broader context of Malaysia's ongoing labour law reform initiatives.

Malaysia also takes due note of the Committee's full recommendations and affirms that the implementation of these reforms will be carried out in accordance with national circumstances and legal process.

The Government takes note of the Committee's offer of a technical advisory mission and, in the spirit of constructive engagement, proposes instead to receive technical assistance from the ILO. This assistance may be effectively channelled through the existing Decent Work



Country Programme (DWCP), particularly via the Labour Law and Industrial Relations Reform (LLIR) Project, which provides an established platform for structured technical cooperation and engagement with social partners. The Government remains committed to aligning domestic practices with the Convention in collaboration with the ILO. Malaysia remains committed to aligning its labour policies with international standards where appropriate, and we appreciate the Committee's continued engagement and support in this regard.

Nepal (ratification: 1996)

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

Written information provided by the Government

The Government submits this detailed report to the Committee, outlining its continuing efforts to implement the Convention. The Government expresses appreciation to the Committee of Experts on the Application of Conventions and Recommendations for its ongoing observations and technical guidance, which have served as essential tools for strengthening the domestic implementation of international labour standards. Nepal remains fully committed to upholding the principles of the Convention and has undertaken significant legislative, institutional and practical steps to improve protections related to anti-union discrimination, prevent acts of interference, and promote free and fair collective bargaining mechanisms.

Article 1 – Protection against anti-union discrimination

With respect to Article 1 of the Convention, which relates to protection against anti-union discrimination, the Government reaffirms that this principle is firmly embedded in its national legal framework. Both the Labour Act, 2017, and the Trade Union Act, 1992, contain provisions designed to safeguard workers from being discriminated against on the basis of their trade union affiliation or activities. Nonetheless, gaps remain in the practical enforcement of these legal safeguards and further efforts are needed to ensure consistent and comprehensive protection for all workers. Accordingly, a revision of the Labour Act is under way with a view to bolstering these protections and addressing ambiguities or deficiencies in the current framework.

To advance this reform process, a tripartite task force was established, including representatives from the Government, employers and workers. This task force has been given the mandate to examine the existing legislative provisions and propose amendments that would better reflect the obligations under the Convention. Formal calls for submissions were made to the national representative organizations of workers (the Joint Trade Union Coordination Centre (JTUCC)), which encompasses all major trade union federations, including the General Federation of Nepalese Trade Unions (GEFONT), and employers (the Federation of Nepalese Chambers of Commerce and Industry (FNCCI)). In addition, a public notice was issued to invite recommendations from the broader community, including civil society organizations, trade union activists and independent stakeholders. The Ministry of Labour, Employment and Social Security has since received written submissions, which are now being thoroughly reviewed by the tripartite task force. These discussions are ongoing, with the task force having already conducted several rounds of focused dialogue to ensure that all voices are heard and reflected in the forthcoming amendments.



While legal reforms are being considered, the Government has simultaneously taken action to enhance enforcement of existing protections. In particular, the Department of Labour and Occupational Safety (DoLOS) has conducted regular targeted training and awareness programmes designed for labour inspectors, trade union officials and employers on an annual basis. These programmes have aimed to increase awareness of legal protections against anti-union discrimination and to foster a culture of compliance and mutual respect. In collaboration with social partners, joint awareness campaigns have also been carried out at the national and regional levels. These campaigns emphasize workers' rights under the law and underscore the Government's zero tolerance policy toward discriminatory practices that obstruct the exercise of freedom of association.

In practical terms, the Government has acted swiftly in recent cases involving allegations of anti-union discrimination. Two examples involved the unauthorized transfer of elected trade union officials, one in a prominent commercial bank and another at a medical college. In both cases, the trade union leaders were transferred without their consent, raising serious concerns under section 23A of the Trade Union Act, 1992, which clearly states that enterprise-level trade union office-bearers cannot be transferred or promoted without their consent except in special circumstances. Upon investigation, the DoLOS found both transfers to be unlawful and promptly intervened. The Department issued official directives ordering the reversal of these actions and affirming the legal protections afforded to union leaders. These interventions not only rectified the individual violations but also sent a broader message regarding the Government's commitment to enforcing anti-discrimination protections in practice.

Article 2 – Protection against acts of interference

Regarding Article 2 of the Convention, which addresses the need to protect workers' and employers' organizations from interference, the Government has made significant institutional improvements. Chief among these is the enhancement of the integrated labour management information system (ILMIS), which has been upgraded with technical assistance from the ILO and in consultation with national stakeholders. The ILMIS now includes a fully functional electronic case management component accessible online. Through this system, workers and stakeholders can submit complaints electronically, including those related to interference by employers or other parties in trade union activities. Importantly, the system allows anonymous submissions, thereby increasing accessibility and protecting workers from retaliation. The data submitted through the system are securely stored and systematically tracked, allowing for more efficient follow-up, analysis and resolution by the relevant authorities.

In addition to improving complaint mechanisms, the Government has institutionalized capacity-building programmes focused on the prevention of interference in trade union activities. These training sessions, financed through the Government's annual budget, have become a regular feature of the work plans of the DoLOS, and labour and employment offices across the country. Labour inspectors are trained to identify and address both overt and subtle forms of interference in the exercise of trade union rights. These efforts contribute to a more effective monitoring system and increase compliance with the relevant provisions of national and international labour standards.

Article 4 – Promotion of collective bargaining

Turning to Article 4, which calls for the promotion of voluntary collective bargaining, the Government of Nepal confirms its full support for this principle and has taken a range of steps to institutionalize and promote effective bargaining practices. The Labour Act and the Trade Union Act both provide the legal basis for collective bargaining, and the Government has



implemented administrative mechanisms to facilitate fair elections to identify the most representative trade union at the enterprise level. In the current fiscal year (2024/25), which began in July 2024, a total of 31 trade unions have been certified as authorized bargaining agents in their enterprises following enterprise-level elections or where a single union is present in the establishment. During this same period, 53 collective agreements have been officially registered with the labour and employment offices.

These figures reflect continued progress in institutionalizing collective bargaining practices across the country. As of the end of the previous fiscal year, a cumulative total of 1,018 enterprise-level collective agreements had been registered. Previously, data on these agreements were collected manually, leading to incomplete records in cases where agreements were not physically submitted. To address this issue, the Government is currently upgrading the ILMIS system to allow for digital registration and systematic tracking of collective bargaining agreements. This upgrade will support the generation of accurate, disaggregated data on collective bargaining and enable better monitoring and evaluation of trends and outcomes in this area.

Although enterprise-level collective bargaining has become more common, sectoral or group-level bargaining remains underutilized. Section 123 of the Labour Act, 2017, permits such bargaining where enterprises operate within the same sector or produce similar goods or services. Despite this provision, no sectoral agreements have been registered to date. The Government acknowledges the need to better operationalize this provision and is actively considering revisions to section 123 as part of the Labour Act reform process. The aim is to create a more enabling environment for sectoral bargaining by clarifying procedures, roles and responsibilities. Consultations with the JTUCC, FNCCI and other social partners are ongoing in this regard, and the Government remains committed to aligning its legal provisions with the requirements of the Convention.

The Government is also reviewing its approach to dispute resolution and compulsory arbitration. Concerns have been raised about the scope of compulsory arbitration and its potential to limit the voluntary nature of collective bargaining. These concerns are being taken seriously, and the Government is currently reviewing the relevant provisions in close dialogue with social partners. Proposals have been submitted to limit the use of compulsory arbitration and to ensure that it is only used as a last resort in clearly defined circumstances. At the same time, the Government is developing a new arbitration procedure that emphasizes impartiality, transparency and adherence to international fair trial standards. This initiative has been included in the Government's annual budget and programme for the upcoming fiscal year beginning in July 2025.

The new procedure will establish independent and transparent mechanisms for the appointment of arbitrators and the conduct of arbitration proceedings. It will help to ensure that both workers and employers can have confidence in the neutrality and fairness of the arbitration process. The Government has expressed its strong interest in continuing to receive technical assistance from the ILO in this area, particularly in designing institutional frameworks, training arbitrators and building public awareness.

Conclusion

In conclusion, the Government reaffirms its full commitment to the principles enshrined in the Convention. Considerable progress has been made in strengthening the legal framework, institutional capacity, enforcement mechanisms and data systems necessary to protect freedom of association and the right to collective bargaining. Ongoing legislative



reforms, improved complaint and monitoring systems, targeted training and strong collaboration with social partners reflect a comprehensive and sustained approach. The Government will continue to promote constructive social dialogue, support the empowerment of trade unions, and ensure that both employers and workers can exercise their rights in a fair and equitable environment. Future reports will provide updated information, and the Government looks forward to maintaining its cooperative engagement with the ILO and its supervisory bodies.

Discussion by the Committee

Chairperson – I have the honour of inviting the Honourable representative of the Government of Nepal, Deputy Secretary of the Ministry of Labour, Employment and social security, to take the floor.

Government representative – We take note of the comments made by the Committee of Experts. In a constructive spirit, we have provided the feedback on the status of collective bargaining in Nepal.

Nepal is firm in its commitments to effectively protect, promote and ensure the right to organize and collective bargaining in the workplace. Collective bargaining is an established practice and culture in the Nepalese labour market. We ratified the Convention in 1996 and since then we have put in place institutions and mechanisms for the effective implementation of the Convention in the true spirit of tripartite cooperation and social dialogue.

Nepal is party to 11 ILO Conventions, including seven fundamental ones. The effective implementation of these instruments through domestic legal instruments and monitoring mechanisms is our core priority. We are also in the process of completing the internal procedures for the ratification of an additional nine ILO Conventions including the fundamental Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

In line with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144), tripartite culture remains at the heart of our labour governance. Our Government, workers and employers come together for constructive engagement, democratic discussions and joint decision-making.

Article 34 of the Constitution of Nepal guarantees the right to labour as a fundamental right. In its sub-article 3, the Constitution guarantees the right to form and join trade unions and to engage in collective bargaining for every labourer. The Constitution has embraced the principles and objectives of the Convention.

There are constitutional guarantees, comprehensive legal instruments, and a robust and well-established culture to uphold the right to organize and to bargain collectively in the Nepalese labour market. We have seen a smooth and effective implementation of the Convention in the labour market. A few stand-alone cases may arise. However, collective bargaining is well ensured in the general labour practice in Nepal.

In view of this, and despite the information presented to the Committee earlier, we are concerned to be included in the final list of individual cases, provided by the social partners. Nevertheless, we take note of the Committee of Experts' comments on the implementation of the Convention and are happy to share our status and progress with the Committee. We take this as an opportunity to showcase to the Committee our excellent tripartite culture with comprehensive collective bargaining engrained in the labour market.



In line with Article 1 of the Convention, the Government is making steadfast efforts to ensure adequate protection against anti-union discrimination. Any form of discrimination is prohibited by the Constitution of Nepal, which also applies to trade unions. The Labour Act, 2017, prohibits discrimination against workers. The Trade Union Act, 1992, is equally applicable to all trade unions, without any discrimination. Workers' and trade unions' rights are ensured in the core legal instruments and they are properly implemented. The principles of equality and non-discrimination among workers and trade unions are well enshrined in the prevailing labour laws, as well as in practice, and it has become a culture in our labour market.

The Government acknowledges the request of the Committee of Experts for an explicit provision that prohibits all forms and acts of discrimination against trade unions and for sufficiently and effectively dissuasive sanction provisions if violated. In the same vein, a tripartite task force was formed, including representatives from Government, workers and employers. This task force has been mandated to assess the current legislative provisions and propose amendments in order to better reflect the obligations under the Convention, in letter and spirit, in the prevailing labour laws in Nepal.

Formal calls for submissions were made to the national representative organization of workers, the JTUCC, which encompasses all major trade union federations, including GEFONT, and employers (the Federation of Nepalese Chambers of Commerce and Industry (FNCCI)). In addition, a public notice was issued inviting the recommendations from wider public communities, including civil society organizations, trade union activists and independent stakeholders. The received submissions are now being thoroughly reviewed by the tripartite task force and discussions are ongoing. The task force has already conducted several rounds of focused dialogue to ensure that all voices are well reflected in the forthcoming amendment.

The Government, through clear legal provisions, is committed to ending discrimination in all its forms and manifestations, be it in membership, participation, transfer or training.

Nepal also understands that anti-union discrimination does not require a mere one-time legal reform, but rather continuous and progressive implementation. The Government has in parallel taken effective action to ensure enforcement of existing protection mechanisms. In particular, the DoLOS is conducting targeted training and awareness programmes on an annual basis, especially designed for labour inspectors, trade union officials and employers. These programmes have been successful in raising awareness of legal protections against anti-union discrimination and in fostering a widespread culture of legal compliance and mutual respect. In collaboration with the social partners, joint awareness campaigns are being carried out at the national and regional levels. These campaigns promote workers' legal rights and underscore the Government's zero tolerance policy toward all sorts of discriminatory practices which obstruct the equal, unhindered, free and full exercise of freedom of association.

Furthermore, the Government has taken swift action in a few recent stand-alone cases involving allegations of anti-union discrimination. Two cases were received involving the unauthorized transfer of elected trade union officials – one in a commercial bank and another at a medical college. In both cases, the trade union leaders were transferred without their consent, raising serious concerns under section 23(a) of the Trade Union Act, 1992, which clearly states that enterprise-level trade union office-holders cannot be transferred or promoted without their consent except in special circumstances. Upon investigation by the DoLOS, both transfers were found to be unlawful and were promptly intervened in. The Department issued official directives ordering the reversal of these actions and affirming the legal protections accorded to the union leaders. These interventions by the Government not only rectified the individual stand-alone cases of violations but also sent a broader message to



the wider labour community regarding the Government's firm commitment to effectively enforcing anti-discrimination protections in practice.

In order to ensure the effective implementation of Article 2 of the Convention, the Government has made a number of significant efforts, including awareness campaigns. To ease workers' access to the Government for any complaints, including on acts of interference, we have put in place a digital tool with an electronic case management mechanism. The ILMIS has provided all workers, labour suppliers, trade unions, and enterprises with an easy platform to lodge their grievances and complaints on all matters, including acts interference and occupational accidents. The platform was upgraded in consultation with the stakeholders and with ILO technical assistance.

In order to maintain the privacy of the complainant, protect their confidentiality and protect them from the fear of reprisals or intimidation, the digital platform also provides space for anonymous submissions. With secure and efficient data storage as well as a tracking system, the management, follow-up, data analysis and future policy feedback has been facilitated by the new ILMIS platform.

In addition, targeted and institutionalized capacity-building programmes are launched with special emphasis on preventing acts of interference in trade union activities. The training sessions, workshops and awareness campaigns are part of the Government's regular work. Labour inspectors are trained to identify and address both overt and subtle forms of interference in the exercise of trade union rights. The Government is making efforts to further simplify the process through the digital platform for complaint registration, with easy, wider and smooth access for all concerned.

Regarding Article 4 of the Convention, the right to collective bargaining is enshrined in the Constitution of Nepal as a fundamental right. The Labour Act, the Trade Union Act and other related legal bodies further strengthen the right. The Government has implemented administrative mechanisms to facilitate fair elections to identify the most representative trade union at the enterprise level.

In the current fiscal year (2024/25), a total of 31 trade unions have been certified as authorized bargaining agents in their enterprises through the elections at enterprise level. During the same period, 53 collective agreements were officially registered with the Labour and Employment Offices.

These figures reflect the continued progress in institutionalizing collective bargaining practices across the country. As of the end of the previous fiscal year, a total of 1,018 enterprise-level collective agreements had been registered. Earlier, data on these agreements were collected manually, leading to incomplete records in cases where agreements were not physically submitted. To address this issue, the Government is currently upgrading the ILMIS system to allow digital registration and systematic tracking of collective bargaining agreements. This upgrade will support the generation of accurate and disaggregated data on collective bargaining, and enable better monitoring and evaluation of trends and outcomes in this area.

Although enterprise-level collective bargaining has become more common, sectoral or group-level bargaining remains underutilized. Section 123 of the Labour Act, 2017, permits such bargaining where enterprises operate within the same sector or produce similar goods or services. Despite this provision, no sectoral agreements have been registered to date. Thus, it is not the case that the Government has not provided any information concerning the number of the sectoral collective agreements, as stated in the comments of the Committee of



Experts. The Government is willing and ready to share the information, but the number remains zero to date. The Government also acknowledges the need to better operationalize this provision and is actively considering revision of section 123 as part of the Labour Act reform process. The aim is to create a more enabling environment for sectoral bargaining by clarifying procedures, roles and responsibilities. Consultations with the JTUCC, FNCCI and other social partners are ongoing in this regard, and the Government remains committed to aligning its legal provisions with the requirements of the Convention through the forthcoming legal amendment.

To conclude, our efforts and actions are in line with the implementation of the Convention. It is a matter of priority for us. We are committed to further strengthening these provisions.

Worker members – The Worker members remain concerned about Nepal's failure to fully implement the Convention, particularly Articles 1 and 2 which guarantee protection against anti-union discrimination and acts of interference. Despite years of repeated recommendations from the Committee of Experts, Nepal's legal framework still lacks clear and specific prohibitions against anti-union discrimination. The relevant provisions in the Labour Act, 2017, sections 8 and 163, are overly general and insufficient. Even the Government has acknowledged this gap.

In sectors like hospitality, this legal gap enables abuse. Workers are kept in bogus traineeships and internships or are hired through successive short-term contracts denying them stable employment and the fundamental right to organize. As the ILO's supervisory bodies have repeatedly emphasized, job insecurity undermines and deters trade union activity. These abusive practices disguise real employment and block access to representation and collective bargaining. Worse, trade unionists defending workers in the hospitality service face reprisal.

At one renowned Katmandu Hotel, a union leader was dismissed after supporting 11 workers falsely engaged as trainees who had challenged seven years of exploitation in the court. Alarming, the Supreme Court of Nepal handed down a ruling in February 2025 which excludes the entire banking and financial sector from the provisions of the Labour Act. This decision effectively strips thousands of workers from their fundamental labour rights including the right to organize and bargain collectively. It represents a serious setback for workers' rights in Nepal and must be urgently addressed.

We are further concerned by the Government's report that no complaints of anti-union discrimination or interference were registered during the reporting period. This absence may not reflect compliance but rather fear of reprisal and lack of accessible and effective complaint mechanisms.

Without robust legal safeguards, workers remain vulnerable to intimidation and retaliation. That said, we acknowledge recent efforts made by the Government. A tripartite task force comprising Government, employer and worker representatives is currently reviewing the Labour Act to address existing gaps and align national law with the Convention. We also note the Government's steps to strengthen enforcement through regular training for labour inspectors, union officials and employers, as well as public awareness campaigns.

The Government also conducts national and regional awareness campaigns in partnership with social partners, highlighting workers' rights and making known the Government's firm zero tolerance stance on discrimination.

Further, we note the upgrade of ILMIS, developed with ILO support. The system now allows for online and anonymous complaint submission, increasing accessibility and protecting



workers from retaliation. Regular capacity-building programmes for labour inspectors have also been institutionalized, helping to detect interference in trade union activities.

We encourage the Government to pursue these efforts and to urgently adopt legislative reforms that explicitly prohibit anti-union discrimination, covering all stages of employment and interference, and protect all workers including in the hospitality, banking and financial sectors. These reforms must be developed in full consultation with the social partners and must be backed by swift enforcement, effective remedies and dissuasive sanctions.

Workers and their organizations in Nepal face further significant hurdles in engaging in collective bargaining. Since the COVID-19 pandemic, elections of trade unions authorized to bargain collectively were suspended. The Committee of Experts has called for the Government to proceed without delay with elections of trade unions authorized to bargain effectively and has reiterated its request that negotiation with non-union actors should only occur where no trade union exists.

We take note of the written information submitted by the Government according to which in the year 2024/25, 31 unions were certified as bargaining agents and 53 collective agreements were registered. Cumulatively over 1,000 enterprise-level agreements have been registered to date. While these figures are encouraging, the full realization of the Convention still requires the development of effective voluntary collective bargaining mechanisms at all levels.

Section 123 of the Labour Act, which provides for a special regulatory regime for collective bargaining in specific sectors, can unduly restrict enterprise-level bargaining where sectoral agreements exist. Section 123 should be amended in order to ensure its compatibility with the principles of collective bargaining, which must be promoted at all levels.

Workers and their organizations must retain the ability to negotiate at the enterprise level for better conditions even when sectoral frameworks are in place. Further to this legal barrier, we note that according to the written information submitted by the Government, no sectoral agreements have yet been concluded, reflecting the underutilization of sectoral or multi-employer bargaining structures. These agreements are vital to achieving fair labour standards across entire industries, especially where enterprise-level bargaining is weak or fragmented.

Sectoral bargaining plays a crucial role in setting minimum conditions, reducing inequalities and ensuring broad worker coverage.

Finally, the Workers' group remains concerned about the broad scope of compulsory arbitration permitted under the Labour Act. The Committee of Experts has emphasized that compulsory arbitration should be strictly limited to essential cases consistent with the Convention, specifically in the public service involving state administration, during acute national crises or in essential services in the strict sense. Regarding the latter, we note with concern that the list of essential services under the Essential Services Act is defined in a very broad manner. We urge the Government to review this list in consultation with the social partners so as to align it with the provisions of the Convention.

We note the Government's ongoing review of these legal provisions in consultation with the social partners. Proposals have been submitted to restrict compulsory arbitration to clearly defined exceptional cases and to ensure it is only used as a last resort.

Simultaneously, a new arbitration procedure is being developed to guarantee impartiality, transparency and compliance with international fair trial standards. This initiative is included in the Government's budget and programme for the fiscal year starting July 2025.



We acknowledge the establishment of the tripartite task force to revise the Labour Act as an important step forward.

However, we expect the Government of Nepal to act promptly and decisively to fully align its legislation with the Convention. This includes enacting clear provisions against anti-union discrimination, introducing effective sanctions, ensuring accessible complaint mechanisms and sustaining awareness efforts.

We also address the need for continued steps in strengthening collective bargaining, particularly through union elections, prioritizing negotiations with representative trade unions and reviewing section 123 to support free and voluntary bargaining at all levels.

We look forward to tangible results from these commitments for stronger collective bargaining in Nepal.

Employer members – We would like to thank the Government of the Republic of Nepal for the oral and written information provided concerning the implementation, in law and in practice, of the Convention. As is customary, we would like to provide background information, for a better understanding of the case. This is the first time that the Committee is discussing this case. Nepal ratified the Convention in 1996, and the Committee of Experts has issued comments in this regard seven times since 2006.

Before analysing the comments of the Committee of Experts, the Employers' group would like to highlight the importance of the Convention as one of the ten fundamental Conventions. In its content, the Convention requires that States adopt effective measures, in law and in practice, aimed at protecting freedom of association. For the Employers' group, compliance with this Convention is extremely important, not only because it is a fundamental Convention, but also because we are convinced of the importance of promoting effective action to ensure the right to organize, and prohibit trade union discrimination and acts of interference, while promoting collective bargaining. By reflecting universal consensus and strong tripartite commitment, the Convention reminds us of the absolute importance of guaranteeing the right to organize held by both workers and employers. For the Employers' group, it is therefore critical that all Member States comply fully with their obligations under this Convention.

Before analysing in detail the comments issued by the Committee of Experts on the status of compliance with the various Articles of the Convention, let me begin by acknowledging the sustained commitment of the Government of Nepal to the principles enshrined in this fundamental Convention, ratified in 1996. Despite the structural, institutional and social challenges the country is experiencing, we note with hope that Nepal has shown political will to advance towards full compliance with its international obligations regarding freedom of association and collective bargaining. Nevertheless, certain gaps remain, both in law and in practice.

That said, it is important to bear in mind that we have come together in this case to discuss the effective implementation of appropriate measures that meet the requirements contained specifically in Articles 1, 2 and 4 of the Convention. I will therefore divide my intervention into four sections, analysing in a differential manner the international commitments deriving from each of these requirements.

First, with regard to protection against discrimination, the Government has recognized that, while there are general provisions in the 2015 Political Constitution, the 2017 Labour Act and the 1992 Trade Union Act that seek to ensure the right to equality, there is not yet an explicit prohibition in legislation against acts of trade union discrimination, coupled with dissuasive penalties.



The Employers' group commends the establishment of a tripartite working group to review national legislation, with the participation of the representative social partners. Consequently, we take this opportunity to urge the Government to continue providing information to this Committee on progress regarding the inclusion in national legislation of an explicit prohibition of discrimination against workers on grounds of their trade union membership or participation in trade union activities. We request the Government to hold consultations with the most representative social partners when considering any changes to regulations.

As for the practice of the Convention relating to the prohibition of acts of union discrimination, we welcome the Government's recognition of significant gaps in terms of the actual effectiveness of mechanisms to prevent acts of union discrimination. The Employers' group nevertheless wishes to highlight the Government's efforts to take action that is both general and specific. In general, the national labour authority has developed training programmes to improve the capacities of the labour inspectorate. More particularly, the Government indicates that it has taken specific measures in the banking and health sectors, in the form of investigations related to acts of trade union discrimination. This shows that, although legal vacuums remain, there is institutional will to enforce the law and protect trade union rights in practice.

To conclude the analysis of Article 1, we consider that, with ILO technical assistance, the Government should advance with strengthening the information systems relating to the number of cases of anti-union discrimination dealt with by the competent authorities.

Second, with regard to protection against acts of interference, the Government has taken important steps to strengthen institutional mechanisms. Initially, because the 2017 Labour Act explicitly and specifically prohibits acts of trade union interference, and secondly, through the modernization of ILMIS, which allows for complaints to be submitted electronically and anonymously, thereby improving accessibility and protection against reprisals. In addition, we understand that training programmes for inspectors and public officials have been institutionalized to identify and prevent various forms of interference in trade union activity. To conclude the consideration of this point, the Employers' group invites the Government to continue providing information on the number of complaints filed, highlighting the penalties imposed for acts of interference in trade union organizations.

Third, with regard to the promotion of collective bargaining (Article 4 of the Convention), according to the oral and written information, progress has been made in promoting collective bargaining, owing to administrative efforts to facilitate the holding of fair elections to determine the most representative union competent to bargain collectively. Accreditation has been granted to 31 unions. In addition, it is important to highlight the implementation of ILMIS, which enables digital registration and systematic monitoring of collective bargaining agreements, thereby facilitating traceability and data generation.

We call on the Government to, with the representative social partners, continue to adopt the necessary measures to ensure the uninterrupted holding of elections to determine the most representative and competent unions to bargain collectively at the enterprise level, and to continue to provide information on the mechanisms implemented.

With regard to collective bargaining at different levels, we note the information provided by the Government on the absence of registered sectoral agreements. The Government has expressed its intention to revise section 123 of the Labour Act to clarify the applicable procedures.



In this respect, the Employers' group wishes to highlight that the Convention does not require the promotion of a specific level of collective bargaining, but only that measures appropriate to national conditions are taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers.

In this connection, we urge the Government, in accordance with the principle of free and voluntary collective bargaining established in Article 4, to establish in its regulations clear procedures for such collective bargaining, so that the determination of the level depends essentially on the will of the parties and is not imposed under legislation or administrative decisions; all the while preserving the necessary flexibility to adapt agreements to the specific realities of each sector and enterprise.

Fourth and lastly, with regard to compulsory arbitration and the composition of arbitration bodies, the Government is currently revising the regulatory framework on compulsory arbitration to increase the transparency of the system and guarantee the independence of its arbitration bodies.

It is important to emphasize that the right to negotiate, enshrined in the Convention, protects the autonomy of employers and workers in regulating their working conditions. Article 4, in particular, establishes that measures must be taken to encourage voluntary negotiation. In the same vein, the Collective Bargaining Recommendation, 1981 (No. 163) recognizes that the procedures for conflict resolution can include arbitration awards, as long as these are consistent with national practice and respect the principles.

It is in this way that compulsory arbitration is recognized as a legitimate mechanism to guarantee economic and social stability, ensuring the continuity of strategic sectors and the protection of employment. The Committee of Experts has indicated that this mechanism can be applied in exceptional circumstances.

We understand that the Government is currently developing a specific arbitration procedure to strengthen the transparency of the system and ensure the full independence of its arbitration bodies, and we thank the Government for the information provided on this subject.

Worker member, Nepal – The trade union movement in Nepal expresses its sincere concern regarding the application of the Convention in our country.

Let me begin by providing some context. Nepal ratified the Convention in 1996 but our country has not ratified Convention No. 87.

We, the trade union movement in Nepal, supported the amendment of the Labour Act and promulgation of the Act on Social Security in 2017, in the hope of creating an environment that could balance labour flexibility and job creation with strong protection of labour rights and universal social protection. However, there are significant legal gaps in the law and barriers in practice to our full exercise of trade union rights.

Today, trade union density in Nepal is about 6 per cent, with nearly 85 per cent of the workforce engaged in the informal economy. Collective bargaining agreements cover only around 10 per cent of formal sector workers. The limited coverage has resulted in wage stagnation and over-reliance on minimum wage adjustments to improve workers' livelihood. Moreover, only about 71 per cent of enterprises comply with minimum wage provisions.

Despite legal provisions, several challenges impede the effective exercise of collective bargaining rights:



- Enforcement of arbitration decisions is rare. Labour offices are understaffed with only 11 offices and 18 inspectors nationwide. Workplace inspection is inadequate and ineffective.
- There is no legal remedy to anti-union practices, intermediation and retaliation against union leaders and members that undermine the bargaining power of workers.
- The election of an authorized union for collective bargaining has been suspended due to bureaucratic delays, lack of personnel, employer obstruction and delaying tactics.

Some processes have been prolonged for over two years, which exposes trade union organizers and members to retaliation.

Second, under the Essential Services Act, the State is vested with the power to designate any sector “essential” through notification in the *Nepal Gazette*. An industrial dispute in the essential services and in the special economic zones is forwarded for compulsory arbitration. There is no alternative dispute resolution or bargaining mechanism. The Government has ignored the recommendation of the Committee on Freedom of Association since 2016 to repeal this restriction. We are not allowed to strike in 25 essential services such as water supply, electricity, telecommunication, transport, health services and banking. This has been misused to suppress trade union rights rather than to safeguard public welfare.

Third, our ability to organize, represent and bargain collectively for workers and our members has been eroded by the casualization of labour. Without any regulation, outsourcing, internships, trainee programmes and platform work has grown at fast speed.

The scope of the Labour Act is limited and unable to cope with these challenges in the labour market. Workers in the informal economy and the special economic zones are also not covered by the Labour Act.

Moreover, there is a sharp decline in regular employment and a rise in outsourcing. These workers are often contractually prohibited from joining unions. They are excluded from collective agreements and user-company benefits. Interns, trainees and temporary workers are being used to replace regular employment on a large scale. Some trainees are not even paid for their work. Outsourced and temporary workers in the garment, construction, information technology business process outsourcing, transport, and health sectors are denied job security, benefits, and the right to organize. This constitutes a gross violation of the Convention.

This year, the Supreme Court of Nepal ruled that the Labour Act does not apply to the banking sector. This decision endangers the rights of thousands of workers in a sector that is highly structured, profitable and influential in Nepal’s economy – leaving them vulnerable to arbitrary dismissal, union-busting and exploitation. The Supreme Court’s ruling threatens decades of progress on labour rights and sets a dangerous precedent on mass exclusion. The Government has obligations to ensure that the application and interpretation of domestic laws are in line with the Convention.

Nepal has made important commitments to international labour standards. However, these commitments are being undermined by unregulated labour flexibilization, contradictory laws and judicial interpretations, as well as absence of oversight.

Indeed, job creation and the promotion of investment are key to improving the livelihood of workers in Nepal and retaining talent. Every year, thousands of young Nepalese are seeking employment abroad usually in precarious sectors. However, job creation must not be an excuse for exploitation.



The trade union movement in Nepal stands committed to working with the Government and social partners for holistic labour law reform. We believe the discussion in this Committee will provide the ground and framework for social partners to bring our laws and practices into line with international standards.

Worker member, Republic of Korea – I would like to draw the Committee’s urgent attention to a recent Supreme Court ruling that gravely undermined the rights that Nepalese workers should enjoy under the Convention. On 14 February 2025, the Supreme Court delivered a devastating decision on labour law applicability to the workers in the banking sector. A group of employees of the Swabalamban Bank simply sought their rightful employment protection and benefits under the Labour Act of 2017. Earlier, both the Labour Court and the Labour and Employment Office had ruled in favour of the employees, directing the bank to comply with the labour law provisions. However, the bank appealed, arguing that as a regulated financial institution under the Banks and Financial Institutions Act of 2017, it should not be subject to general labour legislation.

Nepal’s highest court, in a full bench decision led by the Chief Justice, completely reversed these rulings. The court ruled that the Labour Act does not apply to banks and the financial institutions as a whole. Even though the Labour Act defines the worker and the establishment broadly, the court found that bank employees are not workers and that banks are not establishments under this law. This decision was grounded in the fundamental legal principle that special law overrides general law, establishing that the Banks and Financial Institutions Act constitutes a comprehensive specialized regulatory framework that supersedes general Labour Act provisions.

This redefinition of the regulatory landscape for bank and financial institutions raises significant questions regarding the protection of fundamental labour rights, particularly collective bargaining and anti-union discrimination, as guaranteed by the Convention. Now, the entire workforce in the banking sector loses protections available to other workers including workers’ access to independent labour courts; protection against unfair dismissal; the right to union representation and collective bargaining; and legal mechanisms to ensure fair treatment and job security.

Furthermore, this legal approach could set a dangerous precedent for other sectors governed by the specialized legislation, potentially leading to a fragmentation of labour law application across various industries in Nepal.

This is a serious regression from Nepal’s commitment to protect workers’ rights under international law.

According to the Committee of Experts’ authoritative interpretation, the Convention covers all workers and employers in both private and public sectors regardless of whether the service is essential. The only authorized exceptions are the armed forces, police and public servants engaged in state administration. Banking employees fall into none of these categories.

A general exclusion for an entire category of workers in the financial sector from labour protections and collective bargaining is not compatible with the Convention, according to the Committee of Experts’ interpretation.

The Government must make sure that the unique regulatory environment of banks and financial institutions does not diminish fundamental labour rights that are protected by the Convention. It must ensure the universal application of the Labour Act, the general legal framework in labour relations, to all workers across sectors.



Worker member, India – I speak on behalf of Indian workers to express the concerns we share with our brothers and sisters in Nepal regarding the inability of workers in Nepal to enjoy the rights protected under the Convention. We are alarmed by the rapidly growing trend of informalization of regular employment in Nepal. Outsourcing, internship and daily labour have proliferated across sectors without any effective regulations. In some cases, 100 per cent of the employees are hired via labour outsourcing companies. These workers are not covered by the collective bargaining agreement of the user company and receive discriminatory treatment.

In a pharmaceutical company that hires 205 employees in Kathmandu, only 60 of them are provided with legal entitlements in full. The employer transferred the rest of the employees to an outsourcing company when they started demanding negotiation for equal treatment. Fifty-nine trade union activists were subsequently fired. Moreover, the outsourcing company explicitly prohibits workers from making demands that are higher than the terms already provided in the employment contract.

India and Nepal share an open border and a deep historical relationship rooted in cultural, economic, spiritual and social ties. The 1950 Treaty of Peace and Friendship between India and Nepal permits free movement of people. However, the Treaty and the open-border arrangement, while beneficial in many ways, have increasingly become a source of concern due to the absence of formal employment arrangements between the two countries. The arrangement is often misused by employers to bypass formal labour regulations – including the obligations to engage in collective bargaining provided by Nepalese laws.

The Indian workers working across the border in Nepal are often placed to work under sub-standard conditions. Despite their significant contribution to the Nepalese economy, they often work longer hours yet are paid lower wages than their regional counterparts.

Most Indian outsourced workers in Nepal are unable to join or form unions due to fear of job loss, deportation and retaliatory measures. The informal nature of their employment further excludes them from the same right to free association and collective bargaining under Nepal's laws. The right to collective bargaining has no meaning if it is applied only to some and not all.

We stand in solidarity with the speech of our Nepalese brother and urge the Government to ensure that same right to free association and collective bargaining is applied to all workers, regardless of their nationality and employment status. At the same time, we respectfully urge the Government to establish a formal employment mechanism, particularly for Indian migrant workers and outsourced workers, including work permits, hygienic working conditions and ethical employment contracts.

Worker member, Japan – I speak on behalf of workers in Japan joined by French workers. I will address the systematic deprivation of Nepalese workers' rights protected under the Convention, by means of the abusive use of internships and training programmes.

In Nepal, internships and training programmes have become a shadow economy of cheap and often unpaid labour. This is not training; this is not capacity-building; this is economic exploitation.

Across sectors – healthcare, hospitality, media, law, development and even government institutions – interns are required to work full-time hours and take on responsibilities equivalent to regular employees. In some cases, they even work without pay. These young people are not protected by the Labour Act in practice. They are silenced by fear: the fear that if they speak up, their careers will be over before they begin. Many are forced to pay for the



privilege of being exploited, paying for food, transportation and even training fees, while contributing their skills and time to institutions that do not recognize them as workers.

Some examples identified by the trade unions in Nepal include a renowned five-star hotel in Kathmandu, where 11 workers have been engaged as trainees continuously for over seven years on a renewed contract every six months. They are bachelor students under hotel management programmes and vocational training institutes. Despite their long-term service and regular work duties, they have been denied permanent employment status. Although the Labour Court has ruled in favour of six of the trainee workers, the employer appealed to the Supreme Court and at the same time the management dismissed one of the trade unionists involved in organizing the trainee workers in retaliation.

The Labour Act of Nepal includes a provision for permanent recruitment after 240 days of continuous work. Sections 16 to 18 of the Labour Act limit the use and terms of internships to be strictly based on the educational curriculum of no longer than three months, otherwise the interns should be regularized. Sections 17 and 18 further stipulate the access of interns and trainees to the minimum wage and benefits provisions. Yet, according to a study by GEFONT, abuse of trainee workers rose by 20 per cent compared to 2023. The law requirements for interns and trainees were not followed by 88 per cent of enterprises. I speak with a particular sense of urgency on this matter because it is a blatant violation of the Convention. The use of traineeships and internships is a measure to replace regular works, reduce labour costs and suppress unionization efforts. It fosters an environment of insecurity, wage theft and labour exploitation.

As a trade unionist from the teaching profession, I feel strongly about this matter because this is unethical. The widespread and abusive use of internships and trainees must be put under effective regulation with a guarantee of the fundamental right to freely associate and bargain collectively with the user company.

Worker member, Singapore – I stand before you to address a grave injustice that threatens the very foundations of workers' rights and freedoms, a situation that demands our immediate attention and action to safeguard the dignity and rights of workers under the Convention.

In Nepal, the right to collective bargaining exists on paper but is denied in practice. Only 6 per cent of Nepal's total workforce is unionized, while up to 85 per cent of the working population is employed in the informal economy. Collective bargaining agreements cover only 10 per cent of the workers in the formal economy.

The Labour Act mandates that enterprises with ten or more workers must establish a collective bargaining committee aiming to foster fair and effective negotiation between workers and employers. This provision has, however, effectively excluded the right of workers in the informal sector – 85 per cent of the working population – to bargain collectively for their occupational interests.

The Labour Act further provides for the procedures of collective bargaining and dispute settlement, yet the Government has fallen short of the measures under the Convention.

Workers in Nepal are being systematically denied their right to collective bargaining. Employers are obstructing the right through delay, rejection and outright defiance. Prohibition clauses against trade union membership are commonly found in employment contracts via the subcontractors and outsourcing companies.



In a country where jobs are scarce and critical to workers' livelihood, such clauses represent an unfair coercion that should not be tolerated. Workers should never have to choose between their livelihoods and the right to organize. Even when collective bargaining agreements are signed, employers routinely fail to implement them with impunity.

As part of the standard legal procedure, the trade union at a five-star hotel submitted its charter of demands to the hotel management in July 2023. The management failed to respond within the legally mandated period. In accordance with the Labour Act, the union filed a case at the Labour Office after 21 days of inaction. The case was elevated to an arbitration committee which ruled in favour of the workers, directing the hotel management to implement the collective bargaining agreement.

Refusing to comply with the arbitration committee's decision, the management engaged in continued harassment of the trade union leaders during working hours. The hotel management broke the lock of the union office and removed the union property, including the furniture and official documents. That was almost two years ago.

As per the provision, a new collective bargaining agreement should take place every two years. But due to this delay, the entire collective bargaining agreement process has been affected, including the election of the authorized union.

Let us not forget that the hotel sector is classified as an essential service under the Essential Services Act which prohibits strikes leaving workers without other means to further their interests.

We note that the Government has expressed interest in receiving ILO technical assistance relating to anti-union discrimination and collective bargaining. However, we must ensure that this interest translates into concrete actions to protect workers' rights.

We must stand together and demand that the Nepalese Government uphold its commitment to international labour standards. Nepalese workers deserve much better. They deserve the right to organize, to bargain collectively and to work in an environment free from fear and intimidation.

In conclusion, let us remember that the strength of a nation lies in the strength of the workforce. By protecting the rights of the workers, we uphold our moral and ethical obligation and ensure a more just and equitable society.

Observer, International Trade Union Confederation (ITUC) – I would like to open by noting with deep concern that the most representative workers organization in the United States, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), was not accredited to this Conference in an act of retaliation for their legitimate trade union activities.

We are contesting this decision in the Credentials Committee and welcome support from those committed to respect for the ILO Constitution and authentic social dialogue.

Turning to the case at hand, the Committee of Experts has once again found that Nepal's overly broad definition of essential services is inconsistent with the Convention, denying whole categories of workers their fundamental right to engage in industrial action and bargain collectively.

It is well established by the ILO's supervisory mechanisms that the imposition of compulsory arbitration to end a collective labour dispute violates the Convention except in a narrow set of circumstances.



One of these narrow exceptions deals with the provision of essential services, services the interruption of which would endanger the life, personal safety or health of the population. Examples include services such as health, education, communities, telecommunications, transport, police and firefighting.

In 2016, the Nepalese Government issued a notification under its Essential Services Act declaring 17 sectors of the economy to be essential, including hotels, restaurants, casinos and banking. Today this list has been extended to 25 so-called essential services.

While we appreciate the importance of the tourism industry to Nepal's economy, luxury hotels, resorts, casinos and restaurants clearly cannot be considered essential services within the meaning of the Convention. This misclassification has had a particularly pernicious effect for workers and Nepal's hotel sector.

For example, in July 2023, a collective bargaining agreement was concluded between the trade unions and the management of the Radisson Hotel in Kathmandu. As per the agreement both parties agreed to provide workers with a 5.5 per cent share of their hotel's billing revenue. However, the management failed to implement this provision for more than 14 months.

In response to the breach of this collective bargaining agreement, workers organized a three-day strike demanding the implementation of the agreed benefit. Instead of addressing the workers' legitimate demands, the management declared the strike illegal, falsely claiming that the hotel falls under the category of essential services. Workers were also subjected to threats and intimidation.

To conclude, we strongly urge the Government to follow the Committee of Experts' clear recommendation to amend the Trade Union Act so that the use of compulsory arbitration is properly restricted in line with the Convention. In addition, we join the Committee of Experts' recommendation for ILO technical assistance in the hope that it will contribute to full implementation of the Convention in this country.

Observer, Building and Wood Workers' International (BWI) – Nepal ratified the Convention in 1996. Despite being urged by the Nepalese trade union movement, the Government remains reluctant to ratify Convention No. 87.

The national law, that is the Labour Act of 2017, does not contain any provision to protect workers from anti-union discrimination and interference in trade union activities or in collective bargaining processes as reported by the trade unions, including in the construction sector.

In a 140-megawatt hydro project being organized by a BWI affiliate, aside from the violations of basic labour and worker provisions, such as delayed payment of wages, limited working security coverage, lack of occupational safety and health measures and inadequate accommodation facilities, workers were faced with anti-union discrimination when they were pushing back coercive management measures during the COVID-19 outbreak, such as forcing them to work without adequate safety protective measures.

Workers were pressured by the management dissuading them from meeting union leaders, and the management avoided dialogue with the union to discuss improvement of working conditions. In the course of organizing this project site, the union submitted a nine-point charter of demands that included occupational safety and health provisions, but the management accepted only part of the demands.

In 2020, workers staged a strike in protest of the lack of COVID-19 safety protocols. The dispute ended with the signing of a bilateral agreement that included the union's demand for



a wage rate fixed by the Labour District Committee. The following year, however, the union reported that the wage increase has not been aligned with the adjustment made by the Labour District Committee. This is a manifestation of bad faith in negotiation and implementation of a bilateral agreement. This bad faith in negotiation and implementation of the agreement, particularly on occupational safety and health, unfortunately resulted in two fatal accidents at the site very recently.

In another flagship government project, another BWI affiliate likewise experienced impediments to union organizing, such as the refusal of management to allow union leaders access to the work site to meet with workers, despite written requests.

Workers are discouraged to interact with union representatives.

Along with other similar cases reported before this Committee, we are requesting the Government of Nepal to ensure prohibition of anti-discriminatory action against workers exercising their rights to join a union.

Similarly, the Labour Act and the Trade Union Act should be reviewed to provide effective regulatory measures to ensure that negotiation, conclusion and implementation of collective bargaining agreements are in good faith.

Government representative – Thank you for the concern, questions and feedback expressed in a constructive spirit. We take good note of the discussion and engagements made here in this Committee. We appreciate all the social partners and Member States for their observations and support of the progress made by Nepal. They will be important guidance for us to further enhance the status of our labour market.

I would like to reaffirm to you all in front of this Committee that collective bargaining is effectively ensured in the Nepalese labour market. There may be a few stand-alone cases that do not reflect the overall scenario of the labour market. Our focus now is to revise the legal provisions in line with international obligations and a voluntary pledge made by Nepal.

In addition to the legal reform, our targeted programmes of capacity enhancement, institutional strengthening and procedural improvement are being worked on together.

The tripartite task force is engaged in the legal reform tasks in a comprehensive manner. We will soon conduct the revision and amendment of our legal provisions to clearly define anti-union discrimination, extending coverage to the informal sector. The tripartite task force is trying to find the practical solution to make this happen.

Earlier, we presented the example of prompt, effective and efficient intervention from the Government in case of violations. Our practices are based on anti-discrimination protection.

Considerable progress has been made with regard to the legal framework, capacity-building, enforcement mechanisms, and the data system necessary to protect freedom of association and the right to collective bargaining.

Ongoing legislative reform, improved complaint and monitoring systems, targeted training and strong collaboration with social partners reflect a comprehensive and sustained approach.

As for the implementation of Article 2 of the Convention, our ILMIS remains open for anonymous complaints. This information, data and privacy of the complaints and the complainant always remain protected. Opportunities for anonymous submission prevent the chances of reprisal or intimidation. Also, even where there is no complaint, whenever the



Government receives any information regarding the violation of labour rights, by any means, the Government promptly intervenes in the matter and takes necessary action effectively.

We would like to assure all the workers, employers and stakeholders that no one should hesitate or fear to lodge a complaint in case of violation.

The Government is committed to protecting the confidentiality, privacy and dignity of all.

In regard to the enterprise-level and sectoral collective agreements, I would like to reiterate that we are launching effective training, as well as awareness programmes at the national, provincial and local levels. We are eager and ready to share information on this matter.

The Government is reviewing its approach to dispute resolution and compulsory arbitration. Concerns have been raised about the scope of compulsory arbitration and its potential to limit the voluntary nature of collective bargaining. These concerns are being taken seriously and the Government is currently reviewing the relevant provisions in close consultation with the social partners.

Proposals have been submitted to limit the use of compulsory arbitration and ensure its use as a last resort in clear legally defined circumstances.

At the same time, the Government is developing a new arbitration procedure that emphasizes impartiality, transparency and adherence to the international fair trial standard. This initiative has been included in the Government's annual budget and programme for the upcoming fiscal year beginning July 2025.

The new procedure will establish independent and transparent mechanisms for the appointment of arbitrators and the conduct of arbitration proceedings. It helps to ensure that both workers and employers have confidence in the neutrality and fairness of the arbitration process.

The Government also expresses its strong interest in continuing to receive technical assistance of the ILO in this area, particularly in designing institutional frameworks, training arbitrators and raising public awareness.

We hold the view that the collective endeavour of the Government, in partnership with employers, workers and the ILO, will result in a more comprehensive system of collective bargaining within the country.

The Government will continue to promote constructive social dialogue, support the employment to trade unions and ensure that both employers and workers can exercise their rights in a fair and equitable environment.

A further report will provide updated information, and the Government looks forward to maintaining its cooperative engagement with the ILO and its supervisory bodies.

Therefore, let me reiterate that the principle of free and voluntary collective bargaining is effectively in implementation among Nepalese social partners and labour market mechanisms, despite the challenges. We are making our best effort to address the challenges through social dialogue and cooperation.

To conclude, I once again reaffirm the Government's unwavering commitment to the effective implementation of the Convention through harmonized legal provisions, informed workers and well-functioning mechanisms for collective bargaining, complaint registration, dispute settlement and others. Thank you all for the constructive discussion today.



Employer members – The Employer members wish to thank the various speakers who took the floor and expressed their views on this issue, including the Government representative.

We trust that the Government representative will take account of the comments made during the discussion, particularly those that referred specifically to compliance in law and practice with the Convention – the Convention that brings us together today.

In the light of the comments of the Committee of Experts, and of the discussion today, the Employer members would like to recommend the following to the Government: (1) to provide information to this Committee on progress towards the inclusion in national legislation of an explicit prohibition of discrimination against workers on grounds of their trade union membership or participation in trade union activities; (2) to provide information on the number of complaints filed, highlighting the penalties imposed for acts of interference into trade union organizations; (3) to establish, in consultation with the most representative social partners, clear procedures for collective bargaining in such a way that the determination of the level depends essentially on the will of the parties and is not imposed under legislation or administrative decisions; and (4) to continue to avail itself of ILO technical assistance to give effect to the recommendations mentioned and to maintain tripartite dialogue to continue working on full compliance with the Convention.

Lastly, and to conclude my intervention, the Employers' group recognizes the work that the Government of Nepal is doing through the adoption of legislative reforms and the implementation of national practices aimed at giving effect to the Convention. We request the Government to ensure that any legal or regulatory amendment or update envisaged is carried out in consultation with the most representative social partners and with ILO technical assistance.

Worker members – We wish to thank all the delegates who have contributed to this discussion today. In closing, the Worker members acknowledge the Government of Nepal's recent efforts. However, we remain concerned that, nearly three decades after ratifying the Convention, Nepal has yet to establish a clear and comprehensive legal framework to protect against anti-union discrimination and acts of interference.

This legal gap acknowledged by the Government itself continues to expose workers, especially in the hospitality sector, to abuse through bogus traineeships, outsourcing and insecure contracts that deny them stable employment and the right to organize. These practices not only block access to representation and collective bargaining but also invite retaliation against union leaders who dare to defend affected workers.

Most alarmingly, the recent Supreme Court ruling excluding the entire banking and financial sector from the Labour Act further erodes fundamental labour rights for thousands.

These are not isolated issues. They reflect a systemic failure that demands urgent legislative reform and concrete action to protect workers and uphold international labour standards.

We urge the Government to act swiftly to codify explicit prohibitions and ensure that these are backed by effective enforcement mechanisms, accessible complaints procedures and dissuasive sanctions and to ensure that, as prescribed by the Convention, all workers are protected including in the hospitality sector, and the banking and financial sector.



The list of essential services must be reviewed in a manner consistent with the Convention. These amendments to the Labour Act and the Essential Services Act must be the result of full and frank consultation with the social partners.

We also highlight the pressing need to strengthen the framework for collective bargaining. While over 1,000 enterprise-level agreements have been registered and recent figures indicate renewed activity, the absence of sectoral agreements remains a significant gap.

We call on the Government to take concrete measures to promote voluntary collective bargaining at all levels, including by reviewing section 123 of the Labour Act, facilitating union elections and ensuring negotiations take place with representative trade unions.

Finally, we urge the Government to align its approach to compulsory arbitration with the Convention's strict standards, reserving it only for exceptional cases, and to ensure that any arbitration procedure is transparent, impartial and fair. We hope to see Nepal translate its stated commitments into meaningful legislative reform and practical implementation. Given the challenges to the full implementation of the Convention remain significant and require immediate attention from the Government, our group calls on the Government of Nepal to accept a direct contacts mission.

Conclusions of the Committee

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

The Committee noted with concern the gaps in the protection against anti-union discrimination and the inadequate measures for the full development and utilization of machinery for voluntary collective bargaining.

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

- **adopt effective legislative measures to prohibit all acts of anti-union discrimination including those based on trade union membership;**
- **ensure that, in law and practice, there are dissuasive sanctions in cases of anti-union discrimination;**
- **ensure adequate protection against acts of interference as well as the effective functioning of collective bargaining machinery in line with the Convention;**
- **ensure that the parties are free to negotiate, at all levels, collective agreements that improve their working conditions;**
- **amend the legislation so that compulsory arbitration can only take place in the situations covered by the Convention; and**
- **ensure that the selection procedure of the members of the arbitration bodies is transparent and guarantees their full independence.**

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

The Committee also requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations in line with the Convention by 1 September 2025.



Chairperson – I have the honour of inviting the Honourable representative of the Government of Nepal to take the floor.

Government representative – I would like to thank the Committee for its support and guidance to ensure the implementation of international standards and principles in the world of work. I thank all the Worker members, Employer members and governments for their constructive engagement during the discussion.

We reaffirm our commitment to effectively protecting and promoting labour rights, including the right to organize and to bargain collectively, both in law and practice.

The principle and spirit of collective bargaining are well reflected in our legal provisions. The legal provisions have been deemed, in some cases, insufficient due to some implementation gaps. Nevertheless, we are also in the process of amending the law in consultation with the task force.

Our targeted efforts in the field are having a positive impact, with effective implementation of the legal provisions.

Nepal stands happy and ready to avail itself of the technical assistance of the ILO to further strengthen the labour dynamics in the country.

We are confident that we can effectively ensure decent work with social justice with our collective efforts in the spirit of true cooperation and collaboration.

Nicaragua (ratification: 2010)

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

Chairperson – I inform the Committee that the Government of Nicaragua has not accredited a delegation to the 113th session of the International Labour Conference. The Government has neither responded to the invitation sent on Monday 2 June, date of the adoption of the list of individual cases, nor to the reminders sent by the secretariat of the Committee, and to those published in the Daily Conference Programme and on the Committee's web page. As indicated in Part VII, paragraph 35, of document D.1 on the working methods 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. In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

Representative of the Secretary General – I would like to inform the Committee that, by communication dated 27 February 2025, the Government of Nicaragua has notified the ILO Director-General of its intention to withdraw from the Organization. In accordance with article 1, paragraph 5, of the Constitution of the ILO, the notice of withdrawal presented by the Government will take effect on 28 February 2027, provided that Nicaragua has, by that date, fulfilled all its financial obligations arising from its membership. It is important to remember that Nicaragua is currently bound and will remain bound by all the obligations arising from the Conventions it has ratified and the obligations relating thereto, for the period provided for in the said Conventions, irrespective of its status within the Organization.

Employer members – Today we are discussing the case of Nicaragua, a country where, regrettably, the systematic nature of violations of fundamental labour rights has reached a point of extreme gravity. We do so with a deep sense of responsibility placed on us by this



Committee, which defends the rule of law, freedom of association and the genuine tripartism that gave rise to this Organization.

There is some background to the comments made by the Committee of Experts in 2024. The Convention was ratified by Nicaragua in 2010. Although it was never discussed in this Committee, observations were made by the Committee of Experts in 2018 and 2024. In its latest comments, the Committee of Experts observed that the UN Committee on Economic, Social and Cultural Rights and the UN Committee on the Elimination of Racial Discrimination, among other bodies, had expressed concern that the indigenous authorities elected in community assemblies were not recognized by the Nicaraguan Government, and that parallel governments had been set up to replace them. It therefore requested the Government to ensure coordinated and systematic action with indigenous peoples through their legitimate representatives in the policies and programmes that affect them.

The Committee of Experts also observed the existence of a climate of violence on the North Caribbean Coast as a result of disputes related to land occupation, and deplored the fact that the Government had not provided information on the subject. These disputes have resulted in murders, disappearances and injuries. It also observed with concern the reports of physical, psychological and sexual violence against indigenous women. The Committee of Experts, in addition to expressing its deep concern, firmly urged the Government to ensure a climate free from violence and adequate protection for the physical and psychological integrity of the peoples covered by the Convention.

The Government did not provide information on the operation of the prior consultation mechanisms required by the Convention and, therefore, the Committee of Experts requested information on those procedures regarding any legislative or administrative measures that might affect these peoples directly. Finally, it observed an absence of the clarification of title to indigenous lands that had led to illegal invasions and violent conflicts over access to land. The Committee requested the Government to continue these processes and provide detailed information in this regard.

The Employer members once again reiterate that we deplore violence in all its forms, and especially as it affects indigenous peoples and particularly women.

In Nicaragua, a worrying duality persists in the application of justice. While certain offences go unpunished, others are prosecuted arbitrarily and selectively. This is a regrettable situation which benefits nobody, and which significantly prejudices legality and legal certainty.

The case under discussion today, which focuses on compliance with the Convention, is part of a much broader and more alarming pattern of institutional repression. In Nicaragua, not only have indigenous voices been suppressed through the usurpation of their representation, the rejection of their traditional authorities and the dismantling of prior consultation mechanisms, but a climate of violence and impunity has developed which threatens the lives, identity and collective rights of indigenous peoples, particularly on the North Caribbean Coast, as documented by the Committee of Experts and multiple UN human rights bodies.

The Employer members wish to emphasize that these practices are not isolated events. They have occurred in a context in which over 5,700 organizations have been illegally dissolved, including all the legitimate employers' organizations in the country, and in which all forms of independent representation have been completely dismantled. We would like to reiterate that, as a result of this destructive policy, the Higher Council for Private Enterprise of Nicaragua (COSEP), the most representative employers' organization in the country, has been destroyed



together with the rest of Nicaragua's civic and institutional bodies. Its legal personality was revoked, its assets were seized, and its members were deprived, not only of their most basic rights, but also of their country, as they were stripped of their nationality and forced into exile. These very facts were condemned by the ILO Director-General in an official letter sent to the Government at the express request of the International Organisation of Employers.

In Nicaragua there is no space for legitimate tripartism as we understand it in this House and as reflected in the fundamental ILO Conventions. There are no employers or workers organized freely and independently. What is left is a land stripped bare of its institutions and where fear and the arbitrary action of the authorities renders impossible the exercise of fundamental rights. What remains is a regime that has not only abandoned any will to engage in dialogue, but has also formally announced its withdrawal from the ILO, deepening its international isolation and its disdain for multilateralism.

We would have welcomed the Government's presence today before this Committee to provide information on the application of the Convention, but it has not even registered a delegation for the Conference. As indicated by the representative of the Secretary-General, the Government indicated in February 2025 that it was withdrawing from the ILO. Article 1 of the ILO Constitution provides that any Member State that withdraws from the Organization must give notice to the Director-General – which the Government of Nicaragua has done – and that such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having fulfilled all financial obligations arising out of its membership. Furthermore, when the State has ratified an international labour Convention, all obligations arising thereunder shall remain valid in the State for the period provided for in that Convention. In the case of Nicaragua and Convention No. 169, the period when the Government may denounce it and, eventually, cease to recognize the obligations assumed under it, runs from 5 September 2031 for one year. In the meantime, the Government will be required to continue to comply with the Convention as ratified.

Nicaragua stated that it was withdrawing from the Organization due to the distortion of the ILO's purpose, as it was acting in a politicized manner by lending itself to destabilization and interventionist manoeuvres in issues that are the internal responsibility of the State. That is untrue: there is no interference of any kind in the internal affairs of the State, but rather an established process for the supervision of international Conventions ratified voluntarily by the State of Nicaragua, which it is not respecting. The Committee on the Application of Standards is the forum where it should answer for its non-compliance.

The Employer members understand that cutting off communications with the ILO may seem like a good short-term strategy for the Government, but it renders the situation of Nicaraguan workers and employers increasingly precarious. In view of this unsustainable situation, the Governing Body, at its 353rd Session in March 2025, decided to establish a Commission of Inquiry under article 26 of the ILO Constitution to consider the allegations contained in the complaint. That decision, adopted in light of the total lack of cooperation by the Government and the ongoing aggravation of the situation, represents a historic, firm and absolutely necessary step.

In conclusion, the Employer members reaffirm their commitment to the employers and workers of Nicaragua, to those who cannot be here today because they have been forced into silence or into exile. To them, we want to say that they are not alone, that this house of freedom and tripartism has not closed its doors or renounced its principles.



We ask this Committee to demonstrate clear support for the decision adopted by the Governing Body and to express forcefully that this Organization will tolerate neither impunity nor the denial of basic human rights.

Worker members – We are faced with a regrettable situation because the Government's absence demonstrates its lack of interest and, as has been described, its decision to withdraw from the ILO. As this Committee has indicated, this makes it necessary for us to engage in deep collective reflection. In accordance with the official information, this decision was announced in the context of the Governing Body session last March and, in the Worker members' view, constitutes an extremely serious act at the institutional level.

The ILO is an organization founded on the pillars of social dialogue, social justice and respect for international law. Therefore, the mere intention of withdrawal gives rise to deep concern, for both the workers and employers of Nicaragua, and for all the Nicaraguan people. Furthermore, it cannot be ignored that this measure has been announced in a context of reports of serious violations of international labour Conventions ratified by Nicaragua.

It is important to emphasize that, in accordance with the ILO Constitution, the withdrawal of a Member State does not have immediate effect. Article 1 sets forth a period of two years following the formal notification during which the country remains a party to the ILO and is bound to comply with the Conventions it has ratified, except for those that have been explicitly denounced, and in accordance with the envisaged procedure. This has not happened, particularly in respect of the fundamental Conventions, such as the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and other key instruments, such as Convention No. 169, that brings us together today and which remains fully in force in Nicaragua. Convention No. 169 is an essential tool for the protection of the collective rights of indigenous peoples. It recognizes their right to free, informed and prior consultation, respect for their cultures and traditions, and the protection of their territories, natural resources and ways of life. Although Nicaragua has expressed the wish to withdraw from the ILO, it is still obliged to comply with the provisions of this Convention, which has not been denounced.

We must recall that, at the previous session of the Conference, Nicaragua was included in the list of double footnoted cases, an exceptional measure that responded to the gravity of the situation. The Governing Body has also been engaged in special follow-up of the case.

As the Committee of Experts said in its report, "The Committee notes this information with concern. It notes with regret the absence of information from the Government on the operation of the participatory mechanisms for the various indigenous peoples in the country in the formulation of policies and programmes that affect them". The Committee of Experts has also requested the Government to "indicate the manner in which it ensures coordinated and systematic action, with the participation of indigenous peoples through their representative institutions, in the policies and programmes that affect them". It also noted with deep concern that all the information demonstrates the persistence of a climate of violence and attacks on the life and physical integrity of indigenous communities in the North Caribbean Coast Autonomous Region, which is related to land claims and processes for the clarification of land ownership by those communities.

The Committee of Experts recalls that a climate of violence, as described here, constitutes a serious obstacle to the exercise of the rights of indigenous peoples set out in the Convention, and emphasizes that the absence of prosecutions and convictions of the perpetrators of acts of violence results in an unacceptable climate of impunity which affects the exercise of the rights of indigenous peoples. For further information, the report provides an in-depth analysis



of the serious situation in Nicaragua. There was no response to this, nor is the Government here today.

As we know, the ILO was established to protect the workers of the world and is based on the fundamental principle of tripartite social dialogue. This mandate must therefore guide all our actions. We are here: the Committee, the Office and the Governing Body. Diplomatic, institutional and technical efforts will perhaps be stepped up to establish channels of dialogue with the Nicaraguan Government, urging it to reflect and to reconsider complying with its international obligations.

We, in the trade union movement, want the protection of workers. We want genuine tripartite social dialogue to be established, with respect and guarantees, and we want the entire Nicaraguan trade union movement to be safeguarded, as well as employers' representatives. We also believe that the defence of labour rights and of indigenous peoples cannot be subject to unilateral decisions that isolate a country from the system of international protection. These principles that speak to sovereignty also speak of responsibility and summarize the mission that we have in the ILO; because we exist to ensure that people's rights and workers' rights are respected, and that observance of tripartite social dialogue is formalized, particularly when countries face difficult periods.

Panama (ratification: 1970)

Employment Policy Convention, 1964 (No. 122)

Written information provided by the Government

The Government, through the Ministry of Labour and Workforce Development (MITRADEL), complies with international labour standards in full accordance with the Political Constitution. The Republic of Panama, in accordance with articles 19, 40 and 64 of the Political Constitution, recognizes the freedom of individuals to choose freely the exercise of any occupation or trade, without any type of discrimination on the basis of race, birth, social class, sex, religion or political ideas, and the State, in compliance with this constitutional duty, formulates economic policies designed to promote full employment and guarantee to all workers the conditions necessary for a decent existence.

MITRADEL, in accordance with section 1 of the Labour Code, regulates the relations between capital and labour on the basis of the principles of social justice, ensuring State protection for workers, promoting full employment through the creation of the necessary conditions to guarantee workers a decent existence and to offer capital equitable compensation for investment.

With this objective, the Republic of Panama has established the following programmes:

Focused recruitment, as an innovative approach by the public employment service which gives priority to a more human, dignified and efficient process of seeking work for all citizens of Panama through procedures that are organized and aligned with real opportunities on the labour market, which only call on applicants whose profiles are in line with the available vacancies, thereby ensuring that they have a real chance of obtaining decent work. During the second half of 2024, some 52 recruitment days were organized at the national level, offering 2,021 job vacancies. In the first half of 2025, 60 such days have been organized in regional offices, with a total of 4,685 vacancies offered through the collaboration of over 300 private sector enterprises.



The *Mi primer empleo* (“My First Job”) programme (Act No. 121 of 2019, Executive Decree No. 27 of 2024, as amended by Executive Decree No. 6 of 2025) is a flagship programme of the current administration. It facilitates the integration of young persons between the ages of 17 and 24 years in the formal labour market through a transparent and flexible process, administered through a digital platform which optimizes labour mediation through the automated matching of the vacancies registered by enterprises and the profiles of the young participants in the programme, thereby facilitating interviews and internships. This tool promotes public-private collaboration, facilitates integration into the formal labour market with decent remuneration and reinforces the commitment of the State to youth employability and economic growth. During its first phase, between July and December 2024, the programme offered 1,058 internships and achieved the integration of 624 young persons in the private sector. In 2025, a further 2,780 internships are envisaged, of which 738 were organized during the first quarter of the year, with the active participation of over 405 private enterprises at the national level. In April 2025, we signed a cooperation agreement with the Private Sector Council for Educational Assistance in support of the *Mi primer empleo* programme. The agreement provides for training through the CONECTA platform, which is an innovative, flexible and solid tool that optimizes the management of essential activities and resources to promote vocational development and strengthen links with the business world. This training, which is aligned with labour market demand and the skills required by enterprises, includes regular assessments to monitor the progress and involvement of young beneficiaries.

The Programme to Improve the Employability of Persons with Disabilities (Act No. 15 of 2016), through which comprehensive strategies have been developed to raise awareness and provide support for enterprises for the recruitment of this valuable talent pool. Within the context of this transformative vision, the Barrierless Talent Foyer “Anita Correa” has been developed as a fundamental pillar of the model of inclusive recruitment which ensures that each labour market integration process for persons with disabilities is carried out in an effective, decent and sustainable manner, with the promotion of real opportunities for integration. We play a key role by offering comprehensive support to enterprises, ranging from legal guidance to post-recruitment follow-up, and ensuring strict compliance with Act No. 15 of 31 May 2016. On the basis of this inclusive and structured strategy, between July 2024 and the present, a total of 222 persons with disabilities have been integrated into the labour market in the various regions of the country, of whom 127 are men and 98 are women. This progress is a result of the positive impact of the initiative for the development of a more equitable and accessible labour environment for everyone. The State recognizes the labour market inclusion of persons with disabilities as a fundamental right that promotes equity and social cohesion.

The Vocational Guidance and Employment Programme (Decision No. 341 of 24 July 2015) is being consolidated as a strategic tool to bring young persons closer to the real conditions on the labour market. The Programme provides advice on employment trends and academic courses for school-leavers at the *bachillerato* level with a view to facilitating free and informed decisions on their vocational futures. In 2024, a total of 2,210 young persons were trained at the national level, and in 2025 it is planned to cover 10,000 young persons, who will be assisted by suitable psychologists from the institution, thereby reaffirming the Government’s commitment to the comprehensive training and labour market integration of youth in Panama.

The Government is proposing to make progress towards real electronic administration through the integration of technology as a key tool for the provision of public services. A significant step forward in this respect is the management of the Department for Private Employment Agencies, governed by Executive Decree No. 32 of 15 April 2016, with a total of



108 enterprises registered, of which 81 have currently valid permits. In 2024 and 2025, six new agencies have been registered, both for maritime and land-based employment. During the course of 2025, seven applications have been received for the renewal of permits and one application for a new permit. Of the new applications received, only one was submitted in hard copy, thereby demonstrating the effectiveness of the digital application and the administrative efficiency for employment generation.

The digital platform *Empleos Panama* (Executive Decree No. 3 of 22 April 2024) continues to be a pillar of employment mediation and facilitates the appropriate and efficient matching of enterprises and jobseekers, with support from MITRADEL. The platform has 2,001 registered enterprises and 234,167 users and is a tool that is making progress towards a comprehensive restructuring based on artificial intelligence, which will make it possible to modernize the service and improve its efficiency, in line with the highest international standards for public employment services. On 5 May 2025, we concluded an agreement with the Ministry of the Interior for the selection of staff for the Community Justice Peace Houses through the Ministry's employment exchange. With over 2,100 posts available at the national level, the effectiveness of the public employment service is being consolidated as a key tool for the Government to guarantee accessible justice and strengthen local recruitment.

The Government is continuing to strengthen skills training for the labour force through strategic alliances with educational institutions, such as the Higher Specialized Technical Institute (ITSE). A framework cooperation agreement between the ITSE and MITRADEL seeks to extend its training programmes at the national level, using the facilities of the Panama Institute of Labour Studies in the regional departments of MITRADEL. This initiative has promoted the implementation of micro-credentials, especially in the tourism sector, with priority being given to regions with a high demand for labour, thereby reaffirming the State's commitment to quality technical training that is inclusive and oriented towards economic development and social equity. The ITSE has trained 328 young professionals, with a historically high labour market integration rate of around 60 per cent.

The Republic of Panama, as a country with a high demand in the tourism and logistical services sectors, requires a good level of English as an essential skill to strengthen the labour market and improve employability. In this context, MITRADEL has concluded an agreement with the National Institute of Vocational Training and Human Resource Development (INADEH) for the provision of English courses in classrooms and online with a view to providing jobseekers with the essential tool of a second language. This alliance is strengthening continuous training and quality technical capacity-building with a view to promoting inclusion, equity and better labour market opportunities.

The services of the INADEH are intended to train citizens for employment. In 2024, it provided services for 181,024 beneficiaries, of whom 35.5 per cent were men and 65.5 per cent women. It provided 6,406 courses and programmes physically and online in 28 skills areas intended to address the needs of the various economic sectors. The INADEH is currently developing the initial phase of the Hotel School project, with the principal objective of responding to the needs of beneficiaries who do not have opportunities to engage in vocational practice. The project links theory and real work. It is costing around 30,715,035 balboas and, in addition to beneficiaries in the hotel industry, will also promote the areas of enterprise development, catering, baking and client services, among others, and, for its operation, will require various vocational profiles and the development of an organizational plan for the institution.



The INADEH is also planning the construction of new training centres in local districts with a view to bringing the provision of training closer to remote rural communities, as indicated below:

- (1) The construction of new facilities for the local Ngäbe Buglé vocational training centre, which is planned to cover 212,084 inhabitants of the Ngäbe Buglé indigenous district who, according to the 2023 census, consist of 109,577 women and 102,507 men. It is planned that there will be approximately 6,925 direct beneficiaries each year, through the provision of around 277 courses. The investment will be 4,312,256.16 balboas transferred by the central Government.
- (2) The construction of new facilities in the Guna Yala district, in a project that will benefit 32,016 inhabitants of the Guna Yala indigenous district where, according to the 2023 census, there are 15,308 men and 16,708 women.

It should be emphasized that on 13 and 14 May this year, the Ministers of Labour of Central America and the Dominican Republic and their permanent technical staff held the first ordinary meeting of the Council of Ministers of Central America and the Dominican Republic (CMT-CARD) in the City of Panama. On that occasion, Panama acted as Chair pro tempore, in succession to Honduras, and the CMT-CARD Plan of Action 2025–27 was adopted, which addresses the four fundamental areas of: innovative employment placement in public employment services and labour market observatories; labour inspection with the inclusion of new technologies; the transition to the formal economy, including the development of a regional analysis and a good practices guide; and the strengthening of the governance of the Council and the management of international cooperation.

The Panama Declaration was also adopted, which places emphasis on decent work programmes, the Labour Information and Analysis System (SIALC) of Latin America and the Caribbean and the discussions at the 113rd Session of the International Labour Conference in relation to labour matters in the region. Emphasis was also placed on the positive impact of the design and implementation of comprehensive policies for the transition to formal employment through the adoption of a multisectoral approach and the use of technology. International cooperation and technical assistance are key elements in addressing these challenges through sustainable and effective strategies with a view to ensuring better conditions of work and opportunities for the population.

Finally, we emphasize that the efforts made in Panama are not only a response to structural factors in the labour market, but also to recent events that have affected job conservation and creation, such as the mining contract being found unconstitutional, the prolonged closure of roads at the national level and the calling of unlawful and unjustified strike action, which have had a negative impact on economic activity and labour stability. We are continuing to make firm progress through coherent activities that include the Government, the private sector and the population in order to ensure that every citizen of Panama can have access to real opportunities for decent employment that are freely chosen and are not affected by any form of discrimination, thereby strengthening economic growth and sustainable development.

Discussion by the Committee

Chairperson – I have the honour of giving the floor to the distinguished representative of the Government of Panama, the Director of Employment, Ministry of Labour and Workforce Development.



Government representative – On behalf of the Government, I welcome the opportunity to speak to this distinguished Committee in order to provide information relating to the application of the Convention.

And what have we been asked to do? Among other matters, the Committee of Experts has requested the Government to continue providing information on the nature and impact of the measures adopted to implement an integrated policy aimed at promoting the creation of opportunities for full, productive and freely chosen employment. In this context, we wish to report the following.

The Government, through MITRADEL, complies strictly with the standards of international law and in full accordance with its Political Constitution, and particularly articles 40 and 64, which establish the freedom of all persons to the free choice of their occupation or trade. In compliance with this constitutional mandate, the State of Panama develops and implements economic policies designed to promote full employment while guaranteeing every worker the conditions necessary for a decent existence.

In this context, Panama will provide a brief description of recent action and the commitments assumed for the effective implementation of the Convention. MITRADEL, in accordance with the Labour Code, regulates the relations between capital and labour with a view to promoting full employment and the protection of workers.

I wish to emphasize first that the Government approved, by Cabinet Decision No.124 of 26 December 2024, the Strategic Plan of the Government for the next five years (PEG 2025–29). The Strategic Plan is a key tool for national planning with the principal objective of the coherent articulation of all public policies including, of course, employment policy, with the economic and social objectives of the country. The Strategic Plan is not only a framework for action, but also the outcome of a participatory and inter-institutional process, which ensures the alignment of the various levels of Government and social sectors. In turn, this facilitates more effective coordination between employment policy and other areas of national development.

In terms of implementation, the Strategic Plan 2025–29 establishes financial programming for five years with a public investment plan of US\$30,277,000, with a direct impact on key sectors, such as agriculture, logistics, finance, education, health and tourism. This includes major infrastructure works that are planned, and some are already being implemented, such as the Panama-David-Frontera train, the San Miguelito Cable Car, the fourth bridge over the Panama Canal, the modernization of the National Aqueducts and Sewers Institute and the rehabilitation of the historical centre of the Province of Colón. In this context, I would also like to take this opportunity to inform you that in the month of April we recorded an increase of nearly 31 per cent in new employment contracts.

After almost one year of our Government, we have launched and strengthened various programmes, such as focused recruitment, which is an innovative approach by the public employment service that gives priority to a more human, dignified and efficient process of seeking work for all the citizens of Panama through procedures that are organized and aligned with real opportunities on the labour market. Only applicants whose profiles are in line with the available vacancies are called upon, thereby ensuring that they have a real chance of obtaining decent work. Instead of the traditional employment fairs, which brought together great crowds, but offered few specific opportunities, we are implementing this approach which makes people and their aspirations the central focus. This strategy optimizes labour mediation between applicants and real vacancies. By the end of the first quarter of 2025, some 107 focused recruitment procedures had been carried out at the national level, generating 8,401 employment opportunities, in collaboration with over 300 private sector enterprises.



The *Mi primer empleo* programme is a flagship programme of the current administration which facilitates the integration of young persons between the ages of 17 and 24 years in the formal labour market through a transparent and flexible process, administered through a digital platform which optimizes labour mediation through the automated matching of the vacancies registered by enterprises and the profiles of the young participants, thereby facilitating direct interviews and internships. This tool promotes public-private collaboration, facilitates integration into the formal labour market with decent remuneration and reinforces the commitment of the State to youth employability and economic growth.

During its first phase, between July and December 2024, the programme offered 1,058 internships at the national level and achieved the integration of 624 young persons in the private sector. In the context of economic recovery and policy dynamism throughout the territory, the President of the Republic, José Raúl Mulino, authorized an inter-institutional transfer of responsibilities to reinforce the second phase of the programme, which will integrate an additional 2,000 young persons as a result of the joint efforts of the Government and private enterprise to generate new job opportunities.

In April 2025, we signed a cooperation agreement with the Private Sector Council for Educational Assistance in support of the *Mi primer empleo* programme. The agreement provides for training through the CONECTA platform, which is an innovative, flexible and solid tool that optimizes the management of essential activities and resources to promote vocational development and strengthen links with the business world. This training, which is aligned with labour market demand and the skills required by enterprises, includes regular assessments to monitor the progress and involvement of young beneficiaries.

We have launched the Programme to Improve the Employability of Persons with Disabilities (Act No. 15 of 2016), through which comprehensive strategies have been developed to raise awareness and provide support for enterprises for the recruitment of this valuable talent pool. Within the context of this transformative vision, the Barrierless Talent Foyer has been established as a fundamental pillar of the model of inclusive recruitment, which ensures that each labour market integration process for persons with disabilities is carried out in an effective, decent and sustainable manner, with the promotion of real opportunities for integration. We play a key role by offering comprehensive support to enterprises, ranging from legal guidance to post-recruitment follow-up, thereby ensuring strict compliance with the Act.

On the basis of this inclusive and structured strategy, between July 2024 and the present, a total of 222 persons with disabilities have been integrated into the labour market in the various regions of the country, of whom 127 are men and 98 are women. This progress reflects the positive impact of the initiative on the development of a more equitable and accessible labour environment for everyone.

The Vocational Guidance and Employment Programme is being consolidated as a strategic tool to bring young persons closer to the real conditions on the labour market. The Programme provides advice on employment trends and academic courses for students at the *bachillerato* level with a view to facilitating free and informed decisions on their vocational futures. In 2024, a total of 2,210 young persons were trained at the national level, and in 2025 it is planned to cover 10,000 young persons, who will be assisted by suitable psychologists from the institution, thereby reaffirming the Government's commitment to the comprehensive training and labour market integration of youth in Panama.

The Government is also proposing to make progress towards real electronic administration through the integration of technology as a key tool for the provision of public services. One of the significant steps forward in this digital transition is the management of



the Department for Private Employment Agencies, governed by Executive Decree No. 32 of 15 April 2016, with a total of 108 enterprises registered, of which 81 have currently valid permits. In 2024 and 2025, six new agencies have been registered, both for maritime and land-based employment. During the course of 2025, seven applications have been received for the renewal of permits and one application for a new permit. Of the new applications received, only one was submitted in hard copy, thereby demonstrating the effectiveness of the digital application and the administrative efficiency for employment generation.

The digital platform *Empleos Panama* (established by Executive Decree No. 3 of 2024) continues to be a key pillar of employment mediation and facilitates the appropriate and efficient matching of enterprises and jobseekers, with support from MITRADEL. The platform has 2,001 registered enterprises and 234,167 users and is a tool that is making progress towards a comprehensive restructuring based on artificial intelligence, which will make it possible to modernize the service and improve its efficiency, in line with the highest international standards for public employment services.

On 5 May 2025, we concluded an agreement with the Ministry of the Interior for the selection of staff for the Community Justice Peace Houses through the Ministry's employment exchange. With over 2,100 posts available at the national level, the effectiveness of the public employment service is being consolidated as a key tool for the Government to guarantee accessible justice and strengthen local recruitment through a transparent system.

The Government is continuing to strengthen skills training for the labour force through strategic alliances with educational institutions, such as the Higher Specialized Technical Institute (ITSE). For example, a framework cooperation agreement between MITRADEL and the ITSE seeks to extend its training programmes at the national level, using the facilities of the Panama Institute of Labour Studies in the regional departments of MITRADEL. This initiative has promoted the implementation of micro-credentials, especially in the tourism sector, with priority being given to regions with a high demand for labour, thereby reaffirming the State's commitment to quality technical training that is inclusive and oriented towards economic development and social equity. The ITSE has trained 328 young professionals, with a historically high labour market integration rate of above 80 per cent.

The Republic of Panama, as a country with a high demand in the tourism and logistical services sectors, requires a good level of English as an essential skill to strengthen the labour market and improve employability. In this context, MITRADEL has concluded an agreement with the National Institute of Vocational Training and Human Resource Development (INADEH) for the provision of English courses in classrooms and online with a view to providing jobseekers with essential tools, such as a second language. This alliance is strengthening continuous training and quality technical capacity-building with a view to promoting inclusion, equity and better labour market opportunities. In 2024, it provided services for 181,024 beneficiaries, of whom 35.5 per cent were men and 65.5 per cent women.

The INADEH is currently developing the initial phase of the Hotel School project, with the principal objective of responding to the needs of beneficiaries who do not have opportunities to engage in vocational practice. The project links theory and real work. This project, with an approximate cost of US\$30,715,035, in addition to beneficiaries in the hotel industry, will also promote the areas of enterprise development, catering, baking and client services, among others, and, for its operation, will require various vocational profiles and the development of an organizational plan for the institution.

The INADEH is also planning the construction of new training centres in local districts with a view to bringing the provision of training closer to remote rural communities, including the



construction of new facilities for the local Ngäbe Buglé vocational training centre, which will benefit 212,084 inhabitants of the Ngäbe Buglé indigenous district, and new facilities in the Guna Yala indigenous district.

On 13 and 14 May 2025, the first ordinary meeting was held in Panama City of the Council of Ministers of Labour of Central America and the Dominican Republic (CMT-CARD). On that occasion, Panama acted as Chair pro tempore and the Plan of Action 2025–27 was adopted, which addresses the four fundamental areas of: innovative employment placement in public employment services and labour market observatories; labour inspection with the inclusion of new technologies; the transition to the formal economy with the adoption of a multisectoral approach based on technology; and international cooperation and technical assistance, which are key to addressing these challenges adopting sustainable and effective strategies.

The Panama Declaration was also adopted, which places emphasis on decent work programmes and the Labour Information and Analysis System (SIALC) of Latin America and the Caribbean to which the Government of Panama contributes annually through the significant contribution of US\$327,000 and which has existed for almost three decades. I place emphasis on the SIALC because it is an important programme for beneficiary countries in Latin America and the Caribbean. The *Panorama Laboral* produced by the SIALC is a key tool for Governments, employers, workers and academics interested in the systematic analysis of labour markets in the region. It offers us the opportunity to have access to clear and updated analysis of the labour market situation as a basis for developing action strategies for the years to come, thereby contributing to the strengthening of our labour policies and strategies and ensuring that the information produced has a positive and effective impact on decision-making on labour matters.

The *Panorama Laboral 2024* shows that, even though the region has recuperated its economic levels from prior to the pandemic, there remain significant challenges in the labour market. We cannot therefore overlook the effects of the pandemic, which resulted in even deeper informality, unemployment and precarity. It is important to recall that these problems are not exclusive to Panama and are to be found at the global level.

I would like to emphasize that unemployment in Panama is not only a result of structural factors in the labour market, but also of events that have affected the retention and creation of employment, such as the mining contract being found unconstitutional, the prolonged closure of roads at the national level and unlawful strikes, which have had a negative impact on economic activity and labour stability in the country. The unemployment rate continues to be a challenge and informality and precarious work are still a matter of concern. We cannot therefore fail to recognize the efforts made by my country through the implementation of structural reforms to improve the quality of employment and reduce informality and precarious work, thereby enabling workers to have access to decent and sustainable jobs.

Before finishing, on behalf of the Government, we reiterate our commitment to the generation of decent employment and the productive development of the country.

Employer members – Before starting, we would like to thank the Government for the information provided on compliance with the Convention in law and practice. As usual, we would like to give some context to facilitate a better understanding of the case. This is the first time that the Committee has discussed this case. Panama ratified the Convention in 1970 and the Committee of Experts has made observations on it on six occasions, and specifically in 2011, 2012, 2013, 2016, 2018 and, finally, 2024, when it took note of the Government's reports and the observations of the social partners.



Before turning to the comments of the Committee of Experts, the Employers wish to place emphasis on the importance of the Convention as one of the ILO's priority governance Conventions, which essentially provides that Member States shall declare and pursue an active employment policy designed to promote full, productive and freely chosen employment.

It is important to bear in mind that, in the present case, we are called upon to discuss the effective implementation of appropriate measures to give effect to the commitments set out specifically in Articles 1, 2 and 3 of the Convention. I will therefore divide my intervention into three sections analysing separately the international commitments deriving from each of these Articles.

First, Article 1 of the Convention establishes as a major goal an active policy designed to promote full, productive and freely chosen employment. In this regard, the Employer members note the tripartite efforts made to subscribe to the Memorandum of Understanding (MoU) on the Decent Work Programme 2024-27. In accordance with the information provided, this Programme was a result of tripartite social dialogue and constitutes a significant step forward in the appropriate direction.

In accordance with Articles 1, 2 and 3 of the Convention, the Decent Work Programme, adopted on a tripartite basis, is intended to ensure that work is productive, strengthen vocational training programmes and establish policies and programmes that place emphasis on vulnerable categories, and particularly young persons, with a gender focus.

The Employer members would like to emphasize the following action deriving from the Decent Work Programme. First, the establishment of the National Labour Observatory with a view to improving the compilation and analysis of labour market data; second, the Youth Employment Promotion Plan; and third, the tripartite round table to follow-up the implementation of the Programme.

Based on the information provided, the Employer members note that, over and above the issues raised by the Committee of Experts concerning the coordination of the employment policy with national social and economic policy, and the scope and outcome of the provisions adopted, Panama does indeed have an employment policy promoted through tripartism and focusing on the reduction of unemployment and informality.

Second, in relation to compliance with Article 2(a) and (b) of the Convention, with reference to the review and monitoring of the measures and implementation of specific programmes, the Employer members note that, as a result of the tripartite agreement on the Decent Work Programme 2024-27, a tripartite follow-up round table has been established responsible for adjustments to the action taken under the Plan of Action, which benefits from the active participation of the most representative social partners.

With reference to the programmes implemented, the Employer members note the implementation of the following action specifically focusing on women and young persons:

- (1) The Policy of Equality of Opportunities for Women, which is structured around fundamental themes such as economic empowerment, labour autonomy, the eradication of violence and socio-cultural transformation.
- (2) The *Mi primer empleo* programme intended for young persons between the ages of 17 and 24 years, which facilitates their integration into the formal labour market and endeavours to match supply and demand on the labour market.
- (3) The Vocational Guidance and Employment Programme, as a tool to bring young persons closer to the reality of the labour market.



In light of the above, the Employer members recognize the progress and the efforts made by the Government of Panama for the implementation of programmes and projects focusing on the generation of decent work.

With reference to informality, we wish to emphasize that, in accordance with the data of the Office of the Comptroller General of the Republic of Panama, informality in the labour market affects over 47 per cent of the economically active population of the country, and principally in sectors such as commerce, construction, logistics, industry, hotels, restaurants and other service activities. The rise in informality has given rise to unfair competition and has placed at risk the sustainability of the social security system in Panama. It is also one of the main challenges for the economic and social development of the country.

In this context, we call on the Government, with ILO technical assistance, to take measures that contribute to promoting the transition from informality to formality for both enterprises and workers. Such support should include measures designed to simplify labour provisions and make them less bureaucratic and to make administrative procedures more flexible so that legal compliance is more accessible and attractive.

Finally, in relation to Article 3 of the Convention, respecting consultations with the most representative social partners, we invite the Government to continue working through tripartite round tables so that, with the participation of everyone and the experience and knowledge possessed by employers, workers and the Government, progress can continue to be made, both in relation to employability under the concept of decent work, and in the transition from informality to formality.

In this regard, we recommend that the Government, with ILO technical assistance, develop projects and programmes focusing on the strengthening of tripartite social dialogue which protects the independence, parity and constructive participation of the parties. At the same time, it is necessary to reinforce a conducive environment for employers' and workers' organizations.

The Employers wish to emphasize that the presence of a conducive environment for the development of sustainable enterprises is the basis for the creation of decent jobs. A conducive enterprise environment is essential to offer legal security and promote investment, innovation and employment. These are fundamental elements for the promotion of public economic, social and employability policies.

In this respect, the Employer members call on the Government to intensify its efforts to continue the implementation, in consultation with the most representative social partners, of projects and programmes both for employment generation and in relation to the transition from informality to formality, for which ILO technical assistance can be requested.

Worker members – The Worker members are taking the floor in the Committee to address the case of Panama in relation to the Convention. We do so with concern and a sense of responsibility because what is at stake is not only compliance with a governance Convention, but also the credibility of the Organization in relation to a serious and current case of the regression of rights which render its genuine and effective application impossible.

We are aware of the rules governing the procedure: we know them and we respect them, but we are talking about a case of a country which goes beyond the Convention.

The report of the Committee of Experts, which we commend for its solidity and balance, emphasizes the lack of a coherent and coordinated national employment policy that can be evaluated and is coordinated with macroeconomic and social strategies. In line with the



Preamble to the Convention, productive and freely chosen employment must be considered an essential objective of economic and social policy. However, Panama is not in compliance with this objective.

The Committee of Experts has been clear in its analysis. Despite the plans and announcements described by the Government, there is in Panama no national employment policy that is comprehensive, coherent, sustainable or coordinated with economic and social policies. There is no continuity or focus on the long term. Programmes multiply without evaluation or coordination, with inadequate budgets and without the effective participation of the social partners.

The report indicates that: informality is over 56 per cent; unemployment persists, especially among young persons and women; fewer than 25 per cent of the employment contracts registered are without limit of time and, instead of addressing the structural causes of precarity, the Government has adopted programmes such as *Aprender haciendo* ("learning by doing") and *Capacitate para el trabajo* ("learn work skills"), which are fragmented in their application and do not manage to change the real conditions of employment.

But over and above the technical design of the programmes, there is a central institutional problem: the systematic exclusion of the social partners. Article 3 of the Convention clearly provides that States shall consult the representatives of employers and workers with a view to the formulation and implementation of the policies envisaged. There is no such consultation in Panama.

The trade union movement in Panama has denounced the lack of participation in the design of public employment policies, the weak institutional structure for social dialogue and the absence of a long-term strategy of the State to guarantee decent employment with rights. It has also raised the alarm concerning the geographical concentration of opportunities, persistent gender gaps and the mismatching of the supply of education and the demands of the productive sector.

The Government itself has publicly stated that it will not maintain channels of dialogue with the trade union movement. Instead of institutionalized tripartite dialogue, it refers to listening round tables, without powers of decision, balance or genuine representation. This explicit denial of social dialogue is a direct violation of the core principles of the Convention and the tripartite principles that give the ILO its meaning.

The gravity of this situation is accentuated when it is considered that Panama is part of the troika of the Inter-American Conference of Ministers of Labour (IACML) of the Organization of American States (OAS). The regional responsibility of the troika (Argentina was the Chair, Colombia is now and Panama will be the next Chair) is an ethical and institutional requirement together with the necessity to set an example. It is not possible to take the leadership in regional forums while persecuting unions at the national level. We are convinced that honouring international commitments is not an option, it is a duty.

The report of the Committee of Experts also notes the weakness of the mechanisms for coordination between employment policies and education and production strategies. And here is a critical point: in this climate of institutional hostility towards workers and their organizations, it is absolutely not viable to implement a Decent Work Country Programme which, as we are well aware, can only be developed on the basis of participation between Governments, employers and workers. That is how it is developed. Tripartism cannot be simulated. Either it is respected, or it is violated. And in Panama we believe that today, regrettably, it is violated.



The social and political environment is in crisis and risks are common to the security, freedom and life of persons. As we have heard, the head of the executive authorities declared his intention to the mass media to drown the unions economically. This statement, more than merely a view, is a policy directive that is unacceptable to the Worker members. For this reason, we need to be clear. Full, productive and freely chosen employment cannot be achieved if those who are defending these rights are persecuted. There can be no employment policies without social partners who are at liberty. There can be no sustainable development without social justice, and there can be no social justice without freedom of association.

For the global trade union movement, and especially in the Americas, Panama is today a regional priority. This is because fundamental rights are being violated: freedom of association and the right to organize; the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in employment and occupation; and a safe and healthy working environment.

How has it come to this in Panama which, after being considered a model some years ago due to the presence of tripartite dialogue commissions, is now in its current situation and has been brought before the Committee?

Let us repeat that Panama is identified by the Trade Union Confederation of the Americas (TUCA) and the global trade union movement, because this case is opening a door to backward steps in relation to trade unions in the region, which in turn opens the door to a general retrogression of rights.

In this regard, we inform the Committee that the trade union leaders of Panama, who are present at the Conference, with the support of the TUCA, have met the Director-General of the ILO to request an urgent, direct and visible intervention. A high-level mission is indispensable so that it can observe the seriousness of the situation in situ. The people of Panama have no hope. We cannot look away. It is necessary to comply with ILO Conventions, including Convention No. 122, a governance Convention, and the fundamental Conventions. We urge the ILO, through the Director-General, to engage in an energetic, direct and viable intervention so as to contribute to the reconstruction of spaces for social dialogue and the effective compliance with international labour standards in the country. Panama needs to give guarantees of the safety of trade union leaders so that, with respect for democracy, peace and the rule of law, a process of tripartite dialogue is set in motion with the support of the Office.

We know that technical assistance will not be peripheral or merely symbolic. It will be a priority, strategic and sustained. What is at stake is not only compliance with a Convention. It is the very possibility for the system of ILO standards to continue to be a living tool for social justice.

The serious acts of violence that we have described are not part of the past or taken from a technical report. They are occurring now at the very same time that the Committee is meeting here in Geneva. This is the reality that we are seeing through the mass media, with news arriving minute by minute, with nevertheless a ray of hope for the workers of Panama because of what we are doing today here in the ILO.

As indicated in the Plenary of the Conference by the Secretary-General of the International Federation of Building and Wood Workers, in relation to Panama, the ILO is the house of justice and we must all honour it. We are talking about the overwhelming need for social peace in Panama.



Employer member, Panama – We have come together today to examine the compliance of the Republic of Panama with the Convention on the basis of the observations submitted by the National Council of Organized Workers (CONATO).

It is important to be clear that this is not a case of freedom of association or collective bargaining, nor a case motivated by complaints submitted by a trade union on matters related to freedom of association. It is extremely important to be clear on this point.

The State of Panama, under the administration of the former President, Mr Cortizo, submitted an official response on 6 December 2022, detailing the programmes and plans developed by the country to comply with its obligations under the Convention.

Today, under the new administration of President José Raúl Mulino, these plans have been continued as a matter of State policy, while new initiatives have been launched to generate employment, encourage decent work – particularly for women and young persons – and promote sustainable enterprises to reduce informality.

For reasons of time, I will not refer to each of these plans, as details have been provided by the Director of Employment of MITRADEL. I can confirm with full conviction, and without any reservation, that these policies are real. As Chairperson of the Labour Commission of the National Council of Private Enterprise (CONEP), and as spokesperson and negotiator for the employers, I have participated directly in them, as have workers' representatives.

The plans and programmes meet the requirements set out by the Convention. Panama is in compliance with the Convention. It has complied 100 per cent. Beyond technical policy design, however, the country is facing serious structural limitations that are affecting the results of the strategies.

In recent years, a pattern of social protest by some groups has developed, and while these groups may have legitimate roots, they have adopted approaches that are deeply disruptive to production and national development. We are referring specifically to the road closures used as a means of exerting pressure and which prevent the normal functioning of the economy, during which workers cannot reach their workplaces, employers cannot open their businesses, producers cannot tend to their crops and citizens in general do not have access to vital services, such as education, food and even medical care.

In 2022, for example, the increase in global fuel prices and alleged inflation triggered protests with widespread blockages, despite the fact that inflation in Panama is minimal, and the country does not produce oil or fuel, and is therefore dependent on global prices. The Government was forced to introduce temporary financial subsidies for fuel for the whole of the population. Those protests caused serious economic losses and forced the closure of many micro, small and medium-sized enterprises, which had barely recovered from the devastating effects of the pandemic, and many of which turned to informality.

There was another example in 2023, after the adoption of Act No. 406 on mining concessions, which led to a wave of protests and road blockages that paralysed the country for more than a month. The subsequent ruling that the Act was unconstitutional resulted in the dismissal of more than 7,300 direct workers and the loss of more than 30,000 indirect jobs. Panama has a very small population, and that was keenly felt. CONEP estimated the economic losses at US\$1.7 billion, in addition to the decrease in projected growth of GDP, from 7.4 per cent to 2.9 per cent, and a 7.5 per cent fall in exports.

More recently, in April 2025 the adoption of Act No. 462 reforming the Basic Act on the Social Security Fund, a reform recognized as being urgently needed by all sectors, including



the ILO, once again sparked protests, with road closures, the paralysis of the public education for over a month and a half up to now, and unlawful work stoppages.

In the Bocas del Toro province, a banana plantation union called a strike in a company with which it did not have any conflict or claim. As a result, the company lost its crops and closed its operations in the country, leaving more than 7,000 direct workers and 21,000 indirect workers without work. The province's economy depended on that activity, which collapsed as a consequence of the unlawful strike.

This is a pattern that, worryingly, is being repeated. Social and political issues are met with protests and closures that cause more damage than they claim to rectify.

This is a structural issue. On the one hand, we have employment policies that are well designed, technically appropriate and in line with the principles of the ILO and the Convention. On the other, divisive and unstable social conditions prevent these policies from producing sustainable results. The question is therefore not whether Panama is complying with the Convention in its regulations, planning and execution. It is undoubtedly in compliance. The real question is whether the social context allows all possible results to materialize.

The answer is clear: while this trend of self-destructive protest persists, no employment programme, however robust, will thrive and produce all the desired results. Many efforts are being made.

Today, more than mounting a technical defence, I want to make a human and collective appeal. Panama has enormous competitive advantages: hard-working people, good people, and strategic resources. But we are witnessing an internal erosion caused by our own actions taken by a few small groups.

My country's situation pains me. That is why I am making a sincere appeal. We need help to strengthen something that historically was our strength: the advantages and opportunities that we have, so that together we can face with maturity the challenges of decent work in sustainable enterprises, harnessing technology, artificial intelligence and robotics, with a vision of the country for all. And in this respect the ILO can help us to strengthen social dialogue.

Panama cannot keep shooting itself in the foot. At times like this we need to come together to keep making progress, as we have always done, with lively social dialogue with a vision for the country.

Worker member, Panama – The Convention was adopted by the Conference in July 1964, at its 48th Session, and came into force on 15 July 1966. It was ratified by Panama on 19 June 1970. Allow me to give an overview of the meaning of “employment policy”. Employment policy comprises the measures adopted by the public authorities to influence the labour market, enhance job quality and reduce unemployment. Such policies can take one of two forms: active and passive. Active policies seek to improve the employability of the unemployed through guidance programmes, vocational training and support for job searches, while passive policies relate to a system geared towards social protection that can guarantee an income for the unemployed while they seek new employment.

In the case of Panama, we must emphasize that the unemployment rate was 9.5 per cent in October 2024, an increase of 2.1 per cent on August 2023. This means that the number of unemployed persons increased from 155,625 to 202,609 over that period. As we have indicated, the unemployment rate rose from 7.4 per cent in August 2023 to 9.5 per cent in 2024. This increase means 46,984 additional unemployed persons. Unemployment among



men rose from 4.4 to 5.8 per cent, and the rise among women is more alarming, from 7.7 to 10.5 per cent, with an upward trend.

Labour informality continues to be one of the highest rates in the region. In Panama, around 50 per cent of workers in non-agricultural jobs are in informal work, according to figures from October 2024. In the meantime, during the period from August 2023 to October 2024, the country's economically active population was 2,126,771 persons. The youth unemployment rate has reached 29 per cent, according to the National Statistics and Census Institute (INDEC), which has become a short-term social problem due to the lack of opportunities for this number of unemployed persons. Sixty per cent of jobs held today by young persons are informal, and those who find formal employment earn less than US\$698 per month, which is around US\$35.87 less than the average wage of US\$734.

In the case of indigenous populations – the Ngöbe Buglé indigenous region has the highest levels of poverty – the lack of job opportunities and neglect by the authorities has caused this population to have the highest level of extreme poverty and malnutrition, reaching over 96 per cent. According to the study, this group lacks sufficient food, drinking water and mains electricity, and access to education is almost non-existent.

This means that, by 2025, Panama had lost approximately 54,107 formal jobs. Between 2023 and 2024, three out of five new jobs created by the economy were informal, necessitating serious discussion of whether the development model being followed by our economy is appropriate in a country with many resources and much potential, but that is failing to create sufficient quality employment.

Although, as workers organized in trade unions, we raised the need to discuss the root causes of the country's structural problems, our position has been ignored. The situation is worsened by policies intended to reduce public spending, as well as budgetary control measures intended to promote the repayment of public and private debt, which totals more than US\$56 billion, while reducing funding allocated to social areas, such as water, health, education, decent work and other claims voiced by trade unions and social organizations in general.

Although Panama has an estimated GDP of around US\$63 billion, as well as a consumer price index of over US\$13,500, the population faces daily water shortages, with around 250,000 persons without a water supply in Panama City and Colón, the cities at either end of the Panama Canal. Twenty-two per cent of the 3,200 school buildings do not have an internet connection, and 12 per cent do not have an electricity supply, in addition to the deplorable condition of the facilities in a significant number of schools, which hampers the quality of life and the creation of a population with the skills demanded by the labour market.

The public health system is also facing a crisis in the provision of care, drugs and other basic services. In the same way as the so-called "labour market", it is facing complexities reflected in rapid changes in conditions of stability and security, to the detriment of workers, their representative organizations and leaders, who are facing strong political and economic pressure.

The rapid growth of both open and disguised informal work, estimated to affect 61.2 per cent of the active population, is compounded by the scandalous anti-union policy pursued by the authorities responsible for adopting worker protection measures. Deregulation policies and high levels of labour flexibility have resulted in an unemployment rate of 9.2 per cent, while just 22 per cent of the workforce is in the formal sector, with most of the working



population falling outside the protection of the social security system and not enjoying the benefits or rights deriving from the employment relationship, as required by the legislation.

On 1 July 2024, a new Government took office, considered to be on the right-wing libertarian line. The Government identifies fully with the most conservative sector of Panamanian employers, setting a pro-private enterprise course and an attitude of constant attacks on the trade union movement, even in violation of constitutional provisions and disregarding the protective provisions of Panamanian labour law.

Budget cuts, cuts to public spending and investment, particularly in sensitive sectors, such as health, education and housing, the elimination of social assistance programmes, mass dismissals of public officials and the closure of public institutions, among other measures, have become political tools wielded against social movements that demand greater employment and decent wages.

At the same time, the imposition of control mechanisms over social organizations and trade unions through policies of pressure and the use of the courts to silence the voices of leaders who demand job creation has become a daily reality – that is, the criminalization of social protest – in some cases accompanied by open threats, and by pressure tactics in others.

The leaders of teachers' unions are being prosecuted through rigged cases and investigations. Trade union leaders who, together with other sectors, call for greater employment opportunities and access to the labour market are investigated on suspicion of the crime of "misappropriation of public funds". Indigenous leaders suffer intimidation, pressure and coercion to change the organizational structures traditionally used for action by indigenous peoples, who have historically been forgotten.

In conclusion, we would like to emphasize that the Decent Work Programme, promoted by the ILO through the National Decent Work Plan, is not working. The previous and current Governments have demonstrably failed to acknowledge the forums created by the ILO, such as the tripartite committee in Panama, which enjoyed support from the Committee of Experts. We therefore demand the establishment of the forums for dialogue required under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), with reference to the tripartite commissions which in their time strengthened social dialogue mechanisms in Panama and full compliance with and implementation of the Convention.

Government member, Ecuador - I am delivering this statement on behalf of a group of Latin American and Caribbean countries including **Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru**, and my own country, **Ecuador**. We note the updated information and statistical data reflecting the results of the various active employment promotion programmes, which were provided by the Government of Panama, represented by the Minister of Labour and Workforce Development.

We welcome the continuous efforts made by the Government, with a view to implementing a comprehensive policy aimed at promoting the creation of full, productive and freely chosen employment opportunities.

We also welcome the measures adopted to promote the integration of young people and persons with disabilities into the labour market through public-private partnerships and the participation of women in the labour market. We encourage the Republic of Panama to pursue these efforts.

We also recognize the country's commitment to the digital transformation of its public employment services and the Labour Market Observatory, the regulation of private



employment agencies and the implementation of training and certification in key sectors, such as tourism and logistics, prioritizing areas of vulnerability.

We also emphasize the leadership by the Republic of Panama as Chair pro tempore of the Council of Ministers of Labour of Central America and the Dominican Republic, a subregional forum for dialogue that recently adopted a work plan focusing on the strengthening of public employment services and labour market observatories, as well as the transition to formality through a multisectoral approach harnessing technology, international cooperation and technical assistance.

Finally, we express our solidarity with and support for the Republic of Panama in its efforts to achieve economic recovery and job creation, and recognize the progress made in addressing the challenges arising from the pandemic and other situations that affected the continuity of production.

Employer member, Guatemala – Many thanks to the Government representative for the information provided. The informal economy has reached alarming levels in the countries in our region. Panama is no stranger to this situation, and we therefore welcome the political will demonstrated by the social partners and the Government through the signature of the Memorandum of Understanding of the Decent Work Programme 2024–27. It is within this framework that the course of action must be determined and the follow-up to the employment policies referred to in this important Convention must be ensured. This action must clearly take into account the elements indicated by the Committee of Experts in its report, that is, coordination with the economic and social policy of the country, including the Strategic Plan (PEG 2025–29) to which the Government representative referred, and the compilation of statistics to evaluate the outcome of employment policies.

It is in this forum that a way forward must be sought to address the specific challenges specified by the Committee of Experts, that is, the low labour market participation rate of women and youth unemployment, which are major concerns for us.

Prolonged blockades of national roads and unlawful work stoppages, which have seriously affected labour stability and the operation of enterprises, particularly micro and small enterprises, do nothing to help create and maintain jobs. These are acts that we condemn as violations of the freedom to work, freedom of enterprise and of movement and, ultimately, legal certainty.

Government member, El Salvador – On behalf of the Government of El Salvador, we express our appreciation to the sister Republic of Panama regarding the application of the Convention. We recognize the efforts made by the Government to guarantee the right to decent work through public policies aimed at promoting dialogue and productive and freely chosen employment, in accordance with its Constitution and international labour standards.

As member countries of the Council of Ministers of Labour of Central America and the Dominican Republic, we have had the opportunity to experience first hand Panama's good practices, which link education with employment policy. In this regard, we welcome the fact that Panama has responsibly taken on the challenge of leading collective efforts for the implementation of modern and innovative active employment policies, the digitalization of public employment services, the promotion of equality of opportunity, and the implementation of comprehensive strategies for the transition from informality to formality.

We wish to emphasize that this commitment is not isolated, but is part of a vision shared by countries in the region, which recognizes the importance of addressing in a coordinated



manner structural challenges, such as the digital transformation, the impacts of climate change and the need for sustained investment in education and lifelong vocational training.

The modernization of public employment services and labour market observatories is an objective that we are pursuing mutually to improve outreach to the population. These are indispensable instruments to ensure successful employment policies, decent work, effective social dialogue and the protection of workers.

We welcome with enthusiasm and confidence the role of our neighbouring country, Panama, in the impetus of a human-centred national and regional agenda, and we encourage it to continue making the necessary efforts to ensure effective compliance with international Conventions. We are willing to continue sharing good practices in future regional forums, and look forward to doing so.

Worker member, Canada – I share this statement on behalf of the Canadian Labour Congress. The report of the Committee of Experts on the application of the Convention in Panama clearly states the need for a coherent employment policy, sustained in tripartite social dialogue, which guarantees full, productive and freely chosen employment. However, what we see today in Panama is a profound contradiction between these principles and the national reality. It is impossible to establish an employment policy based on dialogue if freedom of association is not first guaranteed. And in Panama, unfortunately, that guarantee is absent. The Worker members would like to express our deepest concern at the attacks on Panamanian trade union organizations: freezing of accounts, intervention in mutual societies, prosecution of leaders, arbitrary arrests and repression of social protests. All this is happening with the support, and even the pridefulness, of the Government itself, which in public statements has openly stated its refusal to enter into dialogue with the trade union movement. This situation, incompatible with the founding values of this Organization, undermines not only freedom of association, but also any real possibility of formulating a participatory, inclusive and effective employment policy. We therefore urge this Committee to send a clear signal. And we ask the Office to deploy the maximum efforts to offer Panama technical assistance and accompaniment, with the objective of re-establishing minimum conditions of legality, social dialogue and peace. The workers of Panama are not alone. This Committee must contribute to open a path to a solution.

Employer member, Costa Rica – The Costa Rican employers welcome the opportunity to speak at this forum regarding the case of Panama, in the context of following up on the application of the Convention. As part of the mandate of this Organization, active employment policies must be promoted in a comprehensive manner, which takes into consideration both institutional developments and structural challenges. In this regard, we recognize the substantive efforts made by the Republic of Panama to strengthen its national employment strategy under the Decent Work Programme 2024–27. Key initiatives include: the implementation of youth employment policies; the establishment of the National Labour Observatory; the launching of vocational guidance programmes; and a set of specific actions to promote gender equality in the labour market. Furthermore, social dialogue has been strengthened through active tripartite round tables. It is particularly important to emphasize the role of CONEP as a stakeholder committed to the development of the country. Its participation has been technical, constant and proactive, and it has contributed to both the design and follow-up of public labour policies, and has promoted the principles of sustainable economic development and decent work.

However, it is also necessary to point out that the efforts to build an environment conducive to formal and productive employment have been hindered by external factors



beyond the control of employers. These include events such as the mining contract being found unconstitutional, the prolonged blockades of national roads and the unlawful work stoppages that have seriously affected labour stability and the operation of enterprises, particularly micro and small enterprises. Such acts, which in many cases were carried out at the margins of social dialogue, are in violation of the right to work, free enterprise and legal certainty. As employers, we cannot ignore the fact that these circumstances represent a serious threat to the creation of formal employment, investment and social peace. Without a predictable environment and full respect for the rule of law, it is not possible to make progress on the issue under examination. The Costa Rican employers express their profound solidarity with their Panamanian counterparts and emphasize the need for the efforts for the implementation of the Convention to be examined in their real context. It is not possible to have productive employment or effective policies if the principles of legality and peaceful coexistence, which underpin development, are violated. We therefore trust that this Committee will be able to recognize the progress made by Panama and the commitment of employers. We consider that the examination of this case should not be confused with a failure to comply with obligations. It should instead be seen as part of a dynamic process requiring the support of all stakeholders, that is, the tripartite system itself.

Worker member, Argentina – I am speaking on behalf of the three Argentine confederations: the General Confederation of Labour of the Argentine Republic (CGT RA), the Confederation of Workers of Argentina (CTA Workers), and my union, the Confederation of Workers of Argentina (CTA Autonomous), and on behalf of the Brazilian confederations. In the case of Panama, the Committee of Experts has made a series of observations that indicate considerable gaps in terms of access to and conditions of employment, noting a high rate of informality, an increase in temporary contracts, youth unemployment and low levels of participation by women in the labour market, which shows the failure of the Government's Strategic Plan 2020–24, and other plans, such as the national register of own-account workers, which was intended to improve informality rates, and the standstill of the ILO National Decent Work Plan.

As the Committee of Experts recognizes in its report, CONATO has denounced the lack of an employment strategy developed with the social partners, as shown by the high rate of informality, temporary contracts, the strong concentration of the economy in specific sectors and regions, with inequalities by region, ethnicity and gender. As we anticipated, the indicators continue to show that the employment policies designed by the Government have proven to be predictably ineffective and inadequate for the achievement of the objectives set out in Article 1 of the Convention. The Government does not allow criticism or dissent, and endeavours by all means to prevent trade union action that highlights the failure of the Government's employment programmes. This explains the repressive action, such as the persecution of leaders, the arson committed on union premises and the financial stranglehold, all of which have been denounced by the National Confederation of United Independent Unions (CONUSI) and by the Single National Federation of Construction and Allied Workers (SUNTRACS) to the Committee on Freedom of Association (Case No. 3456). In that Case, reference is made to the murders of four persons who were participating in protests, arbitrary detentions, acts of intimidation against trade union leaders and the closure of their bank accounts, as reprisals against participation in the protests.

This means we are ever farther away from compliance with the employment policies required by Article 3 of the Convention and the obligation to consult with workers' and employers' organizations. The Government has unleashed a serious and inadmissible policy of persecution. It is not only in violation of the Convention, the basis of the Committee of Experts'



observation, but the conflict has escalated to constitute a violation of freedom of association and civil liberties. It is no coincidence that the rate of informality has deteriorated, reaching 49 per cent, and that the unemployment rate has risen from 7.4 to 9.5 per cent, according to the National Statistics and Census Institute (INDEC). Employment is generated by complying with the Convention and not by violating civil liberties and freedom of association, with fierce repression such as that used against first nation communities in recent days.

In conclusion, the Government is continuing to be in violation of the Convention. Its economic growth policies are not generating employment or improving the situation of workers. Structural inequalities associated with ethnic, regional and gender issues remain unchanged. The Government is forging ahead with its policy of repression instead of social dialogue and tripartite consultation. We demand an end to the persecution and financial stranglehold and demand the release of the detained union leaders.

Government member, Ecuador – The delegation of Ecuador welcomes the opportunity to intervene in this Committee and does so to express its support for the Government of Panama in the examination of the Convention on employment policy. Ecuador recognizes the progress made by Panama in the formulation and implementation of public policies aimed at promoting full, productive and freely chosen employment, in line with the principles of the Convention. We particularly appreciate the comprehensive approach adopted by Panama that covers education and vocational training, and the strengthening of public employment services through technological transformation, leaving no one behind. The Ministry of Labour of Ecuador notes with great interest the initiatives that Panama has been taking on labour migration policy and circular migration for the purpose of employment, in partnership with other countries in the region. We believe that these experiences represent good practices that contribute not only to safe and orderly labour mobility, but also to the economic development and social cohesion of all our countries. We welcome the country's undertaking to invest in megaprojects that boost the economy and generate employment, as well as public-private partnerships that strengthen the participation of the productive sector in all labour policies. We also value the development of programmes aimed at the inclusion of persons with disabilities in employment and the initiatives undertaken in coordination with community justice peace centres, which promote access to work opportunities in particularly socially vulnerable contexts, thereby strengthening the link between employment, social cohesion and regional development.

We reiterate our appreciation to Panama for its commitment to the effective application of the Convention, and we call for this examination to be carried out in a constructive spirit, valuing the efforts made and the country's constant willingness to continue strengthening its employment policies, with the support of the ILO and the participation of all the social partners.

Employer member, Honduras – It is an honour to address you to highlight the significant progress that Panama has made in labour policy, particularly in compliance with the Convention. The Convention urges States to adopt active employment policies with the principal objective of promoting full, productive and freely chosen employment. These are principles that, in our opinion, Panama has integrated into its employment policy seriously and with commitment. We have seen how, in close collaboration with the private sector represented by CONEP, significant progress has been made in consolidating a labour market in Panama based on stability, formality and respect for labour rights. We are pleased to see that, according to information provided by the Government, which has been confirmed by the country's employer representatives, flagship programmes have been launched, including the employment integration support programme, *Aprender haciendo*, the "I comply" (*Yo sí cumplo*) programme for employers, and the vocational training and employment programme (POVE).



These programmes, which were in force between 2019 and 2024, have been fundamental in the promotion of training, employability and the recognition of best practices in the field of labour.

In addition, the Strategic Employment Plan 2020–24 and the Decent Work Plan 2024–27 reaffirm the commitment to an inclusive tripartite dialogue, in which the Government, employers and workers actively participate in the development of effective labour policies adapted to the country's needs. Only in an environment of respect and constructive dialogue can it be ensured that public policies achieve their objectives, benefiting the entire population and strengthening the stability that Panama has generated throughout its history. On this point, it is essential to highlight the importance of respect for the rights and protections of all citizens, particularly in contexts involving demonstrations and road closures, which disrupt freedom of movement and, in turn, the right to work. It should be recalled that no right is absolute, as all rights are limited by the rights of others, the security of the population and the just requirements of general well-being and democratic development.

In conclusion, Panama has openly and confidently shown its efforts to maintain a solid, fair and sustainable labour market through the application of active employment policies, which have been developed in collaboration with the various social partners, highlighting the participation of Panama's employers. We therefore always encourage these partners to continue complying with the Convention in an inclusive manner.

Worker member, Sweden I am speaking on behalf of the workers of the Nordic region. Today, I wish to raise my voice for those women in Panama who continue to be excluded from the formal labour market in terms of both employment and consultation. As noted by the Committee of Experts, although the Government has indeed adopted plans, the reality is that gender inequality persists, and at an alarming level. In 2023, and according to the data of the ILO Department of Statistics, only 46.1 per cent of women were employed, compared with 70.4 per cent of men. These figures are not only statistics, but they are also a reflection of an economic structure that continues to exclude and be unequal. The high concentration of women in the informal economy therefore shows that the current policies are failing to change the structural conditions that perpetuate inequality in society.

We must be clear. In accordance with Article 3 of the Convention, which the Republic of Panama has ratified, governments are required to consult the social partners in the formulation of employment policies. However, in Panama, these consultations have been limited and, in many cases, symbolic. The lack of adequate social dialogue undermines the legitimacy and efficiency of any public policy for the labour market, including those aimed at strengthening the position of women. Furthermore, we observe with concern the developments in the situation in Panama, where trade union representatives are being persecuted. We wonder how trade unions can be consulted, as required by the Convention, if at the same time their leaders are being persecuted. In conclusion, the Nordic trade unions align themselves with the recommendations and requests made by the Committee of Experts on the labour market participation of women and highlight, in particular, the specific request for information on the consultations held with the social partners.

Government member, Costa Rica – The Government delegation of Costa Rica welcomes the opportunity to speak in this Committee and wishes to express its support for the Republic of Panama in the context of the examination of compliance with the Convention. We appreciate the efforts made by the Government to strengthen its public employment policies, taking into account the structural and economic challenges faced in the region. We have observed Panama's willingness to provide a space for dialogue at the subregional level, to enrich the



vision and approach at the national level, based on the exchange of good practices and experiences in the Council of Ministers of Labour of Central America and the Dominican Republic. Recently, a subregional agreement was concluded on the Plan of Action 2025–27 to focus efforts on strengthening public employment systems, labour inspection and formalization, with the aim of combining efforts to build a fairer, more equal and more resilient labour environment. We draw particular attention to the technical exchange that has taken place and will continue to take place in the coming years regarding public employment services, vocational training, active labour market programmes and formalization strategies, areas in which Panama has demonstrated a willingness to seek continuous improvement.

As part of our close bilateral collaboration, we wish to highlight the work carried out jointly by Costa Rica and Panama through the Agreement on the Coordination Mechanism for Migration Flows for Employment and Occupation, concluded in 2015 by our Ministries of Labour. This Agreement established a bilateral technical committee responsible for examining and promoting good practices and measures to improve the traceability of the migration flows of the Ngäbe Buglé population, who traditionally migrate from Panama to Costa Rica during the coffee harvest season. In this technical forum, both countries have made commitments to ensure safe and orderly labour migration, with emphasis on the protection of human rights.

This initiative reflects a genuine commitment by both States to promote decent work, labour market integration, the promotion of ethical recruitment and the regional coordination of public policies, in accordance with the principles set out in the Convention. In this regard, we call for the examination carried out in this Committee to be based on a balanced and constructive vision, recognizing the achievements. The recommendations issued should contribute to the further strengthening of national capacities to develop and implement effective employment policies. We also highlight the added value of the action developed through tripartite dialogue, with the provision of ILO technical assistance where necessary and appropriate. Costa Rica reiterates its commitment to strengthening decent work in our subregion and its willingness to continue collaborating with Panama and other neighbouring countries to promote comprehensive, resilient and sustainable public policies formulated through social dialogue.

Worker member, Peru – I am speaking on behalf of the trade union confederations of Peru and the TUCA. In view of the lack of a definite employment strategy formulated with the social partners, and of coordination between the programmes implemented to promote employment opportunities, as well as the absence of development plans with continuity, and we are not talking about isolated initiatives, as we have heard in this room, the Committee of Experts noted with interest the conclusion on 8 April 2024 of the Memorandum of Understanding of the Decent Work Country Programme 2024–27 by the Government and the social partners, including representatives of the National Decent Employment Commission (CONED), CONATO and CONUSI, with the participation of the ILO. This is the tripartite forum for the discussion of employment policies. As we see, this initiative was carried out with social dialogue, tripartite consultation and ILO technical cooperation and assistance, which we welcome. However, today we note with regret that a little over a year has gone by and the Government has frozen the implementation of the Decent Work Programme and the functioning of the tripartite follow-up committee. We recall that this Programme constitutes the main framework for the achievement of the four pillars of the Decent Work Agenda: employment, social security, social dialogue and fundamental rights. This is no small matter. We have moved from a climate of social dialogue to one of repression and persecution of trade union leaders for criticism or dissidence in defence of decent work, such as the adoption of a social security reform without consultation and the failure to respect freedom of association.



The situation has progressed from a discourse by the Government delivered by the Minister of Labour who, at the time, advocated public employment and occupation policies from a human rights perspective, and who always called for respect for fundamental rights in labour relations, to actions that do not promote employment, but instead restrict freedom of association, weaken trade unions and criminalize protests. This situation is already known to the ILO through the complaint in Case No. 3456. It is not only this Convention that is affected, but also fundamental Conventions, such as the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Convention No. 144. It is therefore important for the Government to return to the path of social dialogue for the development of employment policies, of course with ILO technical assistance, and with minimum guarantees for the participation of trade unions (including the guarantee that they have facilities for participation and financial resources, through the release of their trade union dues, and to reactivate the tripartite follow-up committee of the Decent Work Programme. For an employment policy to be implemented, it has to be consistent with economic and social policy in a country without social conflict, a country that is open to social dialogue, a country that promotes decent work and its four pillars, including the unrestricted respect of freedom of association. Finally, I wish to emphasize that it grieves the Worker members that the Government is not promoting social dialogue, and it grieves us that Panamanian workers are in the streets and are not working in order to claim their fundamental rights, without being heeded.

Government member, Honduras – We have reviewed the report submitted by Panama, the request for information from the workers and employers and the respective responses during the regular reporting period. As we know, the Convention seeks to promote full, productive and freely chosen employment. In that regard, we acknowledge the efforts that Panama has been making to design and implement an employment policy, in consultation with the social partners and in line with its national development priorities.

We welcome the results obtained by Panama in the field of public employment policies. As part of those policies, 52 recruitment days were organized at the national level in the second half of 2024, offering 2,021 job opportunities. So far in 2025, 60 recruitment days have been held at the regional level, with 4,685 vacancies on offer. Similarly, as part of the Council of Ministers of Labour of Central America and the Dominican Republic we have learned how vocational training and labour market integration strategies, together with labour market data compilation and analysis, are key factors in strengthening public employment systems. We reiterate that employment policies must always be aimed at strengthening stability and the labour rights of the working class.

We recognize that there are challenges in this area, as we are still recovering from the stagnation caused by the COVID-19 pandemic. We therefore welcome all the technical assistance that the ILO can provide to strengthen public employment systems, labour market observatories and forums for tripartite dialogue. The latter represent a key driver in promoting democratic coexistence. To continue making progress, it is important to give priority to social dialogue, together with workers, who provide labour, and employers, who provide capital.

Worker member, Uruguay – I am speaking as a representative of the workers of Uruguay, and particularly from the education sector. The Convention indicates in its Preamble that “productive and freely chosen employment” should be a central objective of any economic and social policy, and Article 3 sets out the requirement for effective consultation with the social partners. In Panama, however, this basic requirement has been breached. Since 23 April 2025, the education sector trade unions, including teachers’ unions, have been on indefinite strike, demanding the repeal of Act No. 462 on social security. Over the past six weeks,



thousands of teachers have lost classes and wages while the Government has proceeded to criminalize the protest. The pressure does not stop there, as teachers have been prosecuted, arbitrarily imprisoned and repressed in public demonstrations. The Ministry of Education, with the Government's support, has announced that it will not negotiate. This situation is incompatible with the effective application of the Convention. There can be no sustainable employment policy or strong education system if the State is persecuting educators and workers' representatives. Repression instead of dialogue prevents the development of social consensus and undermines public policies. We recall that the strength of a country to promote employment depends on the existence of legitimate, organized and free partners. However, Panama is weakening the third partner of tripartism, the workers.

The political defence put forward by the employers in this room seems to confirm this, even through the use of rash terms, such as "unlawful strikes", endeavouring through the use of force to establish education as an essential service and the questioning of court rulings that have prevented the violation of the Constitution are all part of the problem. Faced with this situation, the Worker members request the Committee to issue an urgent call to the Government to immediately cease the repression of teachers' unions, release the teachers who are being prosecuted, provide guarantees for their safety and open a real channel for tripartite social dialogue that complies with the requirements of Article 3 of the Convention. We also call on the ILO to intervene immediately to mediate in the conflict and redirect this process towards a space of social peace, inclusion and development. The credibility of the tripartite system is at stake.

Worker member, France – I would like to express our deep concern at the situation in Panama, which has a direct impact on the provisions of the Convention on employment policy. This Convention emphasizes the importance of an active policy to promote full employment and, above all, the need to consult employers' and workers' representatives for that purpose. In Panama, however, the capacity of trade unions to participate in social dialogue is being seriously undermined. The restriction of access to union funds, as in the case of SUNTRACS, is an obstacle to the functioning of trade unions, which in turn limits their capacity to represent workers effectively in consultations on employment policies.

In addition, the action taken against trade union leaders, including arbitrary detention and the failure to approve the establishment of support structures, such as cooperatives, are creating an environment that does not encourage the free and effective participation of workers in social dialogue. The Government has even tightened restrictions on the resources available to trade unions to properly carry out their function of social dialogue. The Government has also limited the access of trade unions to their financial resources by arbitrarily freezing their bank accounts (as in the case of SUNTRACS). As set forth in the Convention, the promotion of full and productive employment requires robust and unrestricted social dialogue. When workers' organizations are prevented from operating freely, from using their own resources, from participating, the essential basis for the development of equitable employment policies is undermined. For all these reasons, it is fundamental to restore in Panama the conditions to enable the establishment of genuine social dialogue that ensures the full participation of workers' representatives, in accordance with the provisions of the Convention.

Worker member, Costa Rica – I am speaking on behalf of the workers to express our deep concern at the situation in Panama in relation to the principles of the Convention. I would like to focus on two essential aspects for compliance: the effective application of a comprehensive employment policy that ensures labour market integration, and social dialogue, and the active participation of the tripartite constituents in such a policy.



In the first case, non-compliance is clear and evident. There is neither a national employment plan nor a comprehensive employment policy that meets the needs of the population in general and of young persons in particular. Government programmes are more bureaucratic than robust, without sufficient data or statistics to assess their relevance, real results and meaningful impact on labour market integration. They have frequently been used to lower business costs and make employment and recruitment more precarious. They are programmes without tripartite consultation, unconnected with each other and inconsistent with a comprehensive framework of pro-employment investment policies. Collective bargaining is marginalized in these programmes, which do not cover the transition to formality or adequate gender mainstreaming.

Second, it is undeniable that there is no social dialogue or tripartite consultation in this field. The Decent Work Programme is at a standstill without any progress. Trade unions are excluded from participating in the formulation, adoption and implementation of a comprehensive employment policy. In addition, the lack of freedom of association and the Government attacks on trade unions and their leaders make social dialogue unfeasible. Trade union rights are being severely violated, stripping trade unions of their means of institutional strengthening, as is the case with the suspension of training insurance, which is financed by workers' contributions, which should therefore be available to trade unions for their training and capacity-building activities, which are vital to address and overcome the problem of decent employment. According to the observations of the Committee of Experts, it is clear that there is no identifiable progress. The employment problem has worsened, causing a further deterioration in workers' standard of living. The most serious aspect is the absence of dialogue and the exclusion of trade unions from this area, preventing their democratic participation and respect for freedom of association, and with trade union confederations being subjected to constant Government aggression. Finally, we ask the Committee to note this terrible situation and to request the Government to comply with the principles of the Convention, allow the indispensable tripartite participation for the adoption a comprehensive employment policy, immediately cease its arbitrary attacks on trade unions and their leaders, and guarantee freedom of association as a pillar of social dialogue.

Worker member, Mexico – I am speaking on behalf of the National Federation of Workers of Mexico (UNT). The Convention and its accompanying Recommendation are fundamental governance instruments which establish principles for the achievement of sustainable development focused on employment and place emphasis, among other areas, on the promotion of decent employment in the public and private sectors, social protection and social dialogue.

The failure to apply these essential principles in the formulation of coherent, comprehensive and integrated frameworks for employment policies has had serious consequences, as well as the adoption of reforms in the field of social protection. This has included an increase in contribution weeks for entitlement to a pension, and the authorization for 10 per cent of the funding of the invalidity, old-age and survivors' programme to be managed by private banks, which is threatening the model of social security based on solidarity in Panama. Attacks on the assets of trade unions through the retention of union dues are reducing their economic capacity, which is in turn weakening their capacity to develop their plans of action and therefore restricting freedom of association. Another example is the audits practiced on unions in relation to the Education Insurance Fund, composed solely of the contributions of workers in the public and private sectors and of employers based on the basic wages paid, of which only 5 per cent of the monthly total is assigned to trade union education and training. Other activities are financed, including the administration and staff of the



Panamanian Institute of Labour Studies (IPEL), which administers the Fund and forms part of the Ministry of Labour and Workforce Development. It should be emphasized that no audits have been practiced on the IPEL, but they have been carried out on the unions. Under the presumption of the undue use of resources, funding has been unlawfully retained from the training activities approved and carried out. New allocations of funds have been paralysed, in the same way as occurred in Panama over 13 years ago, following the 101st ILO Conference in 2012.

The persecution of the leaders of unions and other organizations is complicating still further the exercise of social dialogue in the country, and accordingly the right to collective bargaining, the founding principle for the formulation of employment policies, which has resulted in workers in various sectors being forced to have recourse to the exercise of the fundamental right to strike. These actions demonstrate the intention to limit and undermine the participation of unions in the formulation of public policies for decent employment. How is it possible to participate in the formulation of effective and coherent public employment creation policies when unions and their leaders are suffering persecution? Accordingly, for the action taken in Panama to be considered effective and coherent in order to give effect to the Convention, it is essential to guarantee tripartism in practice in the formulation, implementation and review of employment policies. Without agreement between the partners, such policies can only be considered to have been formulated in bad faith.

Observer, International Trade Union Confederation (ITUC) – I am addressing this Committee on behalf of the trade unions in Panama which are affiliated to the TUCA. I am doing so with deep concern at the situation that is affecting our country, which is not only failing to comply with the Convention at the structural level, but has also entered an alarming phase of the blatant criminalization of trade union activities. The Convention establishes, in Article 3, the requirement for States to consult the social partners for the formulation and implementation of employment policy. But what social dialogue can exist if the unions are being persecuted as if they were criminals? I want to speak clearly about what is happening to SUNTRACS, one of the most important organizations in our country. Its Secretary-General, Saul Méndez, is currently in isolation in the Embassy of the Plurinational State of Bolivia after receiving death threats and being the subject of a systematic campaign of political and judicial persecution. The ILO must be aware that this is not an isolated denunciation, but rather a critical and verifiable situation.

Another national leader of the union, Genaro López, was imprisoned in a maximum security prison, and is now under house arrest due to his state of health. The real reason for his detention is being a trade unionist and fighting for collective rights. The authorities of Panama have gone as far as offering monetary rewards to citizens for information on the whereabouts of trade union leaders, including Erasmo Cerrud, as if they were dangerous criminals. As if this was not enough, the Government has blocked the bank accounts of the union, which is directly affecting its functioning and its capacity to provide essential services, such as the self-managed mutual fund for health and social welfare that SUNTRACS has built up over decades. This is a direct violation of trade union rights, the right to collective bargaining and freedom of association. With this level of institutionalized repression, there is no room for the application of the Convention. The conditions do not exist for social dialogue. There is no possibility of developing sustainable and participatory employment policies through tripartite cooperation when one of the essential actors – the workers – is being persecuted, silenced and deprived of its resources.

We want to make it very clear that it is not possible to talk of employment policy without freedom of association, and it is not possible to talk of social dialogue when the Government



publicly denies any form of negotiation and takes pride in “economically drowning the unions”, as stated by the President of the Republic himself in the media. We therefore call on the Committee to adopt strong recommendations requiring the following of the Government of Panama: the immediate cessation of the repression against SUNTRACS and all trade unions; the restitution of blocked trade union assets; guarantees for the safety and freedom of all persecuted union leaders; and the urgent opening of genuine social dialogue under the supervision of the ILO, as an essential step for the recovery of the democratic institutions of the world of work. We are worried about our return to Panama as we fear for our lives and the high level of repression suffered by trade union leaders in our country.

Observer, Building and Wood Workers’ International (BWI) – Article 3 of the Convention explicitly mandates that representatives of employers and workers must be meaningfully consulted on employment policies, with the objective of incorporating their insights and securing their full cooperation. This requirement is inextricably linked to the full respect for freedom of association and the right to collective bargaining, as enshrined in Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Regrettably, the current situation in Panama demonstrates a clear and troubling deviation from these obligations. Since November 2023, the BWI affiliate SUNTRACS has been subjected to a sustained campaign of repression in response to its leadership of public protests against mining legislation and proposed social security reforms. This campaign has included arbitrary arrests and acts of intimidation. In recent weeks, the crackdown has intensified: union offices have been raided; bank accounts have been frozen; legal registration has been revoked; and arrest warrants have been issued for the entire leadership. Saúl Méndez has been forced to seek political asylum. Jaime Caballero is detained. Genaro Lopez is under house arrest. Erasmo Cerrud is being hunted down. These actions are occurring in the context of a national strike launched on 28 April. More than 120 SUNTRACS members, including both leadership and rank-and-file members, are facing criminal prosecution simply for exercising their legitimate right to peaceful protest. The BWI recalls the March 2025 recommendations of the Committee on Freedom of Association (Case No. 3456), which urged the Government of Panama to immediately restore SUNTRACS’ access to its financial resources and to provide protective measures for its leadership. To date, these recommendations have not been implemented. We call upon the Government of Panama to fulfil its international obligations, end the persecution of trade unionists, immediately withdraw arrest warrants, release those who are detained and fully restore trade union rights.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) – The Convention requires Member States to adopt and pursue an active policy designed to promote full, productive and freely chosen employment which aims to stimulate economic growth and development, raise levels of living, meet manpower requirements and overcome unemployment and underemployment. Contrary to the spirit and content of this Convention, the Government of Panama has adopted Act No. 462, which workers fear will reduce social security protection, especially pension provision. The changes will hit hardest health, education, construction and banana workers. For the banana workers, the new Act is placing at risk the gains and provisions of Act No. 45, which recognizes the hardship of the work in banana plantations and gives banana workers the possibility to retire based on years of service rather than at a fixed age.

The workers went on to protest the changes. Since April, the workers’ protest actions and demonstrations have been met with police repression and threats of legal action by the Government. Union leaders fear for their safety and some have been forced into hiding. On 27 May, the Government declared a state of emergency in one of the main banana-producing



areas, Bocas del Toro, increasing tension and fears of repression. In the same days, the company responsible for 90 per cent of Panama's exports suspended 5,000 daily workers. It was followed by a further announcement that it will suspend all its administrative, planting, packing and export operations in Bocas del Toro. This decision will hit Panama's economy, for which bananas are vital. They are the country's main export, representing 17 per cent of foreign sales. The Banana Workers' Union (SITRAIBANA) denounced the sackings, which they believe do not respect the procedures of the law and represent a manoeuvre by the companies in collusion with the Government to eliminate unions. We are aware that the Government has sent an investigative team to Bocas del Toro, and there is a proposal from Archbishop José Domingo Ulloa to introduce a bill, agreed upon with unions, that would restore workers' benefits, but only if the union blockades end. However, repressive measures against all union leaders, like those that are faced by SUNTRACS, have eroded union confidence in the Government. We urge the Government, as an act of good faith, to move ahead immediately and unconditionally with the bill to protect Act No. 45 and to take immediate measures to restore social peace based on the full respect of freedom of association and collective bargaining.

Government representative – First of all, I would like to express our most sincere appreciation to the social partners for each of their precious interventions. Their comments and contributions are fundamental for the continued construction of a public policy that is genuinely inclusive and effective with a view to the development of all the sectors of our society. May I first briefly address the subjects that have been raised, particularly to place emphasis on the progress that we have achieved in the coordination of employment policy with the economic and social policy of the country. I wish to place special emphasis on the consultations held with the social partners in relation to the formulation, application and follow-up of active labour market measures. In 2022, a technical working round table was established for the formulation of a practical guide on vocational guidance for young students with the participation of various institutions, such as the Ministry of Labour, the Ministry of Social Development, the Ministry of Education, the Chamber of Commerce, the National Competitiveness Centre, CONATO and CONEP. This is a clear example of how we are moving forward towards greater collaboration for the development of policies that respond effectively to the needs of the population.

With reference to the issue raised of the labour market participation of women, I would like to emphasize the progress achieved through the Public Policy for the Employability and Labour Market Integration of Young Persons and Women (PEIM). More specifically, I refer to the *Impulsa mujer* project, which has the objective of promoting equality of opportunity for women, and particularly those who are vulnerable. Since its creation, significant results have been achieved, such as the recognition of 16 legal personalities at the national level, of direct benefit to over 2,500 persons and providing income through cooperatives, which is contributing to the reduction of gender gaps in communities. This project continues to be a fundamental pillar of our strategy to ensure the economic independence of women and their inclusion in enterprises. It consists of three phases intended to create opportunities in communities through the development of cooperatives providing various types of services.

I would also like to underline the recent adoption of the Public Policy for Equality of Opportunities for Women (PPIOM) 2024–34, within a strategic framework intended to make progress in gender equality in Panama over the next decade. This policy addresses key aspects, such as legal equality, economic autonomy, the political participation of women and action to combat discrimination, especially in rural areas. The Economic Agenda for Rural Women in Panama is another important milestone in this process and seeks to reduce gender gaps and



ensure the inclusion and empowerment of women throughout the country. In the context of our agenda of institutional modernization, we have taken decisive steps for the transformation of the Labour Market Observatory by aligning it with international standards and better practices. In this process, we have benefited from the valuable technical support of the Labour Market Observatory of Spain, with which we have had important exchanges and strategic dialogues. This technical cooperation has reaffirmed our commitment to the evidence-based management of employment, which makes it possible to take informed decisions and design more effective public policies for the development of skills in Panama. The Labour Market Observatory of Spain, managed by the State Public Employment Service (SEPE), fulfils various key functions for the analysis and improvement of the labour market. We trust that, in view of the progress that has been made by the Observatory in Spain, our own Observatory will improve the effectiveness and efficiency of employment policies, on the basis of which we will be able to facilitate the adequate matching of supply and demand on the labour market.

As part of our efforts to promote the transition from informality to formality, I would like to place emphasis on Act No. 462 of 18 March 2025, which introduces various important reforms to the Social Security Fund (CSS) of Panama. The Act was the subject of a broad citizens consultation process with the participation of all the sectors of the country, as well as a debate in the National Assembly, and benefited from ILO technical assistance for an actuarial evaluation. The objectives of the reforms include promoting the transition from informality to formality, ensuring the sustainability of the invalidity, old-age and survivors' scheme, and improving the quality of the management of the health system. These measures are necessary to prevent the collapse of the CSS pensions system. However, the reforms do not include an increase in the retirement age, on which there was much speculation. The significant aspects including the establishment of a single solidarity funded system, an increase in employers' contributions in stages, a rise in the levels of penalties for non-compliance and the introduction of a system of automatic registration through a link with MITRADEL, which should be operational within 24 months of the Act coming into force. These and other plans are being developed, both by MITRADEL and at the national level. For example, in care systems, we are seeking to establish carers certified by the INADEH as potential employers through the public employment service. In parallel, we are developing alliances with UN Women to promote cooperatives of carers and strengthen the valuable work that they perform. The National Directorate of Employment, through the public employment service, provides support to the migrant population resident in the country in order to guarantee their access to formal employment opportunities. This is done through the platform www.empleospanama.gov.pa, through which they can apply for vacancies published by the private sector. The migrant population can also participate in the various focused recruitment projects organized by this Department at the national level. In coordination with the International Organization for Migration (IOM), we are implementing a vocational training and employment programme, which has identified vulnerable young migrants through the *Piénsalo dos veces* ("think twice") programme. These young persons are provided with psycho-social support by our team of psychologists and social workers to provide them with tools and guidance with a view to facilitating their integration into the formal labour market while they finish their studies or once they have completed them.

In our commitment to regional cooperation, we have held strategic meetings recently with our counterparts in Costa Rica, within the framework of the existing bilateral agreement, with a view to the traceability of our Ngäbe Buglé nationals in Costa Rica, who migrate to work on coffee plantations during the coffee harvest. We have established a specialized round table where we are developing a circular labour migration protocol which represents significant progress in the orderly exchange of specialized labour and the implementation of good



practices in cross-border employment. In this context of the modernization of regulations, we have also adopted Executive Decree No. 6, of 11 March 2025, which establishes a comprehensive framework so that foreign nationals can regularize their migrant status in Panama, thereby facilitating their access to legal work and regular residence, and therefore supplementing the broad range of work permits that we already have.

Over the next year, we have assumed the commitment in relation to the Inter-American Labour Administration Network (OEA) to organize a specialized workshop on the articulation of education and work in our country in the context of the preparatory activities for the XXIIth Inter-American Conference of Ministers of Labour, of which we are part of the Troika. As a State, we express great concern as recently, as a result of unlawful and unjustified strikes, a multinational enterprise engaged in the production, distribution and export of bananas has ceased operations in Panama. That enterprise generated around 5,000 direct jobs and thousands of indirect jobs in the province of Bocas del Toro, where multidimensional poverty is 38.9 per cent, one of the highest rates at the national level. We are bound to express our concern on behalf of MITRADEL, as this constitutes a major socio-labour crisis. Each of the workers affected on average supports between five and six members of their nuclear families, which amplifies the effect on thousands of households. The Government has proclaimed a state of emergency in the Bocas del Toro area in an attempt, first, to establish effective dialogue with productive sectors with a view to preserving sources of employment, persuading the enterprise to rehire the dismissed workers and, at the same time, promote alternatives to allow the families concerned to re-establish their livelihoods and safeguard their dignity.

I take this opportunity to commend the valuable work of the ILO standards supervisory system and, with due respect, we also urge it to consider, in the observations of the Committee of Experts, the significant progress achieved in our region, as described in our reports. We give thanks for the observations and recommendations made to our Government, as they will help us to improve. Before finishing, I would like to express our greatest readiness to request and receive ILO technical assistance, which helps our country improve its strategic action. We will also display the continued commitment to maintain the transparency that decent work merits. We also wish to make it clear that we have 544 unions in Panama, and only one is taking systematic action to destabilize social peace.

Finally, I am bound to point out that, in accordance with the regular reporting schedule for the ILO, this year Panama is due to provide a report on the Convention, in which we will supplement the information that we have provided today, based on tripartite consultation with employers' and workers' representatives, as set out in Convention No. 144. We deeply regret that this distinguished Organization is being used to divert attention from the real labour challenges that we are facing as a nation. When workers' representatives refer to trade union persecution, in reality the leaders of those unions are under trial for common offences, and the cases were in any event reported by workers themselves as fraud. We continue to be committed to constructive dialogue, institutional transparency and the strengthening of public policies for the creation of decent work and real opportunities for all the citizens of Panama, without distinction as to their origin, social condition or political affiliation. Before ending, and without entering into inter-union matters, it is important to emphasize that there are today two confederations that have publicly called on persons to demonstrate in the streets and for the streets to be available to them, which have been suspended from CONATO. However, I reiterate that today's case does not refer to freedom of association, and we are here solely for Convention No. 122.

Worker members – The Worker members wish to close this examination by reaffirming, with the same force as when we opened the discussion, our deep concern at the situation



experienced by the people of Panama and the repression suffered by the trade union movement in the country, It is very important to clarify that we are not interested in thinking as they think: on the contrary, we are able to think differently. We said it at the beginning of the discussion, and we repeat it even more firmly at its conclusion: what is at stake is not only compliance with a governance Convention, but also democratic coexistence within a framework of real freedom of association, social dialogue and the fundamental pillars on which this Organization is built. There can be no decent work without democracy based on the guarantee of the rule of law.

We want to specify that the comments of the Committee of Experts came before the strike was called, the repression by the State and the whole situation of social upheaval that is happening in Panama. Consequently, the criticisms and observations that we are able to make on the application of the Convention are earlier and show that there were already sufficient issues and problems. The report of the Committee of Experts is focused on that. I have therefore listened carefully to the Director of Employment, who indicated that it is important for the Committee of Experts to have knowledge of these facts for its replies and observations. We have said it from the beginning, and it was confirmed by all the interventions by Worker members: in Panama, there is no coordinated and sustainable employment policy. The Committee of Experts is clear and forceful in its report, indicating that the programmes described are not structural, are not evaluated and do not have an adequate budget or participation by the social partners.

What is most serious is that there is no dialogue. No consultation. No tripartism, which is also aggravated by the systematic exclusion and delegitimization which, from what I have heard, only applies to the trade union sector that we represent, and which is compounded by an exacerbated discourse of confrontation that is related to a specific political line, as we indicated in our opening intervention. Various Worker members have described this in detail and have provided specific evidence that there is no tripartite social dialogue and that the State is engaging in persecution in violation of the rule of law.

I repeat: we are not interested in thinking differently; on the contrary, there has to be more respect for us. The criminalization of social protest does not create the conditions for social peace, and there can be no tripartite social dialogue if the unions are weakened. In this context, how can it be claimed that effect is being given to the Convention? How can we speak of full and freely chosen employment in a context in which the defenders of labour rights are being persecuted? We believe that it is difficult and indeed almost impossible to ensure compliance with the Convention under these conditions. It is also impossible to ensure compliance with fundamental rights, or to maintain and guarantee a democratic society and sustainable economy with social justice.

There can be no solutions without diagnosis. There can be no dialogue without the recognition of others and there is no way forward if we deny the existence of the conflict. We therefore repeat that an intervention is urgently needed by the Director-General of the Organization. A direct, visible and firm high-level mission. General recommendations are not enough, even when all the requests that we have made, and those made by the Government and employers, are taken into account. Calls for good faith do not suffice. Specific action is needed to send a clear signal to the workers of Panama that they are not alone.

We repeat that technical assistance must not be peripheral or symbolic. It is very important to focus on re-establishing respect for social dialogue, guaranteeing the conditions for freedom of association and re-establishing respect for fundamental standards. It will not be possible to create and maintain employment without robustly calling on the Government



of Panama to guarantee and respect freedom of association. We reiterate that, in our view, Panama is a regional priority, as what is happening in the country is a threat to the whole region. We welcome the position of the Government, as conveyed by the Director of Employment, because it is true that there will be an event in Panama, as I am the Chairperson of the Trade Union Technical Advisory Council (COSATE) of the Inter-American Conference of Ministers of Labour (IACML) of the Organization of American States (OAS), and I joined with the Ministers in issuing a statement in Bogotá which recognizes our status and with which it is necessary to comply, not only in this Committee, but also in the next American Regional Meeting, where we will issue a tripartite statement based on tripartite social dialogue. What we do not want to see is the consolidation of models of repression, models of violence against freedom of association and the denial of tripartism. What is at risk is not only the country, but also the ILO's national and international system.

We are not confronted with a technical problem. We have before us a fairly deep-rooted conflict. It is affecting public freedoms and the very visibility of the system of tripartite governance represented by the ILO. Reference has been made here to outlining a model. If there is a model, it is that of Governments which attack socio-labour rights in our region. And we do not want this model. The generation of productive, decent and freely chosen employment, with the essential objective of social and economic policy, has to include the people, and never leave them outside. We obviously wish to thank the Committee. This is the last case concerning our region and we are looking forward attentively to hearing its conclusions. Panama is our priority. We have to strengthen tripartism. As it was a model at a different period with its tripartite dialogue commissions, it can be once again. Political will is needed to do so, which would be for the good of everyone.

Employer members – The Employer members wish to thank the various speakers who have taken the floor and expressed their views on this issue, including the Government representative. The Employers wish to recall that the Standing Orders of the Conference, in article 10(1)(b), provide that this Committee has the function of considering individual cases relating to the measures taken by Members to give effect to the Conventions to which they are parties. In this regard, we wish to reiterate that it is very important, in order to ensure the relevance of the discussion of cases by the Committee, for us to confine ourselves to the case under examination and to refer to the comments of the Committee of Experts.

We trust that the Committee will take into account the comments made during the discussion, and particularly those that referred specifically to compliance in both law and practice with Convention No. 122, which is the Convention that we are examining today. In light of the comments made and the discussions held today, the Employer members would like to recommend the following to the Government: first, with ILO technical assistance, establish projects and programmes that are focused on strengthening tripartite social dialogue and which protect the independence, parity and, in particular, constructive participation of the social partners. Second, it should continue working through tripartite round tables so that, with the involvement of everyone, and with the experience and knowledge of employers, workers and the Government, progress can continue to be made in relation to employment, with the objective of decent work, and in the transition from informality to formality. We wish to emphasize that the protests that are carried out must take into account and respect the fundamental rights of citizens and cannot endanger the life, health or safety of citizens. We recall that, in line with the comments of the ILO supervisory bodies, a climate of generalized violence affects industrial relations, and in particular the generation of decent work and sustainable enterprises. Finally, the Employers reiterate the importance of the existence of



forums for tripartite social dialogue which allow the development of a more solid democracy and a path of greater consensus.

Conclusions of the Committee

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

The Committee noted with concern the lack of effective and genuine consultation with representatives of workers' and employers' organizations regarding employment policies.

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

- ensure that employment policy promotes full, productive and freely chosen employment based on an economic and social policy that stimulates sustainable economic growth and development, raises levels of living and overcomes unemployment and underemployment including labour market access for young persons, especially young women;
- continue its efforts to combat persistent gender-based vertical and horizontal segregation in employment, the low labour market participation rate of women, and their high concentration in the informal economy and in that regard implement fully the Decent Work Country Programme 2024–27 and by using the guidance provided by the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- ensure effective consultation with the most representative workers' and employers' organizations concerning employment policies;
- formulate, implement, monitor and review active labour market measures adopted in the context of employment policy taking into account the groups targeted.

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

The Committee also requested the Government to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.

Chairperson – I have the honour of giving the floor to the distinguished representative of the Government of Panama, the Director of Employment, Ministry of Labour and Workforce Development.

Government representative – On behalf of the delegation of the Republic of Panama, we note the conclusions of this Committee.

The Government of Panama notes with attention the conclusions that have been read out and, expressing our deep respect for the mandate of the ILO supervisory bodies, we welcome the opportunity to describe the progress achieved in the implementation of the Convention. We have provided specific information on the progress made in relation to employment policy, among which we emphasize:

- public investment in various economic sectors, including major infrastructure works, which are contributing to employment generation;



- various employment programmes, such as focused recruitment, *Mi primer empleo* and the labour market integration of persons with disabilities, with all these programmes being carried out within the framework of solid public-private collaboration, which increases their scope and impact;
- the vocational guidance programme for young middle-level students to promote informed decisions on their future careers;
- promotion of the digitalization of public employment services;
- the conclusion of agreements with the education sector to strengthen technical training for students;
- the implementation of public employment generation policies focusing on gender; and
- the reforms of the Social Security Fund (CSS).

We reiterate that unemployment in Panama is not only a result of structural labour market factors, but also of events that have had a direct impact on economic activity and labour stability, such as the ruling that the mining contract is not constitutional, the prolonged closure of roads at the national level and, in particular, unlawful strikes, which have had a negative impact on the conservation and generation of employment throughout the country.

Finally, we reaffirm our commitment to constructive dialogue, institutional transparency and the strengthening of public policies to promote decent work and create genuine opportunities for all the citizens of Panama. It is essential to emphasize that the responsible behaviour of the social partners also forms part of this national commitment. The maintenance of labour peace, respect for the law and the readiness to reach agreement are fundamental pillars in making progress towards genuinely inclusive and sustainable development.

We also welcome the ILO technical assistance that has been provided and we reiterate our commitment to providing regular information on the progress achieved in future in this respect.

Republic of Moldova (ratification: 1996)

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

Written information provided by the Government

The Government of the Republic of Moldova thanks the Committee on the Application of Standards and the Committee of Experts for their continued attention to the application of Convention No. 98. We also express our appreciation to the National Trade Union Confederation of Moldova (CNSM) for bringing the matter to the attention of the Committee. We are committed to a constructive process that strengthens social dialogue and upholds the rights enshrined in international labour standards.

With this in mind, the Government submits the following information for the Committee's consideration, as part of our shared effort to reach a fair and positive outcome for all parties involved.

By ratifying International Labour Organization (ILO) Convention No. 98, the Republic of Moldova reaffirmed its commitment to guaranteeing trade union freedoms and a functioning system of social dialogue. This commitment is embedded in the Constitution, which guarantees the right of every employee to join a trade union and engage in collective



bargaining, while recognizing the binding nature of collective agreements. These principles are operationalized through the Republic of Moldova's Labour Code and complementary legislation governing trade unions, employers' associations, and mechanisms of social dialogue.

A key instrument reinforcing these commitments is the Tripartite National Collective Agreement No. 20, adopted on 29 July 2022. Jointly developed with the social partners, this agreement outlines clear responsibilities for fostering social dialogue, establishing consultation and negotiation platforms at national, sectoral, and territorial levels, and building an institutional framework for effective collective bargaining and dispute resolution.

The Tripartite Agreement includes commitments to strengthen institutional capacity – particularly the role of the State Labour Inspectorate. Reflecting this commitment, in 2023 the Republic of Moldova adopted legal amendments to align the mandate and practices of the Labour Inspectorate with ILO Conventions Nos 81 and 129. These reforms introduced unannounced inspections in cases of undeclared work and labour exploitation. Additional amendments related to occupational safety and health are under review in 2025. The Government is further supported in this effort through a project funded by the European Union (EU) and implemented by the ILO.

Moreover, through Agreement No. 20, the Government reaffirmed its essential role in safeguarding the autonomy of trade unions and employers' associations by removing administrative and financial barriers to their formation. To this end, in July 2023, the Parliament approved amendments abolishing state registration fees for trade union and employers' organizations at all levels – ensuring that the fundamental right of both workers and employers to organize and associate is fully respected.

The main national platform for dialogue is the National Commission for Consultations and Collective Bargaining, which convenes regularly to discuss a broad range of social and economic policies proposed by each of the social partners. These include proposed amendments to the Labour Code, as well as consultations on key financial legislation such as the state budget, the state social insurance budget and the mandatory healthcare insurance funds. The tripartite dialogue also covers the annual revision of the minimum wage and the mechanism for determining its adequacy – a topic under review in every tripartite session, aligned with the principles of adequacy outlined in Directive 2022/2041. Further topics include the potential ratification of pending ILO conventions or the regulation of non-standard forms of work (for example, temporary agency work and platform work). Collective bargaining issues are addressed through this framework at all levels. As a result of collective bargaining efforts, the national minimum wage increased by 87 per cent between 2021 and 2025. Furthermore, as a result of tripartite efforts, the Republic of Moldova ratified the Violence and Harassment Convention, 2019 (No. 190) in 2024, which entered into force on 19 March 2025. Discussions are ongoing regarding the ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156).

The social partners are fully engaged in the Republic of Moldova's EU accession process, including the screening of relevant chapters and legal approximation. On 26 January 2024, we signed a joint Declaration in support of the Republic of Moldova's EU integration path. The social partners have contributed to the Republic of Moldova's Bilateral Screening process with the EU, participating in all internal screening simulations and attending the bilateral screening meetings with the European Commission. Moreover, both trade union and employers' representatives are members of the Working Group No. 19 on Social Policy and Employment. In-depth consultations are under way for the transposition of several EU Directives, including



Directive 2022/2041 on adequate minimum wages, due for transposition in 2025. This engagement contributes to strengthening social dialogue at all levels and supports the effective application of European labour standards and policies in the Republic of Moldova.

Despite progress, challenges remain. Among the main issues is the limited capacity among the social partners to negotiate and conclude collective agreements, especially due to the absence of active social dialogue structures at sectoral, territorial and enterprise levels. Moreover, awareness among key stakeholders remains limited in some sectors. Therefore, the coverage with collective bargaining remains low. As of 2024, the Republic of Moldova had 4,275 collective labour contracts in force, covering approximately 241,094 union members – equivalent to 38.5 per cent of the country's total salaried workforce. The Government is actively scaling up efforts to expand social dialogue across all levels and build the institutional capacities necessary for effective implementation of international labour standards.

With the ILO's support, the Republic of Moldova delivered a broad training programme in 2022–24 aimed at strengthening the capacity of social dialogue structures across all levels. Focus areas included wage-setting, non-discrimination, gender pay equity, dispute resolution, and local labour market analysis. Territorial commissions in all 20 districts and multiple branch-level platforms were trained.

The Government is also taking concrete steps to improve legislation and practice in the field of social dialogue and collective bargaining. In close cooperation with the social partners and with support from the ILO, it has developed a comprehensive road map covering over 15 proposals to strengthen collective bargaining frameworks in the Republic of Moldova.

The implementation of the Decent Work Country Programme 2025–27, in partnership with the ILO, is a key priority for the Republic of Moldova. The programme was developed jointly by the Government and the social partners. Strengthening social dialogue is the programme's first strategic priority. Its immediate objectives include: (i) better alignment of labour legislation with international labour standards and relevant EU acquis; (ii) stronger social partners with expertise in policy and social dialogue; and (iii) a more robust system of social dialogue and effective collective bargaining. One of the key performance indicators for this priority is the adoption of a National Action Plan to promote social dialogue and collective bargaining, along with the implementation of at least 50 per cent of the planned activities with ILO support – including technical assistance, training and logistical support.



Safeguards to protect workers' organizations

Trade unions benefit from constitutional and judicial protection against any discriminatory actions aimed at limiting their freedom of association or the lawful exercise of their activities. The Constitution of the Republic of Moldova, the Law on Trade Unions, the Labour Code and the Contraventions Code lay out the protections and the remedy mechanisms in case of violations:

Protections against potential acts of interference by the public authorities

Article 6 of Law No. 1129/2000 on Trade Unions establishes that trade union membership shall not entail any restriction of human rights and freedoms guaranteed by the Constitution, national legislation or international treaties to which the Republic of Moldova is a party. It prohibits any form of discrimination in employment, including hiring, promotion, or dismissal, based on a person's affiliation with a particular trade union or their decision to join or leave a union. Furthermore, the article forbids influencing individuals – through threats, bribes, or

promises of improved work, service, or study conditions – with the aim of forcing them to leave a union, join another or dissolve their union.

Article 9 states that public authorities are prohibited from any form of interference that would limit or interrupt the exercise of trade union rights, as defined by law and union statutes.

The law penalizes any obstruction of employees' rights to form or join trade unions as a means to defend their professional, economic and social interests. Such actions are considered a contravention under section 61 of the Contraventions Code and are subject to fines.

Article 38 of Law No. 1129/2000 lays out the procedure for handling complaints concerning violations of the trade union law, related normative acts or union statutes. Courts are the designated authority to examine such complaints, which may be submitted by relevant trade union bodies. Court decisions (rulings, conclusions or sentences) can be appealed in accordance with applicable legislation.

Additionally, based on article 73 of the Civil Procedure Code and article 21 of Law No. 1129/2000, trade unions may initiate civil actions to defend the rights and interests of their members or other persons.

Steps taken in the concrete case

Concerns have been raised regarding the application of Convention No. 98 in a sector-specific case concerning trade union rights in the health sector, particularly in the public medical institution, the National Center for Pre-hospital Emergency Medical Assistance. In response to the case, the Government has taken a series of targeted institutional and procedural steps aimed at promoting dialogue, clarifying facts and supporting the resolution of the situation in question.

On 13 August 2024, the Ministry of Labour and Social Protection convened a high-level meeting with the participation of senior representatives of the Ministry of Health, the CNSM and the ILO. During this meeting, the Government reaffirmed its willingness to provide a platform for structured dialogue, including access to the employer concerned, and proposed the creation of a joint fact-finding mechanism to impartially examine the allegations and contribute to rebuilding mutual trust among the parties.

As part of its institutional follow-up, the State Chancellery issued a formal request on 17 October 2024 to all competent institutions to submit explanatory notes concerning the reported events, with the objective of establishing an accurate and comprehensive understanding of the circumstances and responsibilities involved. In parallel, the Ministry of Labour and Social Protection has continued to monitor developments closely and to maintain open channels of communication with all relevant stakeholders, including trade unions and employer representatives.

As mentioned earlier, the Government – together with the social partners and with ILO support – is working on a comprehensive road map containing over 15 proposals to strengthen social dialogue and collective bargaining mechanisms.

Further steps are under examination. The Government of the Republic of Moldova reaffirms its full commitment to upholding the principles enshrined in Convention No. 98 and to working transparently, in good faith and in close cooperation with the ILO and national social partners. We view this process as an opportunity to deepen our democratic and institutional maturity in line with international labour standards.



Discussion by the Committee

Chairperson – I am pleased to invite the Honourable representative of the Government of the Republic of Moldova, Ambassador, Permanent Representative of the Republic of Moldova to the United Nations Office in Geneva, to take the floor.

Government representative – On behalf of the Government of the Republic of Moldova, I would like to express our appreciation to the Committee of Experts and to this Committee for their continued attention to the application of the Convention. We also acknowledge the efforts by the CNSM for bringing this matter to the attention of the Committee.

Let me start by saying that we see this discussion as a shared opportunity to strengthen the fundamental rights enshrined in the international labour standards and to reinforce our national commitment to meaningful social dialogue. With this spirit, we submitted to the Committee an update on recent developments and reaffirm our willingness to work constructively towards a fair and positive outcome for all parties involved.

Since ratifying the Convention, the Republic of Moldova has made sustained efforts to guarantee trade union freedoms and build a functioning system of social dialogue. These principles are anchored in our Constitution, which guarantees the right of every employee to join a trade union and engage in collective bargaining and recognizes the binding nature of collective agreements. These constitutional guarantees are operationalized through the Labour Code and complementary legislation governing trade unions, employers' associations and bipartite and tripartite mechanisms.

One of the most important recent milestones was the adoption of the Tripartite National Collective Agreement No. 20 in July 2022. This agreement was jointly developed with the social partners and outlines clear responsibilities for fostering social dialogue at national, sectoral and territorial levels. It lays the foundation for structured consultation, negotiation platforms and mechanisms for dispute resolution.

As part of our ongoing commitment, the Government adopted legal amendments in 2023 to align the mandate and practices of the Labour Inspectorate with the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). These amendments introduced such procedures as unannounced inspections in case of undeclared work and labour exploitation. Additional legal updates are under review in 2025 to enhance occupational safety and health. These efforts are further supported by an EU-funded project implemented by the ILO.

In 2023, the Republic of Moldova also removed administrative and financial barriers to the creation of trade unions and employers' organizations. The Parliament abolished State registration fees at all levels, demonstrating our commitment to facilitating the right to organize without unnecessary hurdles. The National Commission for Consultations and Collective Bargaining remains the main national tripartite platform for dialogue. It meets regularly and discusses a wide range of topics, from amendments to the Labour Code to consultations on national budgetary laws, including the State Social Insurance and Healthcare Insurance Budgets. Only in the current year, the above Commission has already held five meetings. Critically, the Commission plays a central role in reviewing and revising the national minimum wage, with each discussion guided by the adequacy principle, as set out in the EU Directive 2022/2041.

Between 2021 and 2025, as a direct result of tripartite dialogue and collective bargaining, the national minimum wage increased by 87 per cent. Beyond wage-setting, the Commission



addresses collective bargaining issues, sectoral social dialogue and the potential ratification of pending ILO Conventions.

We are proud to share that, as a result of this collaborative effort, the Republic of Moldova ratified Convention No. 190 in 2024, which entered into force in March 2025. Discussions are also under way concerning Convention No. 156. Social dialogue is not separate from the Republic of Moldova's involvement. It is at the heart of our European integration path.

On 26 January 2024, the Government and the social partners signed a joint declaration supporting the Republic of Moldova's EU accession. Trade unions and employers' organizations have been actively involved in the Bilateral Screening process, and both are members of the Working Group No. 19 on Social Policy and Employment.

We are now conducting in-depth consultations on the transposition of several EU directives, including the Adequate Minimum Wage directive due in 2025. This work contributes to aligning the Republic of Moldova's labour policies with European standards while ensuring that they remain inclusive and grounded in national dialogue.

We are referring in such detail to all of these ongoing processes to demonstrate that all three parties to the social dialogue are working closely on major national priorities advancing the Republic of Moldova towards objectives of economic prosperity, social justice and decent work. However, we acknowledge that challenges remain.

The capacity of the social partners to negotiate and conclude collective agreements is still limited, especially at the sectoral, territorial and enterprise levels. Some dialogue structures are still dormant. Awareness of collective bargaining rights remains low in specific sectors. As a result, coverage with collective agreements remains at an estimated 39 per cent as of 2025. The Government is actively scaling up efforts to address these issues.

With support from the ILO, we implemented a national training programme between 2022 and 2024 which covered 20 districts, multiple sectoral platforms and focused on wage-setting, gender pay equity, dispute resolution and local labour market analysis.

Just last week here in Geneva, the Government, the national configurations of trade unions and of employers, together with the ILO, signed a Decent Work Country Programme 2025–27. We are looking forward to the implementation of this Programme, which is a national priority. Its first strategic objective is to strengthen social dialogue and collective bargaining.

Key objectives include better alignment with international labour standards in the EU acquis, building the expertise and capacity of the social partners, and promoting a robust and inclusive system of social dialogue. A central deliverable of this programme is the adoption of the National Action Plan to promote social dialogue and collective bargaining, with at least 50 per cent of its activities to be implemented with ILO technical support including training, assistance and logistical support.

The Republic of Moldova provides robust legal safeguards for the autonomy of trade unions. The Constitution, Labour Code, Trade Union Law and Contravention Code prohibit any form of discrimination against trade union members, coercion to leave or change a union and interference by public authorities in union affairs. Violations of these rights are subject to fines under the law. Trade unions have the legal standing to appear in court and may initiate civil actions to defend their members.

Turning to the specific situation raised before this Committee, let me first underline that the case concerns one institution in the health sector, in particular the public medical institution, the National Center for Pre-hospital Emergency Medical Assistance.



Let me say, however, that we take this situation seriously. At the national level, we are fully committed to working towards a solution mediated by the Government.

In response to concerns regarding the application of the Convention, the Government has already taken targeted steps to promote dialogue and clarify the facts. On 13 August 2024, the Ministry of Labour and Social Protection convened a high-level consultative meeting, with the participation from the Ministry of Health, the CNSM and the ILO. At this meeting, the Ministry of Health proposed the creation of a joint fact-finding mechanism to examine the allegations in an impartial manner and rebuild mutual trust. I must say this proposal remains on the table and we are committed to it. Following this, the State Chancellery issued a formal request to all relevant institutions for explanatory notes on the case.

The Ministry of Labour and Social Protection has continued to monitor developments and maintain open communication with all stakeholders.

As mentioned earlier, the Government, in collaboration with the social partners and with the support of the ILO, is in the process of finalizing a comprehensive road map comprising a range of proposals aimed at strengthening social dialogue and collective bargaining mechanisms. This document is currently under consultation with the social partners and the next round is taking place this Friday.

What we want to achieve with this road map is proposals for legislative, institutional and policy measures which will strengthen the social partnership, provide better guarantees, address violations and further increase the rate of coverage of collective agreements.

In this context, the Government aims to take into account the conclusions of the Committee of Experts, together with the proposals advanced by the social partners, with a view to achieving a genuinely tripartite outcome.

We welcome constructive proposals from all parties and remain committed to reflecting them in the final version of this road map. Once finalized, the Government will keep the Organization informed on progress made in its implementation. There are also ways to address the situation through court proceedings, which remains available and further institutional and legislative steps are currently under examination.

The Government of the Republic of Moldova reaffirms its full commitment to the principles enshrined in the Convention. We remain engaged in this process transparently, in good faith and in close cooperation with the ILO and our national social partners. We recognize the challenges but we also see here an opportunity, a chance to deepen our democratic and institutional maturity, strengthen the social contract and advance on our path towards EU integration. In this sense, all points in Committee of Experts' comments are currently given thorough consideration.

We are also grateful to the ILO for its long-standing partnership and respectfully request continued technical assistance to strengthen collective bargaining capacity, increase awareness of social dialogue in specific sectors, including the health sector, support legislative alignment with the EU standards and help build a more inclusive and effective system of social dialogue in the Republic of Moldova. We thank the Committee once again for its guidance and engagement.

Together we can ensure that the Republic of Moldova lives up to the spirit of the ILO Convention by promoting dignity, fairness and dialogue in the world of work.

Worker members – In its report, the Committee of Experts highlighted three aspects. The first was the lack of effective measures to protect against acts of anti-union discrimination and



interference. While the Moldovan legislation provides for sanctions when workers are prevented from joining or forming trade unions, it is silent when it comes to acts of interference in the activities of trade unions.

We can provide a very serious example of the impact of this legislative oversight. The administration of the National Center for Pre-hospital Emergency Medical Assistance threatened workers with reprisals if they refused to change their membership from the union of their own choosing to the Government-supported union which was not of their choosing. This led to the forced resignation from the union of just under 4,000 employees and the dismantling of the independent union. In addition, a union leader was demoted to force him to resign. Furthermore, even when the legislation exists to protect workers' rights, in practice, the penalties provided for are not at all dissuasive. Indeed, a fine of US\$120 feels more suitable for a speeding ticket than it does for abuse of fundamental rights, and is clearly inadequate.

As long ago as 2004, the Committee on Freedom of Association took the opportunity to make recommendations to the Moldovan Government in this regard and called for the introduction of effective and sufficiently dissuasive sanctions to prevent acts of anti-union discrimination.

The CNSM has also made proposals to Parliament and the Government to give effect to the recommendations of the Committee on Freedom of Association. However, these proposals were not followed up. The same is true of the bill that aims to amend section 61 of the Contravention Code in order to introduce stronger sanctions. The change was requested by unions but so far section 61 remains unamended.

For too long, any progress on this issue has foundered in an endless discussion of draft regulations that somehow never progresses to reality.

As much as negotiation and consultation are at the very heart of what we do here, it is expected to develop into law and practice at one point. Otherwise, eventually, like a US\$120 fine, talk is cheap. The persistence of the status quo in these issues constitutes a serious threat to freedom of association. It is now necessary for the Government to finally put these proposals into practice with the greatest urgency.

It also appears from the Committee of Experts' report that a provision of the Labour Code protecting union officials from dismissal for two years after leaving their positions was repealed and replaced with a requirement for an advisory opinion, rather than, as formally, prior consent from the superior union body. This further weakened the existing legal protection against anti-union discrimination.

Our own advisory opinion is that this is unacceptable. We join the Committee of Experts in expecting that the Government will adopt provisions that will significantly strengthen the legal protection against anti-union discrimination.

The second problem that the Committee of Experts pointed out in its report concerned the lack of information on the number of workers covered by collective agreements. This information is needed to assess the dynamics of collective bargaining in the country. Strong and well-functioning collective bargaining, which is often characterized by high collective bargaining coverage, has many benefits for workers and society in general. We note that it is impossible to deliver on the obligation to promote collective bargaining if you do not know whether collective bargaining in your country is flourishing or failing. It is, therefore, of the utmost importance for the Government to collect those statistics so that it can develop appropriate policies to increase collective bargaining coverage and, for us in the ILO



supervisory system, to be able to independently assess the functioning of collective bargaining in the country.

Third and lastly, the Committee of Experts recalled a long-standing concern relating to compulsory arbitration. In this respect, we note that referring a collective labour dispute to the courts is incompatible with the Convention except, as the Committee of Experts recalled, where such a referral is at the request of both parties to the conflict. An appeal may also be allowed when the question concerns public servants employed in the essential services of the State, in the strict sense of the term, or a situation of serious national crisis. These form a very narrow set of exceptions: section 360(1) of the Labour Code is not in line with the Convention in that regard. The Government indicates that a new draft law is on the way to address this issue.

We also note that the Government has been requested by the social partners to work with them and the Labour Inspectorate to establish a mechanism for out-of-court dispute settlement which was expected to be fully developed by the end of 2024 but on which we have heard no more. We ask the Government to resume the tripartite process related to the development of an out-of-court mechanism for labour disputes.

All these issues should lead to effective and time-bound measures on the part of the Government. We therefore call on the Government to take up the matter and in particular to take measures to ensure effective protection against acts of anti-union discrimination.

Employer members – We thank the Government of the Republic of Moldova for the recently provided written information on this case, of which we have fully taken note. The Employer members address the importance of states' compliance relating to the application of the Convention, which was ratified by the Republic of Moldova in 1996. Since 2001, the Committee of Experts has issued seven observations and this case had never been discussed in this Committee.

It should be noted that in March 2022, the Republic of Moldova applied for the EU membership and that the social partners are engaged in the accession process.

This case includes four elements. Firstly, about the allegations of interference in trade union activities, the Committee of Experts noted allegations that workers were threatened with retaliation if they refused to change their affiliation to the Government-supported union. Furthermore, it noted with regret that a trade union leader was demoted to induce resignation and that the issue had not been resolved.

According to Article 1 of the Convention, workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection applies, in particular, in respect of acts calculated to make the employment of the worker subject to the condition that the person shall not join a union or shall relinquish trade union membership.

The legal situation is as follows: Article 6 of Law No. 1129/2000 on trade unions establishes that trade union membership shall not entail any restrictions of human rights and freedoms guaranteed by the Constitution, national legislation or international treaties to which the Republic of Moldova is a party. It prohibits any form of discrimination in employment, including hiring, promotion or dismissal based on a person's affiliation with a particular trade union or their decision to join or leave a union. Furthermore, the same Article forbids influencing individuals with the aim of forcing them to leave a union, join another or dissolve a union.

The Government mentioned today that it had taken a series of targeted actions: (i) on 13 August 2024, the Ministry of Labour and Social Protection convened a high-level meeting with the participation of the Ministry of Health, the CNSM and the ILO; (ii) the State Chancellery



issued a formal request on 17 October 2024, to all competent institutions to submit explanatory notes concerning the reported events; (iii) in parallel, the Ministry of Labour and Social Protection has continued to monitor developments; and (iv) the Government, together with the social partners and the ILO, is working on a comprehensive road map containing over 15 proposals to strengthen social dialogue and collective bargaining mechanisms. The Employer members have taken note and welcome these developments. However, we encourage the Government to continue on this path with the aim to comply with the obligations of the Convention and to report back on measures achieved.

The second point concerns the legal reform to amend section 61 of the Contravention Code. In this regard, the national law penalizes any obstruction of employees' rights to form or join trade unions as a means to defend their professional, economic and social interests. Such actions are considered a contravention under section 61 of the Contravention Code and are subject to fines. A draft law to amend section 61 of the Contravention Code and the application of tougher sanctions is being discussed. The Employer members ask the Government to provide further detailed information on this process to amend the law and the provisions that cover the sanctions to acts of anti-union discrimination and interference. Furthermore, in line with the request of the Committee of Experts, we ask the Government to submit a copy of the adopted Act.

Third, on steps taken by the Government in relation to referring a collective bargaining dispute to the courts, the Committee of Experts requested the Government to amend section 360(1) of the Labour Code to ensure that referral of a collective bargaining dispute to courts is possible only upon request by both parties of the dispute or in relation to public servants engaged in the administration of state essential services and in situations of national crises. The Government indicated that new draft legislation, the Mediation Act and Statute of the Mediator, is at the endorsement stage. The Employer members would like to recall that according to Article 4 of the Convention, measures appropriate to the national conditions shall be taken where necessary to encourage and promote the full development of voluntary negotiation between employers' and workers' organizations. Article 4 of the Convention provides some flexibility in order to let governments, the social partners and Member States find ways of implementation that are in line with the circumstances and needs. Therefore, the Employer members encourage the Government to engage in a meaningful consultation with the most representative employers' and workers' organizations on the revision process of section 360(1) of the Labour Code and to provide information on any developments in this respect.

The fourth point relates to statistics on the number of collective agreements concluded and in force. The Government provided information on collective agreements stipulated at the national level. The Committee of Experts noted this information and requested the Government to provide additional statistical information on the number of collective agreements concluded and enforced in the country, including the sectors concerned and the number of workers covered. The Employer members note that the Government provided additional written information on collective bargaining coverage. According to the information provided, as of 2024 the Republic of Moldova had 4,275 collective labour contracts enforced. Collective agreements covered approximately 241,094 union members, equivalent to 38.5 per cent of the country's total workforce.

To conclude, The Employer members ask the Government: (i) to continue the path of solving the issue regarding interference in union activities in the healthcare sector and to report back on measures achieved; (ii) to provide detailed information on the process to amend the law and the provisions that cover the sanctions to acts of anti-union discrimination and



interference and to provide a copy of the adopted act; to engage in meaningful consultation with the most representative employers' and workers' organizations on the revision process of section 360(1) of the Labour Code and to provide information on any developments in this respect.

Interpretation from Russian: Worker member, Republic of Moldova – The Committee of Experts has duly considered the information provided by the CNSM and has given due consideration to the information illustrating anti-trade union interference in the country. Having ratified the fundamental Conventions of the ILO, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Convention No. 98, the Republic of Moldova has committed to observing the provisions contained therein relating to labour standards and a range of rights and guarantees for trade union activities, including adequate protection against any act of interference from employers or the Government.

I note here that appropriate protection against anti-trade union discrimination requires sufficient sanctions and, in the Republic of Moldova, there are currently only sanctions for obstructing the exercise by employees of the right to establish and join trade unions. When it comes to the violation of trade union rights and interference by employers aimed at dissolving trade unions, there are no effective sanctions provided, which could be considered an incentive for non-observance of trade union laws.

The initiative of the Government and Parliament in the form of a bill reflecting a proposal from the CNSM to provide penalties against trade union interference has not been met with success, and the current legislation has not been amended to provide for sufficiently dissuasive sanctions in the case of trade union rights violations.

Consequently, specific cases of violation of trade union rights have been recorded in the Republic of Moldova. One of them is the gross violation of these rights by the interference of the administration of the National Center for Pre-hospital Emergency Medical Assistance which has led to the de facto dissolution of a trade union and the creation of a new trade union under the direct control of the employer. The founders of this new trade union organization are 16 managers of the Centre, including two vice-directors, involving the structures subordinate to them. This fact has been confirmed by the certificate of registration of the trade union.

Further, the statutes of the trade union dictate that it is the administration that determines when the next general meeting of the trade union will take place. We see this as a classic case of company-run or yellow trade union that is created and controlled by employers, and this has taken place in an institution directly under the control of the Ministry of Health. So the Government is not only failing to guarantee the rights of trade unions but is also supporting the violation taking place by the employers, something that is reflected in the reports of the CNSM.

We turned to the competent authorities responsible for upholding trade union rights. We contacted the respective bodies. Unfortunately, none of them came back to us with a decent response. The Ministry of Labour and Social Protection simply provided a passive response referring to the absence of authority they had. The Ministry of Health welcomed the creation of the employer-controlled trade union, and the Labour Inspectorate did not react to our official complaint. So, without a response worthy of the name, the CNSM decided to turn to the ILO and make a complaint to the Committee on Freedom of Association.

Particularly alarming is the passive attitude of the Ministry of Labour and Social Protection which, as the body responsible for ensuring social dialogue and social policy, should stand up for international labour standards.



Bearing in mind that the Republic of Moldova is a candidate for EU membership, I would like to note that our complaint in no way seeks to derail the country's process of European integration. The association agreement between the EU and the Republic of Moldova provides that the Republic of Moldova has the duty to respect, promote and enshrine in law internationally accepted labour standards as provided for by the fundamental Conventions of the ILO, in particular on freedom of association.

We believe therefore that our representations to the ILO supervisory bodies should not only serve as a wake-up call to government officials who have grossly interfered in trade union matters, but should also lead to specific legislative and practical steps removing any forms of interference, and in that way support the process of European integration.

In conclusion, I would like to express gratitude to the representatives of the ILO, the Committee of Experts and for the prompt consideration of our representations and the support to the Government to move forward to promote and protect the rights of trade unions and trade unionists. We very much hope that the Government of the Republic of Moldova will take into account the conclusions of the ILO supervisory bodies and immediately take the necessary measures for the application of international labour standards relating to the activities of trade unions and not allow, in the future, such cases of anti-union interference, while supporting national legislation and providing for specific sanctions against interference in trade union activities.

Government member, Switzerland – Switzerland has noted with interest the comments of the Committee of Experts and the written information provided by the Government of Moldova. The report of the Committee of Experts refers to several acts of anti-union discrimination and interference, one of which led to the dissolution of an independent trade union in the hospitality sector and the forced resignation of its members.

Switzerland reminds the Government that, pursuant to Articles 1 and 2 of the Convention, workers must be able to join unions of their choice and carry out their union activities free from any threat, harm or interference. Ensuring adequate protection of workers' trade union rights, including the right to organize and to bargain collectively, demands a comprehensive and robust legislative and judicial framework that includes sufficiently dissuasive penalties against acts of anti-union discrimination and interference.

In this regard, Switzerland notes with satisfaction the information on a bill being prepared to establish tougher penalties than those currently in force, and invites the Moldovan authorities to proactively report on this matter to the Committee of Experts.

Through its bilateral relations with the Republic of Moldova, Switzerland promotes social dialogue and the exchange of views between Swiss and Moldovan social partners. In doing so, Switzerland offers a platform for the full participation of the social partners, thus enabling them to express their concerns and views. The Swiss Government stands ready to support the Moldovan authorities and social partners, within the framework of a tripartite dialogue on labour and employment, institutionalized since 2023 between Switzerland and Moldova, to facilitate the implementation of legislative and institutional reforms.

Lastly, we welcome the adoption of the Decent Work Country Programme 2025–27, signed last week between the Republic of Moldova and the ILO, as well as the adoption, at the national level, of a road map containing 15 measures to strengthen collective bargaining. We encourage the Moldovan authorities to pursue their close cooperation with the Office and the social partners in these processes.



*Interpretation from German: **Worker member, Switzerland*** – I am speaking on behalf of the Swiss Federation of Trade Unions (SGB). The present case is of particular importance as it has systemic implications for many countries and regions with regard to the application of a fundamental ILO Convention.

There are two main problems that we have just been hearing about. Firstly, the lack of adequate legal protection and dissuasive sanctions against anti-union discrimination and interference. Secondly, specific cases of intervention by the administration in the health sector, in particular by the competent ministry.

On the first topic, the lack of dissuasive sanctions and sufficient legal protection, this is a problem that we are also familiar with in Switzerland. We refer in particular to the case that was submitted in 2024 dealing with anti-union interference in the Republic of Moldova. The Republic of Moldova ratified Conventions Nos 87 and 98. As a result, national laws were enacted to guarantee freedom of association. These laws formally recognize trade union rights but do not provide effective protection against their violation.

In particular, we have heard about the Contravention Code which only provides for an extremely small fine, amounting to US\$120, for preventing the establishment or membership of trade unions. For interventions by employers aimed at breaking down or replacing trade unions, as far as I can see, no sanctions are foreseen. Repeated recommendations from the ILO have called upon the Moldovan Government to revise legislation and introduce dissuasive sanctions. This has not yet been done.

The CNSM has submitted a draft law amending section 61 of the Contravention Code, which provides for sanctions in the case of anti-trade union interference. However, these proposals have been ignored by the Government and Parliament.

This legal vacuum has created an environment conducive to such serious interference.

The administration of the National Center for Pre-hospital Emergency Medical Assistance has dismantled the independent trade union with over 3,800 members and in practice has installed a new trade union, controlled by the employer.

The authorities were informed, both through the National Commission for Consultations and Collective Bargaining and through formal submissions but, to date, the Government has not taken effective action.

The Government's own statements are limited to internal discussions which, in the view of the CNSM and the SGB, do not constitute effective measures against this interference.

The CNSM considers this as an expression of a passive stance of the Ministry of Labour and Social Protection, which is the competent authority for labour market policy, social dialogue and enforcement of international labour standards and which should therefore protect freedom of association.

We would like to reiterate that while national law provides for sanctions to prevent the establishment or membership of trade unions, it does not provide for protection against interference with existing trade unions. Once again, the CNSM's proposals have not yet been implemented.

Finally, I would like to refer to the experience of Switzerland which may prove useful. The SGB has been fighting for over 20 years to improve protection against the dismissal of trade union members in companies. After intensive tripartite high-level negotiations and dialogue, we were finally able to reach an agreement in Switzerland, which will soon be submitted to Parliament. This shows that with consistent social dialogue, progress is possible. We hope to



see similar developments in the Republic of Moldova but hopefully much faster than in Switzerland. In addition, Switzerland, as part of a Memorandum of Understanding, is involved in discussions with the Moldovan Government in tripartite structures. The social partners from the Republic of Moldova, including the CNSM, are also involved in this process. We hope that the Moldovan Government and the social partners can benefit from the experience of Switzerland which we would like to make available to them under this Memorandum of Understanding.

Worker member, France – The Republic of Moldova has been on the European integration path for several years. This process accelerated in March 2022 when the Republic of Moldova submitted its application to join the EU, then when the negotiation process was given the green light by the Council of the EU in December 2023. The country also benefits from the Growth Plan 2025–27, with a package worth €1.8 million, adopted in early October 2024 by the European Commission.

This strong commitment of the Moldovan authorities to accede to the EU, which should come to fruition by 2023, is an excellent opportunity to improve the right to organize and to bargain collectively in the country, particularly given that a joint ILO–EU mission took place in April 2024. Under these particular circumstances, we request that the Moldovan Government does not take merely symbolic measures but that it acts with determination at the legislative level.

We note, with our colleagues of the CNSM, that the transposition of the provisions of the Convention into national legislation, specifically Law No. 1129 of 7 July 2000 on trade unions and the 2003 Labour Code, has not ensured their effective application.

It is imperative to establish an offence of obstruction of activities with penalties for employers when they interfere in trade union activities. As it stands, this scenario is absent in national legislation, which only provides for penalties for obstructing the establishment of trade unions, as already stated.

The specific example of the dissolution of the independent trade union in a workplace of the public health sector illustrates this need. The measures taken by the Government remain tentative and have not prevented interference in trade union matters.

We therefore call on the Moldovan Government, as a matter of urgency and in consultation with the social partners, to supplement national legislation relating to the provisions in Articles 1 and 2 of the Convention, in order to introduce truly dissuasive measures and penalties in case of violation of trade union rights. We expect much better from a country aspiring to become a member of the EU.

Interpretation from German: **Worker member, Austria** – I am speaking on behalf of the Austrian Trade Union Federation (ÖGB) representing Austrian workers. For many years, we have worked closely with the CNSM. This cooperation has been supported inter alia by the Austrian Ministry of Social Affairs, most recently with projects to strengthen social security in the Republic of Moldova.

But one thing is clear, these initiatives can only be successful if Moldovan trade unions are fully involved. Their involvement is not an option, it is a necessity. What we are currently observing, however, is a matter of great concern to us. The CNSM has repeatedly pointed to anti-trade union interference by employers, especially in the public sector.

The response of the authorities to these complaints has been more than insufficient. Convening a working session without concrete decisions or simply asking for clarifications are



not effective measures against the repression of trade union rights. On the contrary, they confirm the passive attitude of the competent authorities.

The Republic of Moldova ratified ILO Convention Nos 87 and 98 in 1995, making a clear commitment to freedom of association and collective bargaining. However, national legislation is lagging behind this ambition. While sanctions have been imposed when employees are prevented from joining a trade union, employers who actively intervene or dismantle trade union work remain largely unpunished. This has led to serious incidents such as, as we have heard on a number of occasions now, the National Center for Pre-hospital Emergency Medical Assistance, where an existing trade union with over 3,800 members being dismantled under pressure only to create a new organization led by the employer. This is quite simply a yellow union.

The CNSM's proposals to introduce dissuasive sanctions against anti-union interference have so far been ignored both by the Government and Parliament. This undermines not only trust in social dialogue but also the implementation of international labour standards.

For these reasons, we expressly urge the Moldovan authorities to take decisive and effective steps to guarantee freedom of association and to consistently sanction anti-union acts. Workers' rights must not only exist on paper. They must also be defended in reality. The ÖGB stands in solidarity with our colleagues in the Republic of Moldova. For us, it is quite clear: there must be no compromise on the protection of trade union rights, neither in the Republic of Moldova, elsewhere in Europe or anywhere around the world.

Observer, Public Services International (PSI) – We have heard that despite existing legislation that recognizes the right to freedom of association and collective bargaining, the legal protections in place are neither adequate nor effectively enforced.

Sanctions against violations of trade union rights, if and when they exist, are simply symbolic and insufficient to prevent anti-union practices.

I am obliged to repeat something that has been said before, regarding the situation in the National Center for Pre-hospital Emergency Medical Assistance, where the administration interfered directly and aggressively in the functioning of the trade union of health protection workers, SANATATEA, a legitimate trade union affiliated with both the CNSM and the PSI.

Under pressure from the hospital administration, over 3,800 workers were required to sign the standardized resignation letters. These are pre-printed forms. Those who resisted this pressure, including union leaders and active members, faced retaliation.

Union president Anatol Fortuna was transferred and reassigned to a different role and others, such as Vitalie Scerbenco and Luminila Malco, were demoted or faced penalties and intimidation for refusing to leave the union. Other employees from the hospital reported salary cuts, threats and harassment.

As mentioned in a previous intervention, this campaign of intimidation culminated in the forced dismantling of SANATATEA and the creation of this new organization under the hospital control, named Ambulanța din Moldova, whose founding members are 16 hospital directors or staff with managerial positions.

It is worth noting that the wage penalties and salary cuts imposed on these trade union leaders and employees are higher than the fines provided for in the law in cases of interference, which says a lot about the core issue being discussed in this case.

We would like to emphasize also that these facts, these acts of the Government, are not isolated and are not addressed effectively by national authorities. I heard the Government



representative mention that they have taken steps to address these issues. However, we have information that, despite multiple formal complaints and requests for intervention, the State Labour Inspectorate remained passive, and the Ministry of Health denied any knowledge or responsibility. Such inaction by public authorities, combined with the lack of effective remedies, has increased the climate of impunity in the country with regard to the principles of freedom association and the right to organize.

As was mentioned before, it is worth noting that the supervisory bodies have been requesting amendments of the legislation for a long time (for instance, in Case No. 2317 of 2004 of the Committee on Freedom of Association, and in Committee of Experts' requests since at least 2008).

In view of these facts, we call on this Committee to urge the Moldovan Government to take immediate action, including the amendment of the law to ensure effective deterrence against anti-union interference, and to take all measures to maintain independence and integrity of the social partners.

Government representative – I would like to express sincere gratitude to all previous speakers for sharing their views and comments on the implementation by the Republic of Moldova of the Convention and on the specific case. We have listened attentively to the interventions of the workers' representatives, as well as to concerns and suggestions raised by employers and the Government. We recognize the importance of open and constructive dialogue and remain fully committed to addressing all these issues in a transparent and cooperative manner.

The Government reaffirms its dedication to upholding the principles of the Convention and to ensuring that all workers in the Republic of Moldova can freely exercise their rights through collective bargaining. We acknowledge the challenges highlighted today and view them as opportunities to further progress and reform.

Following the positions expressed, I would like to highlight several key messages that have been pointed out with the need for further action.

First, the need for legislative reforms: there is a clear understanding of the Government that legislative amendments are needed to strengthen the framework in which the social partners operate, to provide stronger legal guarantees and address possible violations. The work on the road map, to which I referred, is the right avenue to discuss and address all these issues.

Second, addressing specific allegations: the Government takes seriously the specific case under consideration and is open to continuing discussion with the social partners on a dedicated platform, and I have referred to the open position of the Ministry of Health in this regard.

Third, strengthening the social dialogue in general: we continue to promote social dialogue at all levels. In recent years, we have increased the number of collective agreements – and I refer to the statistics at this stage – and, of course, expanded dialogue platforms, particularly in sectors such as health and education. We are working to improve the collection and reporting of data on collective bargaining coverage, as requested by the Committee.

Fourth, cooperation with the ILO: as previously mentioned, we are giving careful and comprehensive consideration to all observations and recommendations that have been made, and are determined to work closely with the ILO, our national social partners and all stakeholders. Reflecting our firm commitment to achieving tangible progress, we would like to



formally request, as I did in my previous statement, the provision of technical assistance from the ILO. We view this assistance as essential for strengthening collective bargaining capacity, increasing awareness of social dialogue in specific sectors, supporting legislative alignment with EU standards, and helping to build a more inclusive and effective system of social dialogue in the Republic of Moldova.

We recognize that achieving full compliance and effective implementation will take time. We are committed to regular dialogue with all stakeholders, including workers' and employers' organizations, and to reporting transparently on our progress. We also see this process as an opportunity to deepen our democratic institutional maturity and to advance on our path towards EU integration. Once again, we thank the Committee and all participants for their guidance and engagement, and remain open to concluding a positive outcome following these contributions.

Employer members – The Employer members reiterate that the Convention is a fundamental Convention and strongly condemn non-compliance relating to its application. We are pleased that the Government in its past statements and today reaffirmed its willingness and commitment to further national social dialogue, strengthen fundamental rights and achieve a positive outcome in this case.

Considering today's discussion, the Employer members would like to recommend to the Government the following: (i) to solve the issue regarding interference in union activities in the health sector with the aim of complying with the obligations of the Convention and to report back on measures implemented; (ii) to provide detailed information on the process to amend the law and the provisions covering the sanctions of acts of anti-union discrimination and interference, and to provide a copy of the adopted Act; and (iii) to engage in meaningful consultation with the most representative employers' and workers' organizations on the revision of section 360(1) of the Labour Code and to provide information on any developments in this respect.

To conclude, we count on the constructive collaboration of the Government and ask it to implement these recommendations.

Worker members – I said in my introductory remarks that given the persistence of certain issues we expect more than mere commitments and endless discussion. The Worker members are particularly concerned about the lack of effective measures to combat acts of anti-union discrimination and interference. Among the interference in trade union activities that we discussed, it is particularly worrying to see that the State was the direct author of the violations of the principles contained in the Convention, as in the case of the National Center for Pre-hospital Emergency Medical Assistance.

We also noted the need to assess the dynamics of collective bargaining in the country to ensure the collective bargaining machinery is functioning well. We also expressed our firm belief that regulations relating to compulsory arbitration are not in line with the Convention.

Therefore, we invite the Government in consultation with the most representative social partners to take effective and time-bound measures to address those issues.

When it comes to acts of anti-union discrimination and interference, we call on the Government to amend any relevant regulation in order to clearly criminalize interference in trade union activities, including discriminating acts against them, and to ensure that any sanctions applied in the event of such interference are truly dissuasive, in accordance with the seriousness with which such breaches should be taken. We ask the Government to take proper measures to remedy situations where such interference occurs, particularly in the case of



interference in trade union activities by the Administration of the National Center for Pre-hospital Emergency Medical Assistance.

Turning to compulsory arbitration, we expect the Government to amend section 360(1) of the Labour Code to ensure that referral of a collective bargaining dispute to the courts is possible only upon request by both parties to the dispute or in relation to public servants engaged in the administration of the State, that is, essential services in the strict sense of the term, or in acute national crisis.

Finally, we encourage the Government to develop and promote a strong and well-functioning collective bargaining machinery, including ensuring that the independence and integrity of the social partners are respected and supported, and to provide all the requested information to the Committee of Experts in this regard.

We see that the Government of the Republic of Moldova, represented by the Minister of Labour and the social partners, partnered last week with the ILO to launch a new Decent Work Country Programme. One of the priorities of this programme is to strengthen social dialogue between the Government and the social partners. The implementation of the recommendations made by the Committee of Experts and by this Committee will certainly contribute to the realization of that priority. We had hoped that the Minister of Labour could have stayed a little longer or returned to participate in the discussion of our Committee, as our colleague on the Worker benches has done, to take note of our recommendations.

We welcome the Government's suggestion of receiving technical assistance and urge it to swiftly follow this up. However, considering the long-standing and persistent nature of the issues in this case, we also invite the Government to accept an ILO direct contacts mission before the next Conference so as to better implement these recommendations with the urgency they deserve.

Conclusions of the Committee

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

The Committee welcomed the measures taken to resolve interference in union activities in the healthcare sector.

Taking the discussion into account, the Committee recommended that the Government take measures to: initiate a consultation process with the most representative employers' and workers' organizations to guarantee the full compliance of the relevant provisions of national law and practice with the Convention, including ensuring that workers' and employers' organizations enjoy adequate protection against any acts of interference in their establishment, functioning or administration and to remedy situations where such interference occurs.

Taking into account the Government's request for technical assistance, the Committee invited the Government to follow up on this request with the Office in order to address these recommendations.

The Committee requested the Government to report any progress to the Committee of Experts on the measures taken to implement the above recommendations by 1 September 2025.



Chairperson – I now invite the Honourable representative of the Government of the Republic of Moldova, Ambassador, Permanent Representative of the Republic of Moldova to the United Nations Office in Geneva, to take the floor.

Government representative – We acknowledge the recommendations just adopted by the Committee. As stated yesterday, these recommendations will be duly taken into account by the Government in developing measures aimed at promoting social dialogue, expanding collective bargaining and strengthening legal frameworks, including in cases of potential violation.

The dialogue with the social partners is ongoing and will be further advanced in the framework of the implementation of the Decent Work Country Programme 2025–27, which we signed last week in Geneva, and the road map aimed at promoting collective bargaining in the Republic of Moldova. The Programme will also serve as the main basis for discussing and receiving ILO technical assistance relevant for the case under examination, and for further improvement of labour standards. We thank the Committee and all parties involved for their constructive engagement.

Slovakia (ratification: 1997)

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

Written information provided by the Government

The amendment to Act No. 103/2007, Collection of Laws on Tripartite Consultations at the National Level and on Amending and Supplementing Certain Acts (the Tripartite Act) was approved with effect from 1 March 2021 and entailed a partial reform of the composition and some aspects of the activities of the Economic and Social Council of the Slovak Republic (hereafter the Tripartite Council), which is an advisory body of the Government where tripartite consultations at the national level between the State and the social partners are held.

Article 1(1) of the Convention states that “In this Convention, the term ‘representative organisations’ means the most representative organisations of employers and workers enjoying the right to freedom of association”.

Article 1 does not specify in detail how to determine national criteria of representativeness, nor does the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152). The Convention does not use the singular but the plural, namely that representative organizations are the most representative organizations. This is a group of organizations that exist within a State, defined on the basis of objective criteria (qualitative, quantitative or a combination of these, for example in relation to the number of members or sectoral activity).

In this regard, the Government states the following:

1. Plurality of subjects and refutation of the argument about pro-government unions

The Government rejects the statement that it holds that there must be parity between the number of actors on the employers’ side and on the trade union side. This does not result from the law, nor does it result from the current reality or from other entities’ interest in joining the Tripartite Council.



Until 28 February 2021, there were four employers' entities on the employers' side in the Tripartite Council and only one on the trade union side. At present, there are two entities on the trade union side. At least three other employers' entities have sought to join the Tripartite Council in recent years, but none of them met the criteria for joining. Apart from the new member, Joint Trade Unions of Slovakia (SOS) on the trade union side, no other trade union has applied to join the Tripartite Council in recent years.

The Government considers that the Convention does not imply that a ratifying State has to set a quantitative criterion on the number of members/number of employees as a condition for joining the Tripartite Council. Furthermore, it does not result from the Convention that a ratifying State cannot change these criteria in the light of a change in the situation. The only criterion that has to be followed is that the association is the most representative and, therefore, that some selection is made.

From this, the Government deduces, for example, that a ratifying State should not set criteria so that anyone who asks can join the Tripartite Council. In this respect, the legislation of the Slovak Republic provides for a quantitative criterion on the number of members/number of employees. If the number of members on one side is fewer than three, the Tripartite Council is also open to the next entity with the highest number of members/employees. However, the legislation also limits the quantitative number of members of the Tripartite Council.

In the same way, the ratifying State should not set the criteria in such a way that, for example, the Government could hand-pick which of the entities meeting the criteria are to be invited to the Tripartite Council. In this respect, the Slovak Republic has set transparent criteria.

The Government considers that a reasonable degree of pluralism (such as coverage of other relevant actors) is necessary in social dialogue, as indicated by the plural formulation of Article 1 of the Convention. That view guided the 2021 reform, consistent with the Convention's plural wording. The Government considers that such pluralism means enriching the views in the debate.

At the same time, such a change was also influenced by changes on the side of social partners – the establishment of the Association of Industrial Unions and Transport (APZD) and the SOS, which are entities that primarily associate employers and workers in the industrial sector (for example automotive), which is one of the most important sectors in the Slovak Republic.

The Confederation of Trade Unions of the Slovak Republic (KOZ SR) suggests that the newly established unions will be controlled by the Government. Such a claim has no basis in fact, nor has it been proven to be true to date. The SOS, which joined the Tripartite Council in 2021, is active in important industrial entities such as Volkswagen Bratislava (where it became the largest worker representative after its creation), Jaguar Land Rover Slovakia, IKEA, DHL, ARRIVA and other relevant entities. It is therefore unjustified to assume that the largest trade union in one of the most important companies in the Slovak Republic, which managed to take on the majority of the members of the original trade union in this company after its establishment in 2017, is a pro-government trade union. This organization is also involved in the conclusion of higher-level collective agreements (sectoral collective agreements).

In this context, it should be added that, since 1990, the workers have been given the opportunity to speak at the Tripartite Council by the KOZ SR (into which the so-called Revolutionary Trade Unions of the pre-1989 era, which were the exclusive trade unions during the socialist period from 1948 onwards, have been transformed). It is understandable that over the course of more than 30 years, new associations may emerge, similar to those on the



employers' side, to represent employees, including at the Tripartite Council level. The fact that a pluralism is also emerging on the trade union side, even at the Tripartite Council level, cannot be seen as an attack on the KOZ SR, and it certainly cannot be seen as the installation of pro-government unions at the Tripartite Council level. Nor has this been demonstrated in the context of the positions that this body has been presenting to the Tripartite Council since 2021, namely that in most cases they have been identical to those of the KOZ SR. Moreover, this organization does not have 1,000 members.

2. Gradual change of criteria in relation to the change of reality

Until the entry into force of the amendment to the Tripartite Act, in other words until 28 February 2021, the representativeness of trade union associations was based on the fulfilment of the criterion of 100,000 members and, in the case of employers' associations, 100,000 workers employed.

However, the Government draws attention to the fact that, under the preceding Tripartite Act (No. 106/1999, Collection of Laws on Economic and Social Partnership), the criterion for joining the Tripartite Council was set at a higher value. For worker representatives, it refers to at least 10 per cent organization of members in relation to the total number of employees in the Slovak Republic (the total number of employees in the Slovak Republic is around 2 million, so the criterion was 200,000).

For employers, the criterion refers to employers' associations who together employ at least 10 per cent of the total number of employees in the economy, therefore also 200,000. At the time, only the KOZ SR and the Federation of Employers' Associations of the Slovak Republic (AZZZ SR) represented workers and employers, respectively, at the Tripartite Council level.

Due to the formation of another employers' association, the Republic Union of Employers (RÚZ), at that time (some of its members split from the AZZZ SR), the criteria for joining the Tripartite Council were reconsidered and Act No. 103/2007 lowered this threshold. In 2018, the APZD also joined the Tripartite Council on the employer side in order to better represent the interests of the industry.

Changes to Act No. 103/2007 have been adopted in the past to: (a) ensure that the Tripartite Council as such was maintained; and (b) to ensure that the largest entities remained in it, and not just one entity (that is, at that time, the AZZZ SR on the employers' side). These changes consisted in the relaxation of the criterion of the number of members/employees in 2007 and were adapted to the reality of the decline in representativeness.

In this respect, Slovak law provides for two situations at present:

- an "unlimited" number of entities above 100,000 members/100,000 employees
(note: there are about 2 million employees in the Slovak Republic, and therefore the criterion set for joining the Tripartite Council – 100,000 members or 100,000 employees – means, in percentage terms, 5 per cent coverage. Already such a criterion of 5 per cent may be considered a low value in some countries, since in some countries, even 80 per cent of employees are associated. Such a criterion must therefore be seen in the national context in relation to national conditions).
- the possibility to add members if the number of entities on one side is less than three (namely the number of entities with up to 100,000 members or up to 100,000 employees is not limited) – the maximum possible addition is only up to three entities. In other words, if



fewer than three entities qualify on one side, additional entities below that threshold may join – up to a maximum of three in total.

Considering the first quantitative criterion of representativeness set in this way – 5 per cent coverage (lowered from the original 10 per cent threshold before 2007), it is obvious that there is a problem with representativeness as such in the Slovak Republic, also due to the low union organization on the part of the workers.

The already-mentioned change in the law that came into effect on 1 March 2021 (the second quantitative criterion of representativeness) reflects the reality of unionization in 2021. The original employers' federation has split into three entities (AZZZ SR, APZD, RÚZ) over the last 20 years, and a competitor to the local government representative, the Association of Towns and Municipalities of Slovakia (ZMOS) has emerged in the form of the Union of Cities and the Association of Municipalities and Self-governing Regions (SK8). In addition to the original trade union, a new trade union, SOS (which also took over the members of the original trade union), was created. On the one hand, this increases the diversity of views of the Tripartite Council members, as the entities have a different structure regarding their members (representing different sectors such as industry and public administration). On the other hand, however, the number of employees employed by the members of the association is also decreasing, and so is the ability of these entities to meet the conditions for joining the Tripartite Council at the level of 100,000 members (100,000 employees). An indication that meeting the original criteria could cause problems for some members is also given by the attitude of the members of the Tripartite Council (except for the KOZ SR) to maintain the status quo, that is, to keep the amended legislation in force as it is.

Given that the law also lays down other conditions for joining the Tripartite Council, for instance, a trade union must bring together trade unions representing workers from several sectors of the economy, it cannot be assumed that a fictitious trade union would join the Tripartite Council. There is also a third traditional trade union at the confederation level in the Slovak Republic, the Independent Christian Trade Unions of Slovakia (NKOS), which was established in 1993, and which has not yet applied to join the Tripartite Council.

3. Pro rata distribution of seats

In terms of the number of seats on each side of the Tripartite Council, the law states that employers have seven seats, trade unions have seven seats, and the State has seven seats. Each of these seven seats are divided on the basis of the number of declared members (number of declared employees). Thus, it is not the same number of seats for an entity regardless of its "strength". The minimum representation for an entity that is a member of the Tripartite Council is one seat. Considering the originally declared numbers, the strongest entity in the Tripartite Council is the KOZ SR with six representatives, SOS with one (both KOZ SR and SOS on the trade union side), the AZZZ SR has three, RÚZ has two, the APZD has one and ZMOS has one (all four entities on the employer side). This distribution of forces does not appear to weaken the position of the KOZ SR.

If, hypothetically, an entity that does not have 100,000 members were to join the Tripartite Council on the trade union side, its representation would be at least one representative, but the KOZ SR would still hold five seats and would therefore still be the strongest actor in the Tripartite Council.



4. The employers' side and the workers' side are not obliged to give a unified position

At present, each member of the Tripartite Council presents its own position at the Tripartite Council meetings, and neither a unified position for the employers (AZZZ SR, APZD, RÚZ, ZMOS) nor a unified position for the trade unions (KOZ SR, SOS) is required. The KOZ SR is therefore under no obligation to align its position with another trade union. The existence of pluralism on the trade union side in no way affects the freedom of the KOZ SR to express its own position.

5. International comparison

In this context, we draw attention, for example, to the situation in France, where the criterion of 8 per cent of the votes in the elections must be met in order to act at the national level, while five entities on the trade union side qualified for such a percentage. In the Slovak Republic, at the national level, there can be a maximum of three entities (if the first and second criteria are combined), whereas, in reality, there are only two entities on the trade union side at the national level.

6. Reasons for retaining the legislation after the change of Government in 2023

The reasons why the Slovak Republic did not return to the original legislation after the change of Government in 2023 are linked to the situation regarding the development of the membership base of the individual associations and the activities of other associations that are not in the Tripartite Council.

In March 2025, at the initiative of the KOZ SR, a meeting was held at the Ministry of Labour, Social Affairs and Family of the Slovak Republic at the level of the State Secretary with representatives of the Tripartite Council regarding the return of the legislation to its original state. All entities except the KOZ SR are in favour of maintaining the status quo, that is, the current situation. The return to the status quo ante is therefore solely the initiative of the KOZ SR. It is therefore not a topic of interest to the majority of the Tripartite Council members. European Union-funded projects are also linked to the Tripartite Council membership, and so there would be problems and questions about the continued funding of these entities in these projects if they ceased to be members of the Tripartite Council.

7. Impact of the amended legislation on the complainant

There has been no negative impact in the Slovak Republic associated with the change of the legislation in 2021, namely any reduction in social dialogue. First of all, the KOZ SR, with six members in the Tripartite Council, is by far the strongest member of the Tripartite Council. The KOZ SR freely expresses its views on the documents submitted for discussion. There is also, in a large number of cases, agreement between the positions of the KOZ SR and the SOS on the proposals submitted for discussion, including in the case of criticism of the Government. Thus, the SOS does not fulfil the role of a pro-government trade union. Similarly, no third party has entered the Tripartite Council on the trade union side. The Government is currently aware only of requests to join the Tripartite Council from employers' entities.

The Government, through the Ministry of Labour, Social Affairs and Family of the Slovak Republic, contributes by law (section 159 of the Labour Code) to the so-called inspection activities of trade unions in the field of occupational safety and health, namely the activities of trade union inspectors of occupational safety and health. Any trade union at the confederation level can apply for a contribution, regardless of its membership in the Tripartite Council. Since 2021, there has been an overall increase in the contribution from €728,380 to €837,818 in 2024,



and for the KOZ SR specifically, an increase from €700,036 to €777,818 in 2024. In comparison, the SOS received a contribution of €40,000 in 2024 and the third entity, NKOS, €20,000.

The Government, through the Ministry of Labour, Social Affairs and Family of the Slovak Republic, also supports the analytical capacities of the KOZ SR within the framework of national projects (such as the Alliance of Sectoral Councils – anticipating trends and needs of the labour market: development of professional capacities of social partners; support for the quality of social dialogue; and age management). In recent years, a total of more than €13 million has been allocated to the KOZ SR for the analytical capacities of trade unions and their experts (to put this into context, the average monthly wage in the Slovak Republic in 2024 was €1,524, the average hourly wage of an employee was €8.75, and the cost of employers' contributions over and above the gross wage was 36.2 per cent, meaning that the total hourly cost of labour was approximately €11.92/hour).

The Government draws attention to the fact that the Slovak Republic is a founding member of the ILO (part of the former Czechoslovakia), a member of the European Union with a high level of protection of social dialogue, a functioning social dialogue and Tripartite Council mechanism (in 2024, it met nine times, in 2025 by 5 May 2025 it had already met five times), and has ratified 76 ILO Conventions.

To date, neither the negative impact of this change on the functioning of the Tripartite Council, nor the claim of pro-government unions has been demonstrated. We view the labelling of a competitor in the field of employee representation – who has also secured positions in major companies in the Slovak Republic – as a non-representative entity, as an unfounded attempt to spread domestic disputes, which stem mainly from problems on the side of one social partner, to the international level. Likewise, we consider it an unjustified accusation that the Government caused the fragmentation of trade unions, while the Government merely reflected the changed reality by adjusting the balance within the Tripartite Council. If the Government had not changed the representativeness criteria over time, for example, in 2007, it is possible that a number of entities would now be in an unrepresentative position from the Government's point of view, and possibly the Tripartite Council would not even exist. These issues cannot therefore be immutable and must follow developments over time and changing realities in society.

In the context of this reasoning and explanations of the national context, the Government considers that it has not violated the Convention. On the contrary, it has proceeded on the basis of the changed reality of association in the Slovak Republic. In doing so, it has encouraged a greater plurality of views.

Discussion by the Committee

Chairperson – It is my honour to invite the Honourable representative of the Government of Slovakia, the Ambassador and Permanent Representative to the United Nations and the other international organizations in Geneva, to take the floor.

Government representative – Firstly, allow me to congratulate you on behalf of the Slovak Republic on your election as Chairperson of this distinguished Committee and together with our delegation here, we wish you success in your work.

Secondly, we also thank you for the opportunity to brief you on the 2021 amendment to the Tripartite Act and to clarify why – after several years of practical experience and the change of Government – we have chosen to keep the new rules in place.



Why was the amendment needed? Before 2021, the highest tripartite body in our country, the Economic and Social Council of the Slovak Republic, (hereafter the Tripartite Council), was based on rules adopted in 2007. These were adapted from still stricter thresholds set in 1999. This body serves as a crucial platform for trilateral consultations at the national level among the State, employers' organizations and trade unions – the social partners. Over the last two decades, however, our labour market landscape and the economic environment have changed profoundly. It has led to a pluralization and specialization on the employer side.

One of all-embracing employer federations from the 1990s has gradually divided into three: the Association of Employers' Unions and Associations (AZZZ), the Republic Union of Employers (RUZ) and the Association of Industrial Unions and Transport (APZD). This natural development continued into the trade union area. Emerging pluralism and specialization among workers' bodies followed. For more than 30 years, the Confederation of Trade Unions of the Slovak Republic (KOZ SR), had the monopoly as the nationwide trade union confederation.

In 2017, a second actor, the Joint Trade Unions of Slovakia (SOS), appeared and quickly gained a majority in several flagship employers, such as Volkswagen Bratislava and Jaguar Land Rover Slovakia. I will just add to this information that little Slovakia is the largest car producer per capita in the whole world and the automobile is the backbone of the Slovak economy and industry. The creation of the SOS is a natural development of the most prominent industry to gain its specific voice in the Tripartite Council.

The third factor was the interests of the local government, as municipal and regional associations also asked for a stronger voice as large public sector employers.

Against that backdrop, the 2021 amendment pursued two goals: to keep the Tripartite Council "alive" by reflecting real membership trends and to ensure that all significant actors, old or new, could bring their expertise to national social dialogue.

Article 1 of the Convention deliberately uses the plural form, "... the most representative organizations of employers and workers enjoying the right to freedom of association." It does not impose a single prescribed metric nor does it bar governments from adjusting their metrics as their domestic realities evolve. It requires an objective test of representativeness applied even-handedly so that the Tripartite Council is neither a closed club for previous members nor a revolving door for anyone who merely asks. We base our legislation on such principles.

Regarding pluralism and the pro-government union allegations, some critics claim that the amendment was designed to install so-called "government friendly unions". Let me address this very squarely and frankly.

Ironically and paradoxically, the KOZ SR has for quite some time been described by the media and other stakeholders in the past as government-friendly or affiliated to a particular political party. This is a highly politicized and unfair claim and label, if you ask me.

Besides, the track record of SOS disproves the "government-friendly" label. In the majority of Tripartite Council votes, the SOS has sided with the KOZ SR, including when both trade unions criticized Government proposals.

Before 2021, four employer entities and one union confederation sat on the Tripartite Council. Today, the balance is four to two; this is hardly a disruption.

The criterion for Tripartite Council entry remains stringent, at a minimum of 100,000 members or employees in each representative workers' organization. Only in cases where



there are fewer than three workers' organizations on the Council can other trade unions with fewer than 100,000 members or employees ask for membership.

Pluralism and specialization, therefore, is not a partisan manoeuvre. It is an acknowledgment that modern economies are diverse, and the dialogue is richer when more than one voice speaks for each side.

Let me speak about the updated numerical criteria: Slovakia's workforce is roughly 2 million. The current threshold of 100,000 members or employees equates to 5 per cent coverage, which is half of the 10 per cent level originally applied until 2007. If fewer than three entities qualify on either side, the amended Act opens a narrow "safety valve". The next largest organizations may join, but the total per side can never exceed three in that case. In other words, we prevent monopolies and proliferation at the same time.

Why not further loosen the threshold? Because the Tripartite Council must remain manageable and credible. A seat should signal genuine constituency strength, not mere registration statistics. By the way, the strength, influence and dynamics of the stakeholders can and is changing in time.

Turning to the pro-rata allocation of seats, each pillar – employers, workers and Government – holds seven seats. They are shared proportionally to the declared membership figures with a minimum of one seat for every admitted entity. Currently, in the trade union side, KOZ SR has six seats, while the SOS has only one. With six representatives, the KOZ SR remains the strongest member of the Tripartite Council on the trade union side. The existence of other trade union entities does not obligate the KOZ SR to align its position with them; they can freely express their views on submitted documents.

Regarding safeguards for genuine dialogue, we do not have block voting. Each seat speaks and votes for its own organization. Neither unions nor employer groups are forced to present a single unified line. Transparent admission criteria are written into the statute. The Government cannot hand-pick favourites.

There is an open door for newcomers. If a third nationwide union ever clears the threshold, it is entitled to apply under exactly the same rules as the old unions had to. These safeguards ensure that pluralism enhances, rather than dilutes, the quality of debate.

My last point is in relation to observed results and the road ahead. At present, we see no evidence of weakened social dialogue. The Tripartite Council met nine times in 2024 and five times in the first five months of this year. It reviewed draft laws, budget proposal and European Union initiatives.

Employers and trade unions co-sponsored four joint opinions, two of which criticized Government drafts. This is clear proof that independence is intact.

Public funding for trade union labour inspection activities rose from €700,000 in 2021 to nearly €800,000 in 2024 for KOZ SR alone. SOS and a non-tripartite confederation (NKOZ) received far, far less: €40,000 and €20,000, respectively.

The decision not to revert to the original legislation after the change of Government in 2023 is linked to the still changed reality concerning the membership base of associations and the activities of entities not currently in the Tripartite Council. It applies especially in the current political situation in Slovakia, where the three-party coalition Government includes two social democratic parties which are historically connected to the trade union movement, including the KOZ SR. All members of the Tripartite Council, with the exception of KOZ SR, are in favour



of maintaining the current legislation, especially due to ongoing projects funded by the European Union, which would be threatened by possible recalculation of the membership.

Looking forward, we remain open to evidence-based refinement. If future demographic or economic shifts bring new adjustments, we will return to the Parliament with proposals always guided by the Convention and the principles of objectivity, transparency and freedom of association. If we go back now, not only one trade union but also employers' organizations can potentially lose their place in the Tripartite Council.

In conclusion, I must say that I am somewhat sorry and embarrassed that we are taking the precious time of this august body for an issue of competition of two Slovak trade unions because, frankly, that is what it is. It is an internal quarrel and attempt to maintain the monopoly.

The essence of social dialogue is balance. Balance between stability and openness, between majority voice and minority insight. Our 2021 amendment seeks that balance. It keeps the door open wide enough for evolving realities, yet closed enough to guarantee that those who sit at the table truly represent significant constituencies.

We therefore insist that the Slovak Republic continues to meet, indeed to embody, its obligations under the Convention. We will keep listening and analysing and, where necessary, keep adjusting, because living democracies never stand still.

Worker members – Throughout our work, we will continue to underscore the need to organize social dialogue in an effective way, in order to understand all the problems that may arise in the implementation of international labour instruments. Social dialogue cuts across all ILO instruments. The Convention directly addresses the need to organize this social dialogue. It has also been acceded to by many ILO Member States, with already 158 ratifications to date.

Let us recall, however, that some years ago the ILO launched a campaign for the ratification of this Convention, with the aim of achieving universal ratification by the Organization's centenary. This objective was not achieved but it is still there. We take this opportunity to invite those States that have not yet done so to undertake the process to ratify the Convention. Ratification of the Convention is essential, as is its observance in law and practice.

Today we will examine the application of the Convention by Slovakia, which ratified it in 1997. The main issue is the 2021 amendment of Act No. 103/2007 on tripartite consultations at the national level. The legal requirements concerning the representativeness of workers' organizations with a view to conducting social dialogue at national level have therefore changed. Prior to the adoption of the amendments, only workers' organizations with at least 100,000 members were considered representative and could therefore be represented on the Tripartite Council. The amendment to the Act on tripartite consultations currently means that, if fewer than three workers' organizations meet this criteria, other organizations with fewer than 100,000 members may also participate in tripartite consultations at the national level.

The country's main trade union organization, the KOZ SR, considers that this amendment could lead to the participation of organizations with fewer than 1,000 members. Such a situation raises serious doubts about the representativeness of such workers' organizations and makes the conditions for participation in social dialogue unequal.

Like the KOZ SR, we cannot help but think that the aim of this amendment is to allow non-representative workers' organizations to participate in tripartite social dialogue at the national



level, and therefore to weaken the most representative workers' organizations, which in this case is the KOZ SR.

While trade union pluralism is a fundamental element of social dialogue, it must also be ensured that the trade union organizations participating in social dialogue are genuinely free and independent. There is a real risk of having unrepresentative unions emerge.

As the Committee of Experts points out in its report, while the Convention sets out that employers and workers must be represented on an equal footing in any body where consultations are held, it does not necessarily require that the number of representative organizations be equal, as it could be the case that a single organization is the most representative.

The KOZ SR also highlighted in its observations that the deliberate increase in the number of bodies taking part in tripartite social dialogue at the national level threatens its effectiveness. This concern expressed by the KOZ SR is in line with the comment made by the Committee of Experts in its 2012 General Survey, which recalled that the concept of the most representative organization is not contrary to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), since it enables a balance to be struck between trade union monopoly on the one hand, which is contrary to Convention No. 87, and excessive diversity of trade unions on the other. In order that the concept of the most representative trade unions is not contrary to the principle of freedom of association, it must be accompanied by certain conditions. The determination of the most representative organizations must therefore be based on objective, pre-established and precise criteria, so as to avoid any possibility of bias or abuse; and the distinction should be limited to the recognition of certain preferential rights (for example, for such purposes as consultation by the authorities).

The legal framework that was applicable prior to the 2021 reform fully met these requirements. It is the changes introduced in 2021 that no longer meet these requirements. As soon as fewer than three organizations meet the criteria for representativeness, other organizations can be designated outside these objectives, pre-established and precise criteria, in violation of the conditions of validity for the concept of representativeness. It is clear that trade union pluralism must be promoted but not by disregarding the requirements set down by the ILO instruments.

It is also clear that compliance with the Convention requires social dialogue to be organized in such a way that all parties are treated equally. This is no longer the case in Slovakia following amendments to the composition of the Tripartite Council. The Government should revisit the amendments introduced in 2021 to restore a situation in line with the Convention.

Employer members – The Employer members underscore the importance of States' observance of the Convention. Today is the first time that the Committee is addressing the application by Slovakia of this Convention. Slovakia ratified this governance Convention in 1997. We note that, to date, the Committee of Experts had not yet drafted comments on this Convention.

In Slovakia, since 1 March 2021, an Act stipulates the composition of the Tripartite Council as follows:

- seven seats for the trade unions, seven seats for the employers' organizations, and seven seats for the Government;



- maximum three organizations representing employees, and maximum three organizations representing employers;
- each representative organization has at least one seat;
- each representative organization (of workers or of employers) must have at least 100,000 workers, but where fewer than three organizations meet these criteria, another organization is admitted even where it has fewer than 100,000 workers (as was the case recently with the SOS), which has put an end to the historical monopoly of the KOZ SR.

The complaint presented by the KOZ SR is based on the following issues:

- the SOS is reportedly not sufficiently representative at the national level to be able to have a seat at the Tripartite Council;
- the SOS is reportedly not independent of the Government.

Given this trade union's observation, the Committee of Experts requested the Government to provide information on the reasons leading to the amendment of the national legislation in 2021 and to indicate how the new membership of the Tripartite Council effectively strengthened tripartism and social dialogue.

In its written submission of 14 May 2025, and in its spoken intervention this morning, the Government responded to the Committee of Experts' questions and refuted, in fact and in law, the complainant organization's arguments. It states that national legislation is in conformity with the Convention, and that the Tripartite Council is competent to perform its advisory role on international labour standards.

Firstly, the Government explains that the 2021 Act was intended to adapt to developments in Slovak society, particularly the decrease in union membership in this country, as well as to the splitting up of certain organizations into several specialized entities. The lowering of the representativeness threshold from 200,000 to 100,000 workers covered by each member organization of the Tripartite Council now means that these organizations can continue to meet these criteria. In addition, this Act means that the Council can be open to other organizations, and the total of the organizations ensures overall representativeness. Since 2023, the new Government has wished to maintain the same criteria, which are in line with the principles of freedom of association. In March 2025, a meeting revealed that all bodies, with the exception of the KOZ SR, were in favour of maintaining the status quo, that is to say the current legal situation.

Secondly, the Government explains how the new composition of the Tripartite Council effectively strengthens tripartism and social dialogue. It draws on several factors to support this: the legal criteria for representativeness are objective and transparent, the representative organizations operate independently (particularly with regard to the authorities), they are fully guaranteed freedom of opinion and expression, and the social partners are treated equally. Moreover, the ILO does not require that a tripartite council have an equal number of employers' and workers' organizations.

Third, the Government contests that it would allow non-representative unions to participate in tripartite social dialogue at the national level. The SOS is especially representative in the automobile sector, which affords it unquestionable legitimacy in a country that is "number one" in per capita automobile production. The Government also states that the complainant organization has not suffered in any way and that, on the contrary, the pluralism of the Council's composition lends itself to social dialogue. The complainant organization loses only one of seven seats under the new Act. It therefore retains six, which is in line with its



former position. Each trade union retains its full freedom of opinion, even if on most occasions the two trade unions' opinions on the facts converge. The complainant organization retains the significant financial benefits to carry out its projects and build its capacities.

The Employer members highlight the importance of the Convention - a governance Convention. This Convention lays down the DNA of ILO's tripartism, by requiring that governments transmit their reports to the social partners, and by promoting tripartite dialogue at the national level on the application of international labour standards. We recall that it was in our very Committee that the possibility of adopting an instrument that dealt specifically with the establishment of national tripartite bodies was suggested for the first time in 1972, in order to further involve the national workers' and employers' organizations in the regulatory procedures.

In accordance with Article 2 of the Convention, Slovakia has developed a procedure, criteria for organizations' representativeness and a tripartite advisory body. These mechanisms ensure effective consultation between the Government and the social partners on issues concerning the ILO's activities.

In accordance with Article 3, the representatives of employers and workers in the Tripartite Council are freely chosen by their representative organizations, the conditions for the organizations' representativeness are objective and transparent, and take account of national realities with the aim of guaranteeing overall representation of the employers and workers, thereby supporting pluralism and diversity of position.

The Convention has the advantage of being flexible, allowing the nature and the form of the consultation procedures to be determined in keeping with national practice. Very diverse tripartite consultation procedures or methods can therefore meet the objectives of the Convention.

Worker member, Slovakia – We acknowledge your work in safeguarding the normative system and corpus of the ILO and reminding governments that social dialogue is not only the backbone of a fair and sustainable labour environment, but also a fundamental tool to achieve social justice and hence a lasting peace, which is very core of this Organization.

The KOZ SR is the most representative workers' organization in Slovakia, bringing together trade unions and employees across all sectors of the economy, including the automobile sector. We are the voice of hundreds of thousands of workers who today face increasing economic and social uncertainty. That is precisely why we consider it essential for the system of social dialogue to be credible, stable and based on fair rules.

In 2021, the Government amended the Act on Tripartite Consultations and we consider this change to be incompatible with the Convention. Firstly, let me briefly explain the legal developments. Until March 2021, Slovak law provided that only trade union confederations representing at least 100,000 employees across multiple sectors could become members of the Tripartite Council. It was a strict but fair and equal standard applied to all. However, the amendment that came into force on 1 March 2021 introduced an exception. If the three seats on the worker side of the Tripartite Council are not fully occupied, even organizations that do not meet these representativeness criteria can be admitted upon request. This change has serious implications and has created a two-tier system.

While our trade union organization meets strict criteria of representativeness, including a minimum membership of 100,000 employees, others may gain access to the Tripartite Council without any verified membership base, structure or track record in negotiations.



The KOZ SR fully respects the principle of pluralism and does not oppose the inclusion of new entities in social dialogue. On the contrary, just as the ILO recognizes, we welcome diversity and we think it enriches social dialogue but only if it is based on equal, fair and transparent rules that ensure the representativeness of all organizations involved. We are ready to discuss criteria for representativeness but they must apply equally to everyone. It is unacceptable for one workers' organization to meet strict conditions, while another is allowed to bypass them. Such a two-track system undermines trust in tripartite dialogue as a fair and equal partnership mechanism.

From a legal standpoint, this amendment directly contradicts Article 1 of the Convention, which clearly refers to consultations with the most representative organizations of workers and employers, not just with those who are "available" in the moment, and not just with those who merely meet the formal registration requirements tailor-made to fit governmental or political purposes.

Moreover, the amendment was adopted unilaterally without any prior consultation with the social partners. The Government pushed this change through unilaterally, without an exchange of views, without a proper discussion and without expert or public assessment. That is why we consider this amendment a double violation of the Convention, both in terms of its substantive principles and its procedural requirements.

Some Government representatives may argue that this amendment has not yet caused significant problems in practice but the point is not about the current state of affairs. It is about the very purpose and spirit of tripartism. The concern is that this legal framework opens the door to opportunistic, non-representative and potentially abusive entries into the Tripartite Council.

There is a risk that tripartism will become a formal setting for so-called silent players with no real mandate from workers and no democratic legitimacy. At the same time, this amendment creates an incentive for fragmentation. Even small groups now know they can split off and still enter the Tripartite Council without having broad support simply because not all seats are filled. That weakens the unity and strength of the trade union movement.

From our perspective, this change does not strengthen social dialogue. It weakens the voice of the most representative workers' organizations. To date, the Government has failed to provide any convincing justification for why this amendment was necessary or what positive impact was intended.

The Committee of Experts in its preliminary analysis has already stated that the amendment may lead to a situation in which some organizations meet strict representativeness criteria, while others do not, which could conflict with the objectives of the Convention. We fully share this assessment. This is not a technical matter. It strikes at the core values of social dialogue. It is about whether tripartism will remain a space for truly representative voices of workers and employers or whether it will become a formal framework where representativeness can be circumvented. Tripartism is not merely a meeting of three parties. It is a system that must be based on equality, representativeness and real dialogue.

In conclusion, we respectfully ask the Committee to consider:

- assessing the compatibility of the Act on Tripartite Consultations with the Convention;
- urging the Government to ensure equal, objective and transparent conditions for all social partners; and



- supporting a return to a system in which legitimate representativeness is not just one possible criterion for joining the tripartite dialogue but a fundamental principle for participating in tripartite consultations.

As a delegate for all the workers in Slovakia, I thank you for this opportunity and your interest in defending the core and spirit of the Convention and its full normative and powerful content towards social justice.

Employer member, Slovakia – The employers’ representatives of the Slovak Republic respectfully present this statement in response to the submission made by the KOZ SR regarding the alleged non-compliance with the principles of the Convention.

With full respect for the importance of this Convention and the role of social partners in the system of international labour standards, we wish to state that from the employers’ perspective, the current framework of social dialogue in the Slovak Republic provides an adequate and effective platform for consultation between the Government, and workers’ and employers’ representatives.

We consider current rules on representativeness are fair and provide for the possibility to be a part of the Tripartite Council of the Slovak Republic, as the highest national tripartite body.

We are of the view that the system complies with the spirit and objectives of the Convention. In this context, we do not consider it necessary to carry out legislative changes or to revert the legal framework to its state before the changes were implemented.

Where divergent views may exist regarding the scope or technical aspects of the consultation process, the employers’ representatives strongly believe that such matters are best addressed through constructive dialogue at the national level within the framework of existing institutions and procedures.

The employers’ representatives of the Slovak Republic remain fully committed to continuing an open, fair, substantive and diverse social dialogue, and express their willingness to contribute to its further development in a manner that is consistent with the principles of partnership, equality and mutual respect.

Worker member, Finland – It is not a coincidence that this Convention is considered a priority one. With regard to international labour standards, tripartism within the meaning of the Convention goes much further than the involvement and active participation of the most representative organizations, as favoured by the ILO Constitution. Any measures to be taken at the national level with respect to this Convention render a consultation procedure mandatory. The Convention, by definition, requires the Member States to respect and to take action towards the full realization of tripartism.

With respect to the case of Slovakia, as expressed by the Committee of Experts, it is more than evident that the changes introduced in the national legislation and practice impact the manner in which the Convention is implemented.

Quite naturally, there are alternatives as to how tripartite consultations can be established in law and in practice. In terms of national practices, consultation can translate into exchanging communication, active formulation of proposals by tripartite bodies, or by other appropriate means, as long as these are considered appropriate by the parties. While the Tripartite Council could have in principle met the standards prior to March 2021, we must note with regret that the current amendments are a step towards regression rather than realization of genuine tripartism.



First, one cannot emphasize enough the aforementioned principle, that the methods chosen by governments must be considered acceptable and appropriate by the parties involved. As the Committee of Experts has explicitly requested the Government to clarify, how is the legislation expected to effectively promote and strengthen tripartism and social dialogue when the most representative organization of Slovakian workers strongly disagrees with them and considers that the true intention is to allow non-representative workers' organizations to undermine the role of the most representative one?

It is not difficult to see how these amendments could easily lead to circumstances where the definition of representativeness of workers becomes arbitrary. In the best case, the law would arguably extend the composition of the Tripartite Council and effectively allow consultations of non-representative – but perhaps genuine – workers' organizations. At worst, however, the rule could allow for artificial workers' organizations to have an equal footing with the genuine and most representative one, that is, the KOZ SR.

The full realization of tripartism does not allow the Government to dictate who the workers are represented by. Instead, it should be emphasized that the consultation of other parties who may be concerned should not in any case undermine participation of the main recognized social partners, let alone seek to replace it. If this does not amount to undermining genuine representativeness, one could ask then, what does?

Second, it must be underlined that there are also certain requirements that must be met for any consultation to be genuine. The proper application of the principles enshrined by the Convention requires, without exception, that consultations effectively be held prior to making decisions, irrespective of the nature or form of these procedures. As expressed in the Committee of Experts' report, these amendments, under scrutiny today, have been enacted without any due consideration of the view of the most representative workers' organization.

Unfortunately, as this case well demonstrates, when inadequacies in consultation are detected, it is usually at the expense of the workers' organizations. As reflected in the report of the Committee of Experts, the very existence of tripartite consultation cannot be taken for granted. Active promotion and recognition from governments is not at all automatic. In fact, as we have regrettably witnessed far too often, circumstances can deteriorate quickly and thereby endanger the purpose and legitimate aim of the Convention. Simple statements of respect for tripartism mean nothing if the corresponding actions are in fact lacking.

Worker member, Greece – I take the floor in solidarity with our fraternal trade union, KOZ SR, to voice the deep concern of Greek workers about Slovakia's non-compliance with the Convention. This Convention is not procedural. It is institutional and substantive, and is a priority Convention. It safeguards democratic labour governance by ensuring that the most representative workers' and employers' organizations can participate in shaping policy. That is why correct implementation is vital.

Yet in Slovakia today, we understand that this core objective is under threat. The Committee of Experts notes rightly how these recent amendments can undermine equal and meaningful representation in national tripartite consultations.

As long as the 100,000-member threshold remains, the amendments – adopted unilaterally without consultations – allow unions with as few as 1,000 members to join the Tripartite Council if seats are vacant. This enables marginal or purposefully created unions to displace KOZ SR, the country's most representative organization, under opaque conditions.

While the Convention does not set numerical thresholds, the Committee of Experts emphasizes that it requires meaningful and legitimate representation. In other words,



allowing undue influence by dubiously “representative” bodies contravenes the Convention’s spirit and wording.

Let us be clear: representativity – determined by objective and transparent criteria – is not a game of numbers. It is a key democratic principle, inextricably linked to freedom of association. I recall Paragraph 1 of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), which specifies that the most representative organizations of employers and workers are those that enjoy the right of freedom of association.

The two concepts – genuine representativity and freedom of association – are inseparable. To undermine one is to erode the other. The Slovakian example risks turning the principle on its head and contravenes the Declaration of Philadelphia which affirms “freedom of association and of expression are essential to sustained progress.”

The Slovak situation sets a dangerous precedent. The issue here is not, as we have heard, pluralism versus trade union monopolies. It is about preserving objective, democratic and transparent criteria for representativity, and about preventing governments from lowering or redefining representativity arbitrarily and unilaterally, in a manner that jeopardizes the integrity of tripartism. In other words, we should not sacrifice objective representational legitimacy for any other numerical balance or convenience. These are not abstract ideas but rather key principles, backed by rich case law enshrined in ILO jurisprudence. The *Compilation of decisions of the Committee on Freedom of Association*, sixth edition, 2018, paragraph 1353 states:

... if national legislation establishes machinery for the representation ... of workers, this representation should normally lie with the organizations which have the largest membership in the category concerned, and the public authorities should refrain from any intervention that might undermine this principle.

Similarly, paragraph 1355 of the 2018 *Compilation of decisions of the Committee on Freedom of Association* underlines that recognition of the most representative unions is the very basis for collective bargaining.

As reaffirmed by the ILO Centenary Declaration ILO for the Future of Work (2019), strong and representative social partners are the bedrock of democratic inclusive societies; and tripartism, the ILO Centenary Declaration emphasizes, is not just a method, but a shared value.

We call on the Government to thoughtfully repeal these amendments and restore compliance with the Convention and Recommendation No. 152. We also urge our Committee to issue clear, principled recommendations and findings, and to follow-up as needed in order to protect the credibility of the ILO system, the essence of representativity and the future of meaningful democratic social dialogue.

Worker member, Spain – The workers of Spain support the complaint presented by the KOZ SR for alleged non-compliance with the Convention. This is an important and powerful standards-related and procedural tool since, as the ILO has reminded us on numerous occasions, tripartism is essential for good governance, social peace and sustainable economic development.

Article 1 of the Convention defines what is understood as the most representative organizations but we see that the Government has violated the criteria of representativeness and the flexibility that the Convention itself grants to determine the social partners. By including trade union organizations with very low representativeness, rather than making social dialogue an inclusive and richer space, it divides it and weakens it, and disregards the



ILO Recommendation in its action plan for a wider ratification and the effective application of the governance Conventions.

The consequences of the Government's unilateral decision also run counter to further ILO Recommendations, since the Organization emphasizes that compliance with standards is improved by strengthening, not weakening, tripartite consultation systems. We would add to this that the intention to wear down, discredit and discriminate against the majority confederations, as is the case with the Executive's legal reform, means ignoring the requirement of Article 1, which requires that the public authorities act in good faith when designating which organizations are the most representative.

As this Committee has noted on numerous occasions, the inclusion of minor unions, lacking real membership, produces a perverse effect: the dilution of the workers' voice, the lack of consensus and, ultimately, the erosion of trust in the system.

If the Government had really wished to strengthen social dialogue, it could have because both the Convention and Recommendation No. 152 do not prescribe a single model but grant all States the necessary flexibility to adapt procedures to national practices, as long as the principles of independence, representativeness and good faith are respected. However, this Government has not observed the spirit or the content of this Convention when it refuses to, and I quote, "look for compromise solutions that are acceptable to all the parties", which the ILO indicates is key to an authentic tripartite procedure.

The Government of Spain has done this, in a case that was also examined in this Committee for possible non-compliance with the same Convention, and we are experiencing the benefits of tripartism at a time of global crisis, with an economy that is growing more sustainably than in our neighbouring countries and a labour reform, the results of which have been welcomed by the ILO and on which representatives of employers and majority unions are in constant negotiation. This success is not due to a coincidence but rather to the effective functioning of tripartism in my country, which creates an institutional space, under the principles of good faith established by the Convention and Recommendation No. 152, and which is shown in tangible achievements for millions of workers and enterprises.

This is also what we want for Slovakia, and we therefore call on this Committee to take a firm position that takes into account the requests of the Slovak workers' delegate, in line with Articles 1 and 5 of the Convention.

Equity, pluralism and respect for democratic principles inspire this Organization. Slovakia's inclusion in the list of cases to be examined by this Committee presents an opportunity to reaffirm the centrality of social dialogue and tripartism in national governance. The proper functioning of these, as indicated by the Convention, would guarantee legitimacy, social cohesion, distributive justice and strengthening of the economy, as indicated by so many instruments, comments and by the ILO itself.

Government representative – I wish to express on behalf of the Slovak delegation our deepest appreciation for every speaker who has taken the floor during today's deliberations. Your interventions were analytical, critical or visionary, and have truly enriched our dialogue and reminded us of the collective responsibility we share in safeguarding meaningful, inclusive, tripartite consultation across the globe.

We have listened attentively to the observations of the Committee of Experts and to the clarifications provided by the Office.



We are equally grateful for the thoughtful contributions from the Workers' and Employers' groups whose lived experience at enterprise and sectoral level brought our discussion to life. Each point raised today has added real value to our common understanding. Let me assure you that the Slovak Republic takes careful note of every comment and recommendation voiced.

At the same time, we remain firmly convinced that the existing legal framework of the Slovak Republic is fully aligned with the letter of spirit of the Convention.

Our Act on tripartite consultation, together with the procedural rules governing the Tripartite Council, provide clear guarantees for timely, prior and effective dialogue with both workers' and employers' representatives on all labour-related legislative and policy proposals. This is not only the firm position of the Government but is also the opinion of five of the six members of the Tripartite Council, representing social partners who prefer the newer legislation to the old one.

In this context, it also has to be said that the new legislation is also valid for the employers, meaning that the limitations and the possibility for pluralization of the tripartite dialogue is not only limited to the trade unions.

I would also like to say that it is quite surprising to hear from the representative of the Slovak trade unions that he is speaking on behalf of and represents all workers in Slovakia. Compliance must never lead to complacency. We therefore reiterate our commitment to continuous improvement. Slovakia is prepared to share its experience, positive as well as instructive, so that other Member States may benefit, just as we learn from their good practices in return.

Allow me once again to thank all delegates for the friendly spirit that has characterized our work today. Your insights will accompany us back to the capital, where we will continue the dialogue with the same openness and respect that have marked our exchanges here in Geneva. Thank you for your attention, and thank you for unwavering commitment to social dialogue, tripartism and enduring values of the ILO.

Employer members – We have duly noted the explanations provided during the session by the Government and the trade unions. The Employers' group underlines the importance of Member States' observance of the Convention. Tripartism is one of the pillars of the ILO. It is fundamental that tripartism is effectively implemented at international and national levels.

Governments are free, however, to organize these consultations in the most efficient way, to avoid any bureaucracy, and as long as the requirements of the Convention are respected. I will briefly recall these obligations:

- the consultations must cover all ILO standards and activities, as indicated in Article 5(1);
- under Article 2(1), the consultations must be effective, or in other words organized in such a way that the views of the representative organizations are taken into consideration by the Government before it takes any decisions;
- pursuant to Article 5(2), these tripartite consultations must be held at least once a year

The Employer members recommend that the national authorities take the necessary and appropriate measures to ensure effective and efficient tripartite consultation with the national social partners in application of the Convention. The criteria for representativeness of employers' and workers' organizations must be objective and predefined by the legislator. The composition of the Tripartite Council must guarantee a balanced representation between



employers' and workers' representatives. The respective organizations must be able to freely designate their representatives in this Council. This is indeed the case in Slovakia.

We encourage the Government to pursue tripartite dialogue at the national level, ensuring the representativeness of the organizations, without interfering in the appointment of the Tripartite Council members. We invite the Government to, in the future, provide any information that arises out of national social dialogue in accordance with the Convention.

Worker members – I would like to thank all the speakers, particularly the Government representative, for the written and oral information that was transmitted to our Committee. The Convention is a priority governance Convention. It is essential that the Government spares no effort to ensure the proper application of this Convention and to restore an environment conducive to the dynamics of tripartite social dialogue.

In this context, we consider it essential to re-establish the trust of the organizations that participate in this tripartite social dialogue and that meet the objective, pre-established and precise criteria of representativeness set in the legislation. This trust has been shaken since the change to the composition of the Tripartite Council in 2021, which attributed the same prerogatives as those of representative organizations to organizations that did not meet the objective, pre-established and precise criteria of representativeness. The organizations should be treated equally but this is no longer the case following the legal amendments. All of this undermines the dynamics of tripartite social dialogue that should be set up in accordance with the Convention.

We request the Government to, in consultation with the social partners, reinstate the provisions of Act No. 103/2007 on tripartite consultations at the national level, to ensure that the representativeness of organizations is determined on the basis of objective, pre-established and precise criteria, in accordance with the Convention.

As has been requested, it is important that the Government transmit to the Committee of Experts detailed and updated information on the reasons for the amendments to national legislation. The Government must also indicate how the new composition of the Tripartite Council is intended to effectively promote and strengthen tripartism and social dialogue. We request the Government to avail itself of ILO technical assistance and to inform the Committee of Experts by 1 September 2025 of the measures taken with a view to implementing the recommendations that our Committee will make.



Conclusions of the Committee

The Committee took note of the oral and written 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 into account the discussion, the Committee called on the Government to:

- **engage in constructive tripartite social dialogue about all matters including reasons for any changes to the provisions of Act No. 103/2007 on tripartite consultations at national level, in line with the Convention;**
- **conduct tripartite consultations with the most representative employer and worker organisations on all ILO standards and activities at the national level;**

- ensure that consultations are effective in law and in practice and take place at least once a year and, in that regard, also ensure that, in law and in practice, no exception allows organizations to be granted the same consultation rights as those of representative organizations;
- ensure that organizations are able to exercise their right to freely elect their representatives without any external interference;
- provide information on how the new membership of the Economic and Social Council of the Slovak Republic is expected to function and effectively promote and strengthen tripartism and social dialogue.

The Committee invited the Government to provide information on measures to implement the above recommendations to the Committee of Experts by 1 September 2025.

Chairperson – I invite the representative of the Government of Slovakia, the Minister of Labour, Social Affairs and Family, to take the floor.

Government representative – Slovakia would like to thank the Committee for its conclusions on our compliance under the Convention. Slovakia acknowledges and respects the important role of the Committee of Experts and of this Committee within the ILO supervisory system. Ensuring the effective application of international labour standards is crucial and critical for achieving our shared objective of proper tripartite discussions for all stakeholders involved.

I hope the information presented in our verbal and written contribution on the reasoning for the adoption of the 2021 amendment to the Tripartite Act provided reassurance of Slovakia's commitment to, and compliance with, the Convention. We will of course continue to work with social partners to follow up on the Committee's conclusions.

Slovakia will act on the words spoken at this session, and I am confident that the Government and social partners will resolve these matters in the spirit of social dialogue.

Sri Lanka (ratification: 2000)

Minimum Age Convention, 1973 (No. 138)

Written information provided by the Government

The Government has provided the following written information, as well as statistics on the nature of violations and penalties applied relating to the employment of children, and statistics on the school enrolment and dropout rates among children under the age of 16.

The Government extends its appreciation to the Committee of Experts for its expression of satisfaction regarding the increase in the minimum age of admission to employment to 16 years. The Government remains fully committed to taking all necessary measures to ensure that every child is protected from the risks of child labour.

Further, Sri Lanka joined Alliance 8.7 in 2018 and has been an active member of the forum since then. The country submitted its action plan on child labour, forced labour, and trafficking in persons at the 18th Global Coordination Group (GCG) meeting in April 2024, demonstrating its commitment.



Sri Lanka has a strong legal and administrative system to prevent child labour. Presently, the minimum age for employment is 16, and no child under that age can be employed. This is in line with the national education policy. In 2021, the list of hazardous types of work was expanded from 51 to 71 to protect young children.

The Department of Labour has taken many innovative initiatives to eliminate child labour completely from Sri Lanka. One such activity is engaging with grassroots communities and local organizations to raise awareness about child labour. With the support of the Community Police, the Department of Labour has started awareness campaigns and capacity building at community level. These are progressing well, and we hope this will help us to achieve our target.

The Department of Labour maintains a comprehensive regional office network that spans the entire island, enabling effective inspection and monitoring activities across all districts. This widespread presence allows labour inspectors to respond promptly to complaints and conduct regular inspections, even in rural areas. Moreover, labour inspectors possess a strong subject knowledge and received specialized training on child labour issues, which enhances their ability to identify and address child labour issues in the informal sector. As a result of these institutional strengths and ongoing enforcement efforts, Sri Lanka is in a relatively strong position in the region to eliminate child labour.

The grassroot level civil society awareness on social responsibility towards the elimination of child labour has been initiated in collaboration with the Community Police Division of the Sri Lanka Police by the Department of Labour. The pilot programme has been conducted covering the Colombo District in 2024. Accordingly, four divisional Officers In-Charge (OIC) of Police Station and Community Police OICs of each police station in Colombo district were given a special training on 20 August 2025. Then community police advisory committees had been convened by each community police OICs and 587 community level leaders and religious priests had been convened. Assistant commissioners and deputy commissioners of the Department of Labour participated as resource persons in those awareness programmes. In parallel to this programme, trainings were provided to police OICs officers engaging in community police divisions and officials from the Department of Labour (labour inspectors) on the elimination of child labour. Details of the programmes are as follows. In these programmes, 244 officers participated.

A training of trainers (ToT) programme was also conducted in 2025 to create a pool of trainers from labour inspectors to conduct awareness programmes island-wide to promote social dialogue and to eliminate child labour. In this programme 63 officers were trained.

The Complaint Management System of the Department of Labour has a separate field for lodging complaints on child labour occurrences. Even anonymous complaints are investigated and the National Child Protection Authority (NCPA) has been introduced with a separate access for complaints received via the 1929 child helpline.

Sri Lanka has already managed to bring the prevalence of all forms of child labour to a minor level. As per the Child Activity Survey 2016, the percentage of child labour was 1 per cent. A study on child labour in Colombo district has been done recently (2024) by the Statistics Division of the Department of Labour with a sample of 1,000 households to identify the risk and prevalence of child labour. As per the study, only 0.3 per cent reported as children engaged in economic activities which is less than the statistics of the 2016 Child Activity Survey.



Discussion by the Committee

Chairperson – I have the honour of inviting the honourable representative of the Government of Sri Lanka, the Senior Assistant Secretary of the Ministry of Labour, to make his initial remarks.

Government representative – On behalf of the Government of Sri Lanka, I wish to express our deep and firm commitment to protecting children and eliminating all forms of child labour. The rights, safety and well-being of children remain a national priority for Sri Lanka. In the meantime, we value the observations made by the Committee of Experts and appreciate their constructive inputs in supporting our continued efforts to protect every child in our country.

Relating to the Convention, the principle is clear: to effectively abolish child labour and progressively raise the minimum age for employment. The Government of Sri Lanka has taken measures accordingly. The minimum age for employment in Sri Lanka is 16, whereas in a few countries it is still 14 or 15. The minimum age is in line with national education policy.

In Sri Lanka, several government institutions, such as the Department of Labour, the National Child Protection Authority, the Ministry of Women and Child Affairs, the Women and Children Bureau of the Police, trade unions, employers' organizations and civil society organizations are working collectively to protect the rights of children.

We follow a whole-of-government and whole-of-society approach to ensure that children's rights are safeguarded. The mechanism is connected effectively horizontally and vertically. Furthermore, Sri Lanka is surprised to note its inclusion in the final list of cases despite the Committee of Experts expressing satisfaction with the progress made on the Convention. Sri Lanka has been successful in reducing child labour, and its inclusion in the list undermines the country's efforts to eliminate child labour. In addition, we have a regular national tripartite forum, and neither trade unions nor employers have raised this issue in recent national discussions.

Sri Lanka prohibits young persons aged between 16 and 18 from engaging in hazardous jobs, thereby offering greater protection. Seventy-one jobs have been identified as harmful for young persons, including domestic work and jobs in the construction sector and fisheries.

This revision aims to prevent young persons from engaging in dangerous work that poses a risk to their health, safety and well-being. By harmonizing these laws, Sri Lanka has enforced restrictions on child labour across all sectors, including by prohibiting the employment of persons aged under 18 in hazardous settings.

Sri Lanka also has a robust policy framework. The National Policy on the Elimination of Child Labour, adopted in 2018, has been successfully implemented. It guides all related activities and provides direction to stakeholders.

To implement child labour elimination efforts, the Department of Labour maintains 78 branch officers across the island, enabling effective inspection and monitoring across all districts. Labour inspectors are trained specifically on child labour issues, allowing them to identify and address child labour cases, especially in the informal sector.

Sri Lanka has made substantial progress in eliminating child labour over recent decades. The 2016 Child Activity Survey indicated that around 43,000 children were engaged in child labour, a sharp decline from the 900,000 reported in 1999. A 2014 study conducted by the Department of Labour in the Colombo district, covering 1,000 households, found that only



0.3 per cent of children were engaged in economic activities, a further decrease from the 2016 survey. This demonstrates a continuing decline in child labour in Sri Lanka.

The National Steering Committee on Child Labour, established under the 2017 National Policy on the Elimination of Child Labour, acts as the main inter-agency coordination mechanism. It includes all stakeholders, trade unions, employers and non-governmental organizations, and it is chaired by a higher authority, such as the Department of Labour. All matters related to child labour are discussed and coordinated effectively through this Committee. This Committee meets quarterly and has a minimum of four meetings every year.

Sri Lanka, being part of Alliance 8.7, submitted its national road map in April last year, focusing on four priorities – prevention, protection, prosecution and partnership – across child labour, forced labour and human trafficking. Sri Lanka has clearly displayed its determination to eliminate child labour.

At the grassroots level, district and divisional Child Development Committees convene to discuss child labour issues. Labour officers, probation officers, police officers and village officers attend these meetings. The matters that they are unable to resolve will be escalated to the national-level Committee and effectively addressed.

The Ministry of Education has taken steps to address school dropouts through school-based and zone-based committees. When a student drops out, these committees, with the help of community leaders, act swiftly and take action to reintegrate them into school. Sri Lanka provides education from pre-school up to the university level to ensure school attendance. The Government also offers free uniforms, meals and textbooks, and sanitary pads for female students. This comprehensive support ensures that no child is left behind due to poverty.

In 2024, there were only 5,000 school dropouts, less than 1 per cent of the total student population. Each case is addressed separately and seriously. Some children drop out due to poverty or incompatibility with traditional education. There are many other factors, and they are also addressed. For example, the children of migrant workers are continuously monitored by development officers. If any child drops out of school, these officers intervene and take the necessary steps to help the child to return to school.

In 2018, with the introduction of the compulsory education policy, the Government also introduced vocational training opportunities for children under 16 who find it difficult to cope with the traditional education system. This allows them to transit into the vocational stream and prevents them from dropping out of the education system.

To combat child labour in the informal sector, Sri Lanka works with community leaders through a pilot initiative using an existing community policing mechanism. In Colombo, special training has been provided for divisional officers-in-charge, police and other officers. A total of 587 community leaders participated. In parallel, 244 police and labour officers were trained on child labour elimination. This programme has also been expanded to other provinces. This approach has been highly successful. The Department of Labour is able to receive information about potential school dropouts and take proactive measures to prevent them from falling into child labour.

The Department of Labour conducts group inspections to identify potential child labour in the informal sector, especially in the fisheries sector. In 2024, we had 47 group inspections, some of which identified potential child labour, allowing us to take action proactively.

It should be noted that in Sri Lanka, no child labour has been reported in the formal sector. In the informal sector, awareness is key to reducing the phenomenon. In this regard, a



dedicated hotline is available for the public to report child-related concerns. Complaints received through the hotline are categorized and referred to the relevant agencies. For example, reports related to child labour are directed to the Department of Labour, while cases of abuse are referred to the police. In addition, the Department of Labour has digitalized its complaint management system to improve access for the public. There is also a dedicated WhatsApp number for filing complaints with the Department of Labour.

In 2023, Sri Lanka introduced a pledge programme encouraging employers to publicly commit to not recruiting children into their workforce. The aim of this initiative is to raise awareness and strengthen the commitment of employers and workers to preventing child labour. In this regard, we have conducted 24 pledge collection programmes in the plantation sector and 40 programmes in industrial sectors to ensure that employers formally commit to not employing children.

Further, we have observed a steady decline in child labour cases in recent years. In 2022, we identified 11 cases; in 2023, 12 cases and in 2024, we had only 2 cases, indicating a decline. Most reported cases of child labour were linked to manufacturing, and two were linked to domestic work.

All identified instances of child labour have been prosecuted. Of 12 legal cases, five are ongoing, three lacked evidence and four were concluded. One led to compensation of 500,000 Sri Lanka rupees, and two resulted in fines of 10,000 rupees and penalties of 8,000 rupees. In 2024, two new cases were filed, and one additional case was filed in 2024; legal action is continuing.

Furthermore, the Department of Labour conducts 80,000 inspections annually with its limited staff of 500 labour officers. Plans are under way to recruit 100 more officers. Each time they carry out an inspection, they check for child labour, and they are required to report the age of each worker in the reporting system. Our ultimate goal is to create an environment where children do not need to work, but can grow, learn and thrive. That is our focus, and the Government is committed to continuing these progressive actions.

Employer members – Sri Lanka ratified the Convention in 2000, and the Committee of Experts made prior observations on this case in 2024, 2020, 2019, 2017, 2013 and 2011. This is the first time that the Committee has discussed Sri Lanka's application of the Convention. We thank the Government of Sri Lanka for having submitted relevant information to the Committee regarding the application of this Convention in law and in practice. We find that this information is very promising, as is the strong commitment expressed by the Government representative to ensuring that every child is protected from the risks of child labour.

The Committee of Experts' observations highlight significant steps taken by Sri Lanka, but also persistent gaps in areas where further efforts are required to ensure compliance with the Convention in law and practice. First, regarding the minimum age for admission to employment or work (Article 2(2)) and compulsory education (Article 2(3)), the Employer members welcome with satisfaction the legislative amendments made to the Employment of Women, Young Persons and Children Act in 2021.

These amendments have successfully raised the minimum age for admission to work or employment from 14 to 16 years. We also note with satisfaction that a "child" is now defined as a person aged under 16 years and a "young person" as someone aged between 16 and 18 years. This is a significant step forward in protecting children.

Furthermore, we commend the Government for aligning the minimum age for admission to employment with the age of completion of compulsory education, which is 16 years as



stipulated under the Compulsory Attendance of Children at School Regulation No. 1 of 2015. This alignment is critical for ensuring that children remain in school and do not enter the workforce prematurely.

Regarding the application of the Convention in practice and labour inspection, the Employer members take note of the Government's extensive efforts and the numerous initiatives undertaken between 2021 and 2023 to eliminate child labour. In particular:

- the diverse awareness-raising campaigns conducted, as well as seminars in fishing communities and outreach to school personnel, child protection officers and private sector workers;
- the collaboration with the community police to initiate awareness-raising campaigns and capacity-building at the community level, including a pilot programme in Colombo in 2024 that trained 587 community leaders and religious priests;
- the training programmes for labour inspectors, probation officers, labour officers and police officers;
- the improved complaint management system within the Department of Labour including a separate field for child labour complaints and access for the National Child Protection Authority to the 1929 Child Helpline.

We also acknowledge the support provided by the ILO to Sri Lanka, including its designation as an Alliance 8.7 Pathfinder country, the development of Child Labour Free Zones, the national community strategy, the training module on the school-to-work transition and the preparation of the road map for the elimination of child labour. Sri Lanka's active participation in Alliance 8.7 and submission of its action plan in April 2024 further demonstrates its commitment.

However, the Committee of Experts' observations outlined persistent gaps and areas requiring reinforced action. We echo the Committee of Experts' concern regarding these issues. We must express deep concern regarding the report of the United Nations (UN) Special Rapporteur on contemporary forms of slavery following his 2021 visit. We cannot overlook the persistence of child labour in the domestic, hospitality, cleaning and several service sectors, in particular in rural areas and among ethnic minorities. Some children are even engaged in the worst forms of child labour, including prostitution, and are forced to drop out of school to support their families.

The Employer members are of the view that the prevalence of these unacceptable practices illustrates the need for a holistic approach and the many challenges a country can face when enforcing new regulations.

Against this backdrop, the Employer members would like to request the Government to redouble its efforts to progressively eliminate child labour with a strong focus on the informal economy and children living in rural areas.

We would like to request the Government to take measures to ensure that thorough investigations and robust prosecutions are carried out in practice and that sufficiently effective and dissuasive sanctions are imposed to deter adults from employing and abusing children; to strengthen the capacity and expand the reach of the labour inspectorate in addressing child labour, particularly in the informal sector; to continue to provide comprehensive information on the number of children identified as engaged in child labour, as well as the number and nature of violations detected and penalties applied with regard to the employment of children and young persons; to ensure that the definition of child labour used by the national child



labour service to calculate child labour statistics aligns with international standards so that the number of children in child labour estimated by the Child Activity Survey is correct; to implement the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation and to continue to provide updated information on the school enrolment and completion rates of children below the age of 16.

The Employer members would like to highlight that, while substantial, prosecuting and sanctioning adults and removing children from child labour are not stand-alone solutions. As such, these measures cannot be sufficient, effective or sustainable if not implemented in conjunction with strategic policies aiming to address the root causes, risk factors and socio-economic circumstances that either lead to or result in the exploitation of children.

The Employer members are of the view that the Government's efforts could translate into greater results if combined with programmes to address vulnerabilities to child labour, particularly for ethnic minorities and in areas identified as having the highest risk of child labour. We encourage the Government to intensify its efforts to increase capacity among the tripartite constituents and to seek further assistance from the ILO and other international development partners to develop and implement multidimensional, sustainable strategies to eradicate child labour, built upon timely and effective consultation with the social partners.

We believe that the strong commitment and persistent efforts of the Government of Sri Lanka to address this issue are an example of how the work of the ILO, including the work of the Committee of Experts and, hopefully now, the work of this Committee, can have a positive impact on the lives of workers and employers and the lives of children around the globe.

Worker members – This is the first time that our Committee has been called upon to examine the application of the Convention by the Government of Sri Lanka. We begin by acknowledging the important legislative efforts made by the Government to comply with the Convention.

The 2021 amendment to the Employment of Women, Young Persons and Children Act (No. 47 of 1956) has raised the minimum age for admission to employment from 14 to 16 years. This reform brings national law into compliance with the minimum age requirement of the Convention. It also harmonizes with the age of completion of compulsory education, as established under Regulation No. 1 of 2015 on compulsory school attendance. This alignment is not only consistent with the Government's international obligations under the Convention, but is also a vital step in safeguarding the right of every child to education and protection from premature entry into the labour market.

The Worker members also take note of the range of initiatives undertaken between 2021 and 2023 to raise awareness and build capacity to address child labour. Campaigns through television, radio and print media, community-level seminars and targeted training for child protection officers, teachers, labour inspectors, police and probation officers demonstrate a comprehensive approach.

We particularly welcome the creation of social dialogue platforms across the 11 zonal offices and the identification of ten villages under the Child Labour Free Zone programme for special initiatives aimed at eradicating child labour. These community-based initiatives are critical to long-term prevention and child protection. However, while acknowledging these important strides, the Worker members must emphasize that the existence of child labour in Sri Lanka remains a serious concern.

The UN Special Rapporteur on contemporary forms of slavery has identified persistent child labour in domestic work, the hospitality industry, cleaning services and general informal



sectors. The informal economy, which often escapes regulatory oversight, presents a significant challenge for the effective implementation of the Convention. Children working in informal sectors are especially vulnerable to exploitation, hazardous conditions and the deprivation of education and social protection. These risks are heightened in rural areas populated by ethnic minorities where children are often forced to drop out of school to support their families. Research by the ILO also reveals that children in rural areas face barriers to education, including difficulties in traveling to school in some regions and an inadequate number of teachers.

The Worker members, therefore, urge the Government of Sri Lanka to intensify its efforts to extend the reach and capacity of the labour inspectorate, ensuring that all children engaged in labour, particularly in informal and rural settings, are identified, protected and supported to exit child labour.

The Worker members take note of the information provided by the Government indicating that in 2021 and 2022, 204 and 145 complaints of child labour were received, leading to the identification of 7 and 4 cases, respectively. While this reflects the fact that reporting and investigation mechanisms are in place, the low number of confirmed cases suggests that labour inspection remains insufficient, particularly in the informal economy, where child labour is most prevalent.

The lack of resources allocated to the labour inspectorate is all the more concerning in view of the persistence of the worst forms of child labour, including child trafficking, commercial sexual exploitation, child pornography and child prostitution, including the continued “beach boy” phenomenon in tourist areas.

We call on the Government to strengthen the capacity, training and coverage of the labour inspectorate, paying special attention to the rural economy, vulnerable communities and high-risk sectors. Increased efforts in monitoring, including inspection visits and rigorous follow-up on complaints, are essential to ensure that violations are detected and addressed in a timely and effective manner.

Moreover, we are concerned by the lack of data on penalties imposed for violations of the statutory minimum age requirements. Legal reforms and awareness campaigns are critical, but without meaningful enforcement, including sanctions for violations, progress risks being undermined.

We echo the Committee of Experts’ call for the Government to provide information on the number and nature of violations detected and penalties applied with regard to the employment of children and young persons.

In conclusion, the Worker members recall that Sri Lanka is a Pathfinder country under Sustainable Development Goal target 8.7, an international initiative designed to fast-track efforts to eliminate child labour and forced labour. This status is both an opportunity and a responsibility. As a Pathfinder, Sri Lanka is expected to set a high standard for leadership, implementation and transparency. We therefore urge the Government to sustain and deepen its efforts to continue strengthening enforcement mechanisms, expand the reach of the labour inspectorate, improve access to education and protect all children from economic exploitation and abuse. By honouring its international commitments under the Convention and by demonstrating political will and accountability, Sri Lanka can not only secure a better future for its children, but also serve as a positive example for other countries striving to eliminate child labour.



Employer member, Sri Lanka – I am pleased to share our progress through Sri Lanka's inclusion in the Committee's discussion with regard to the Convention, for the reason that Sri Lanka has made great strides in combating child labour during the last two decades in particular.

We as the Employer members of the ILO and the national employers' organization, recognized by the Government of Sri Lanka, have worked attentively on this subject to achieve the required level of compliance in relation to the Convention. It is important to highlight that successive governments have paid serious attention to the complete eradication of child labour from the working environment in Sri Lanka. We have fully supported government initiatives through the National Labour Advisory Council and various other committees and initiatives established to promote child labour free working environments.

I must state that we guide companies on labour law and international Conventions on child labour and advise employers on the strict implementation of such regulations and laws as they relate to them.

I would like to highlight the recent developments in the legal provisions and policy framework in Sri Lanka relating to child labour for the attention of the Office. The Government of Sri Lanka in its address did mention certain steps that have been taken to address, during the last few decades, and in particular the last few years, the strengthening of the legal framework and the policy decisions taken by the Government.

Sri Lanka has a strong legal and administrative system to prevent child labour. Presently, the minimum age for employment is 16 years, which was increased from 14 years to align it with the mandatory schooling age in Sri Lanka.

In 2021, the list of hazardous jobs was expanded from 51 to 71 to protect young children. This covers hazardous jobs in which children between the ages of 16 and 18 cannot be employed, such as domestic work and fisheries. Through the Employment of Women, Young Persons and Children (Amendment) Act No. 2 of 2021, the minimum age for employment was revised from 14 to 16 years. This was a significant measure taken to further strengthen the legal provisions against child labour. Along with these steps, the Government has indicated its commitment towards further strengthening the legal provisions and the legal framework.

In addition to that, Sri Lanka has a policy-level framework to ensure that proper mechanisms are in place. It developed the National Policy on the Elimination of Child Labour, which was adopted in 2018 and has been successfully implemented. This policy guides all related activities and provides direction to all stakeholders involved.

The Department of Labour in Sri Lanka maintains a comprehensive regional office network across the island. The number of working children has dropped considerably, with the Child Activity Survey carried out in 2016 showing a child labour rate of 0.5 per cent, while the study conducted by the Department of Labour in 2024 has identified a further reduction of up to 0.3 per cent of children in economic activities.

The National Steering Committee on the Elimination of Child Labour established under the National Policy on the Elimination of Child Labour in 2017 acts as the inter-agency coordination mechanism to address and eliminate child labour in the country. The Employers' Federation of Ceylon is represented as a committee member in the National Steering Committee, and progress meetings are held to evaluate the situation periodically.

The district and divisional child development committees discuss issues related to children, including child labour. Labour officers, probation officers and police officers attend



these meetings to discuss the welfare of children at the local level, a mechanism that even penetrates not only the cities, but also rural areas.

Further, to ensure student attendance, the Government provides free education including, for example, free uniforms, free meals and free books. These are mechanisms whereby the Government has adopted measures that have greatly helped to eradicate child labour in rural areas by ensuring that poverty in those areas does not drive children towards child labour.

The Government has paid special attention to the fisheries sector, and in 2024, 47 group inspections were carried out, covering inland and coastal fishing areas. In addition, 22 awareness sessions have been conducted in 22 district labour offices targeting small- and medium-sized employers in the plantation sector.

So, through these government initiatives, not only have steps been taken in the concerned areas – which is the rural sector – but also the recent initiatives by the Government have certainly concentrated on those projects and targeted medium-sized employers and also the plantation sector.

We wish to emphasize that important measures required to address child labour in Sri Lanka have been taken by the Government, and we will further support all measures adopted by the Government in the future as well. We are confident that Sri Lanka has a strong case to support its position as a country that has made great progress. We are happy to note the precision of the Office, which is encouraging, and we will take further steps as may be necessary to further strengthen our fight against child labour.

Worker member, Sri Lanka – I would like to focus my remarks on the Convention, which Sri Lanka ratified in the year 2000. This Convention is not just a legal comment, but a moral one, rooted in our shared responsibility to protect the rights, dignity and future of children across the globe.

First and foremost, I wish to associate myself with the comments made by the Government representative and acknowledge the notable steps that Sri Lanka has taken to combat child labour. Since ratifying the Convention, our country has introduced a range of legislative and policy measures aimed at eliminating child labour and promoting access to education. One of the most significant actions has been taken in raising the minimum age for employment to align it with the age of completion of compulsory education.

According to the Department of Census and Statistics of Sri Lanka, child labour rates have shown a downwards trend over the past two decades. The 2016 Child Activity Survey indicated that child labour among children aged 5 to 17 stood at approximately 1 per cent. While even 1 per cent of children in labour is 1 per cent too many, this statistic reflects important progress when compared with previous decades. In addition, Sri Lanka has taken steps to strengthen school enrolment through the provision of free education, a school meal programme, free textbooks and transport assistance.

We are pleased to note that the current Government has continued to invest in these areas, recognizing that education is the most effective long-term solution to child labour. Trade unions have also played a key role in advocating for stronger enforcement of labour laws and, in some cases, directly supporting families in gaining access to education for their children. Importantly, our role extends beyond monitoring and reporting. We see ourselves as stakeholders in shaping national labour policy, and we are committed to contributing constructively to dialogue with the Government, employers and international partners. However, despite this progress, challenges remain.



Child labour is not only a legal issue, but also an economic and social issue, deeply intertwined with poverty, inequity and a lack of access to quality education. In certain rural and plantation areas we still find vulnerable communities where children are engaged in hazardous forms of labour or leave school early due to financial pressure at home. Informal and hidden forms of child labour remain difficult to monitor and regulate effectively.

We must also remain vigilant in the context of economic shocks. The COVID-19 pandemic and the recent economic crisis in Sri Lanka have put additional pressure on families. The root of child labour is poverty, and eliminating poverty is the way to eliminate child labour. International collaboration and technical support from organizations such as the ILO have been critical.

Going forward, we believe that regional dialogue and information-sharing among trade unions and Member States can strengthen our collective response. Child labour is not confined by borders. As I conclude, we commit ourselves to ensuring that every child has the opportunity to learn, to grow and to feel free from exploitation. We call for a stop to the wars that expend billions and for the investment of money in education and programmes to eradicate poverty. We appreciate that the Government of Sri Lanka remains committed to upholding the principles of the ILO and working to eliminate child labour in all its forms.

Government member, Pakistan – Pakistan appreciates that Sri Lanka is constructively engaged with the ILO on the implementation of the Convention.

We acknowledge the legislative and policy measures undertaken by Sri Lanka, including the recent amendments raising the minimum employment age and the expansion of the hazardous occupations list. We commend the national efforts to reduce child labour through school reintegration, community-level engagement and strengthened labour inspection mechanisms.

Pakistan welcomes the Committee of Experts' positive observations and encourages continued international cooperation to support Sri Lanka's progress in protecting children from labour exploitation, to ensure full protection and decent work conditions for all children, in line with international standards. We are confident that continued cooperation between Sri Lanka and the ILO will further support the goal of eliminating child labour in line with international standards

Worker member, Belgium – We, like the Committee of Experts, note that following previous comments, the Employment of Women, Young Persons and Children Act (No. 47 of 1956) was amended by Act No. 2 of 2021 to raise the minimum age for admission to employment or work from 14 to 16 years, in line with the Convention. That minimum age is therefore now in line with the age of completion of compulsory schooling in Sri Lanka, which is 16 years.

Similarly, the Dangerous Employment Order No. 1 of 2021 expanded the list of dangerous jobs prohibited for children under 18 years. Notably, that list includes domestic work, commercial fishing and deep-water fishing operations and work in mines, on construction sites and as tourist guides. Although legislation on the minimum age has been harmonized, there remains a need to continue and strengthen its implementation in practice.

Of course, according to the information provided by the Government, different initiatives have been established in that regard, including awareness-raising campaigns targeting the general public and more specific audiences, and also training programmes.



As highlighted in November 2021 by the UN Special Rapporteur on contemporary forms of slavery, however, child labour continues to exist in Sri Lanka. It is particularly visible in the domestic and hotel sectors, as well as in the cleaning services and general services sectors. Children in rural areas continue to be forced to drop out of school to provide for their families' needs. There are also significant levels of child labour on tea and rubber plantations among the Tamil ethnic minority. The right to education must, however, be guaranteed for all children, including children living in poverty, regardless of their ethnic origin.

Moreover, the 2024 child labour report of the US Department of Labor, which covers 2023, states that "children in Sri Lanka are subjected to the worst forms of child labour, including in commercial sexual exploitation, sometimes as a result of human trafficking, and forced domestic work".

On 30 July 2024, Save the Children also stated on its website that human trafficking in Sri Lanka had increased alarmingly.

It should also be highlighted that, despite the legal ban, children continue to be recruited to dangerous jobs, such as in mines, construction and deep-sea fishing, harming their health and safety. There is therefore an urgent need for appropriate measures to continue to be adopted so that the minimum age of 16 years and the ban on dangerous work before 18 years are fully respected in practice.

An important element of those efforts is the prosecution of offences and conviction of the perpetrators, with appropriate dissuasive sanctions. The aforementioned report of the US Department of Labor emphasizes that it is unknown whether the Government initiated prosecutions or convicted perpetrators for crimes related to the worst forms of child labour.

It is nevertheless vital to provide the means to undertake effective investigations and launch prosecutions against perpetrators while ensuring protection for victims. We therefore support the request of the Committee of Experts for the Sri Lankan State to compile and provide information on the number of prosecutions initiated, the nature of the crimes detected, convictions and the sanctions imposed in cases of the employment of children and young persons.

Interpretation from Chinese: **Government member, China** – For decades, Sri Lanka has continuously implemented and improved its laws and policies to eliminate child labour. It has established an inter-agency coordination mechanism to address child labour, built a nationwide network of regional inspection offices and created a robust legal framework and administrative system to effectively protect children's rights.

Sri Lanka has also focused on advancing socio-economic development to tackle the root causes of child labour such as poverty, inequality and discrimination. It ensures the effective implementation of regulations on compulsory education through supportive oversight policies, thereby raising children's educational attainment.

Extensive awareness campaigns have been conducted to boost social consciousness of eliminating child labour across all sectors. These efforts have yielded notable results, substantially reducing child labour in the country. China commends these achievements.

The Sri Lankan Government earnestly fulfils its obligations under the Convention, values the opinions of the ILO and relevant committees and enhances international cooperation through mechanisms like the National Steering Committee on the Elimination of Child Labour.



Following the 2021 amendments to the Employment of Women, Young Persons and Children Act, Sri Lanka recently passed further legislative amendments, raising the minimum working age to 16. This has been acknowledged and commended by the Committee of Experts.

We support the ILO secretariat and its standards supervisory system in maintaining constructive communication and cooperation with the Sri Lankan Government and providing the necessary technical support to further promote the country's economic and social development, thus continuously helping to enhance its compliance capacity.

Worker member, Japan – I would like to begin by acknowledging the Sri Lankan Government's continued commitment to combating child labour. We take note of its ratification of the Convention and the accompanying steps taken towards its implementation. Yet, we must also be clear-eyed: significant challenges remain.

According to the 2023 data, approximately 0.8 per cent of children aged 5 to 14 in Sri Lanka are still engaged in some form of work. While this may appear numerically small, it translates into over 28,000 children. Each of these children represents a life disrupted, an education interrupted, a future compromised. Many of these children are involved in unregulated and often dangerous sectors: agriculture, fishing, street vending, domestic work, construction and small-scale manufacturing. These are areas frequently beyond the reach of labour inspections and where violations of children's rights go unnoticed or unreported.

What is more troubling is that official statistics may vastly under-represent the actual scale of child labour. Children working as unpaid helpers on family farms, particularly those aged 5 to 11 working fewer than 15 hours a week, or aged 12 to 14 working fewer than 25 hours, are excluded from the formal definition of child labour.

A particularly pressing concern is child domestic labour. Hidden behind closed doors and shielded from public view, child domestic workers often endure long hours, isolation and even abuse. Many have no access to education and no legal safety net. Sri Lanka's legal framework currently does not classify domestic work as hazardous despite the clear and documented risks involved. This legal omission must be addressed urgently. No child should be invisible in the eyes of the law.

In line with the principles of the Convention, we respectfully urge the Government of Sri Lanka to take the following concrete actions:

1. Close all legal loopholes that allow child labour to persist. This means explicitly including domestic work and informal family labour among hazardous or prohibited forms of child labour and aligning the national definition with ILO standards, without exceptions or ambiguities.
2. Strengthen monitoring and enforcement mechanisms. Laws on paper mean little without effective implementation. Labour inspectors must be properly trained, funded and empowered to reach all sectors, especially those that are informal, rural or hidden.
3. Invest in inclusive quality education, especially in rural, estate and impoverished communities. When families see a visible path through schooling, they are less likely to send their children to work. Education is both a shield against exploitation and a pathway to dignity.

We urge the Sri Lankan Government to take bold, decisive action to eliminate child labour in all its forms.

Government member, Bangladesh – Bangladesh notes with appreciation the efforts made by Sri Lanka to improve its child labour situation. Those efforts include introducing



amendments to the law to raise the minimum age for admission to work or employment from 14 to 16 years old and expanding the list of hazardous jobs from 51 to 71 to protect children. Bangladesh welcomes the satisfactory comments on Sri Lanka's recent legal amendment.

We further note that Sri Lanka's free education system benefits all children, while the measures taken to protect the rights of children at the community level and the adoption of the country's National Policy on the Elimination of Child Labour in 2018 are commendable.

We welcome the comprehensive network and training of labour inspectors in Sri Lanka to identify and address child labour issues in the informal sector. The progressive impact of all these measures has been borne out by a declining trend, as evidenced by data on the use of child labour in Sri Lanka over the last several years. Bangladesh commends Sri Lanka for the progress achieved so far, and it supports Sri Lanka's efforts towards the elimination of child labour. Bangladesh urges the ILO to enhance its technical support for Sri Lanka to further strengthen its labour governance.

Worker member, Republic of Korea – Article 3 of the Convention stipulates that the minimum age for hazardous work should not be less than 18 years old. Sri Lanka has demonstrated its commitment to protecting young persons under 18 years from hazardous work by ratifying Convention No. 138 and the Worst Forms of Child Labour Convention, 1999 (No. 182). Subsequently, Sri Lanka revised the Employment of Women, Young Persons and Children Act of 1956 to raise the minimum employment age from 14 to 16, while hazardous work remains prohibited until 18.

A significant change occurred in 2021 with the Hazardous Occupations Regulation No. 1 expanding prohibited hazardous occupations from 51 to 71 sectors, including domestic work, spa services, psychologically harmful operations involving electronic devices and high voltage electrical work.

However, despite these revisions, a substantial gap persists between the legal framework and its practical application. Empirical evidence demonstrated that considerable numbers of young persons under 18 remain engaged in hazardous occupations explicitly prohibited by law. These challenges have been severely exacerbated by Sri Lanka's current economic crisis, compelling vulnerable households to resort to adverse coping mechanisms, including child labour in hazardous sectors.

Let me give some examples:

- Forced domestic work continues despite its explicit prohibition under the 2021 regulations. Children, predominantly from rural areas, face systematic trafficking into urban households. These children endure working hours extending beyond 12 hours a day, physical and psychological abuse, complete denial of remuneration and severe restrictions on movement and communication. They are largely invisible to monitoring mechanisms as they are concealed in private households. Some documented cases, however, reveal that children as young as 12 years are performing household duties under slavery-like conditions.
- Mining operations persist in employing children despite their hazardous classification. In the quarrying and gem mining sectors, children face exposure to silica dust, mercury contamination and unstable excavation sites. Medical reports indicate respiratory ailments, skin conditions and developmental impairment among child workers. The clandestine nature of many mining operations further complicates protection and enforcement efforts.
- Construction sector employment continues across both formal and informal building projects. Young persons perform tasks including heavy lifting, working at dangerous heights



without safety harnesses and operating machines without proper training. Hospital records show regular admissions for children injured on construction sites, with fractures, cuts and head injuries being common.

- Hazardous agricultural practices extend beyond deep-sea fishing to encompass pesticide application, heavy machinery operation and work during extreme weather conditions. On tea plantations, children below 16 years work picking tea during harvest seasons, carrying loads too heavy for them while exposed to harmful chemicals. Children are employed for 14 to 16 hours a shift in dangerous sea conditions, with cases of children falling overboard or being severely injured by fishing equipment.

Therefore, the Government should be able to provide information on the implementation of the Hazardous Occupation Regulation No. 1, including the number and nature of violations detected regarding young persons engaged in hazardous work. Enhanced data collection and transparency regarding violations, particularly in newly regulated sectors, will enable the Government to take targeted actions and implement accountability measures. Furthermore, comprehensive implementation planning with proper resource allocation is essential to tackle the socio-economic causes driving children into hazardous work. This requires strengthening the labour inspectorate, expanding social protection programmes, improving access to education and ensuring effective inter-agency coordination.

Government member, Switzerland – Switzerland has noted with interest the observations of the Committee of Experts as well as the written information provided by Sri Lanka dated 19 May 2025. Like the Committee of Experts, Switzerland notes with satisfaction the positive legislative developments of recent years, including the raising of the minimum age for admission to employment or work from 14 to 16 years. The minimum age for employment is therefore now aligned with the minimum age of completion of compulsory schooling, thereby boosting the number of children who complete their education.

Switzerland also welcomes the various initiatives undertaken by the Sri Lankan Government to prevent and eradicate child labour in the country, including:

- the organization of mass awareness-raising campaigns;
- the establishment of platforms to facilitate tripartite discussion of child labour;
- training and capacity-building for labour inspectors and police officials on identifying and addressing cases of child labour.

We remain concerned, however, at the persistence of child labour, particularly in the informal and domestic sectors and in rural areas and tourist destinations. We therefore call on the Sri Lankan Government to pursue and intensify its efforts to prevent and combat child labour. Echoing the observations of the Committee of Experts on Convention No. 182, we also call on the Sri Lankan authorities to adopt the necessary measures to support the rehabilitation and social reintegration of children removed from the worst forms of child labour. Lastly, Switzerland invites the Sri Lankan Government to continue its close cooperation with the Office in order to reach the goal of the total eradication of child labour in the country.

Observer, International Trade Union Confederation (ITUC) – We note and appreciate the Sri Lankan Government's stated commitment to upholding its international obligations under the Convention. We acknowledge that institutional frameworks and mechanisms for reporting and investigation are in place. However, we must express our serious concern that the actual implementation and enforcement of these mechanisms remain significantly inadequate.



Despite the legal prohibitions on child labour, the persistently low number of identified and confirmed cases raises troubling questions about the effectiveness of labour inspection, particularly in the informal economy, which constitutes a substantial portion of Sri Lanka's labour market and is where child labour is most likely to occur.

The inspection and monitoring system, in this current form, lacks the reach, capacity and resources necessary to identify and respond to violations effectively. The limitations of the labour inspectorate are especially visible in rural areas, among economically marginalized communities and in high-risk sectors such as agriculture, domestic work, fisheries and small-scale manufacturing. The situation is further compounded by the persistence of the worst forms of child labour, including child trafficking, hazardous work and commercial sexual exploitation, notably in tourist areas.

The protection of children from exploitative labour cannot remain a theoretical goal. It requires proactive, sustained and well-resourced enforcement on the ground. Legislative instruments alone are not sufficient. Their implementation must be matched with political will and institutional strength.

We therefore call on the Government of Sri Lanka to take immediate and concrete steps to:

1. strengthen the institutional capacity, training and operational reach of the labour inspectorate, including through increased budgetary allocations and specialized training on child labour, gender-sensitive approaches and community engagement;
2. extend the mandate and regularity of inspections to the informal and formal rural economies, where the majority of vulnerable children are employed in hidden or unregulated conditions;
3. establish sector-specific inspection protocols for high-risk areas and ensure coordinated action between labour inspectors, child protection services and local authorities;
4. lastly, ensure thorough and timely follow-up on complaints and inspection findings, including the application of appropriate sanctions for non-compliance and the provision of protection, rehabilitation and education services for children removed from exploitative work.

The true test of the Convention lies not in its ratification, but in its full, practical realization. The eradication of child labour is not only a matter of compliance with international law, but also a moral obligation and a measure of our shared humanity. Every child deserves the right to a safe, dignified and healthy childhood free from economic exploitation. We urge the Government of Sri Lanka to fulfil this responsibility with urgency and commitment.

Government representative – Sri Lanka will take into consideration the observations made by trade unions, employers and Members States regarding the implementation of the Convention. We value the constructive dialogue and recommendations expressed in this forum, even though we have concerns surrounding the selection of Sri Lanka among the individual cases before the Committee.

As mentioned earlier, child labour cases in Sri Lanka are limited to certain pockets. Even though the number of cases is comparatively small, as a Government we are highly concerned about this issue. The last Child Activity Survey was conducted in 2016, and all arrangements have been made to undertake the next Child Activity Survey in 2025. We are consulting the ILO for technical support in carrying out an updated national survey in 2025 to identify the number of children involved in different economic activities, their locations and the type of work in



which they engage. This survey data will bring more analytical views while enabling us to target our interventions more effectively.

As the Government, we use awareness as the key strategy in eliminating child labour. We are using digital technology and platforms along with traditional communication methods to reach different communities and stakeholders across the country. The continuous support of the ILO in raising awareness and pursuing activities to eradicate child labour in Sri Lanka is highly recognized.

Enhancing the skills and capacities of labour inspectors and other relevant government departments has been recognized as an essential need in this national policy. In line with that, a special programme was initiated in collaboration with the Community Policing Division in Sri Lanka in 2024, and we are expecting to continue it. Accordingly, four divisional officers in charge of police stations and community police officers in charge of each police station in the Colombo district were given special training, and 587 community leaders and 244 government officers also participated in those programmes. A train-the-trainers programme for 63 labour inspectors was conducted in March this year to create a pool of trainers island-wide to promote social dialogue to eliminate child labour.

Our commitment to protecting children and ensuring that every child enjoys the right to education is a key concern of our Government. Our national education system is rooted in free education, free technical education and free university education, irrespective of geographical, ethnic or gender differences.

Furthermore, Sri Lanka has a well-established grassroots-level mechanism to address child-related issues, including child labour. This system functions effectively at both the regional and national levels. The Government is currently reviewing how this coordination mechanism can be further strengthened to ensure that each child is protected and remains in school education until the age of completion of compulsory schooling.

Although a vocational training system already exists, it needs to be further strengthened and made more attractive for students.

School education reforms are in progress by expanding vocational and skills-based training targeting school dropouts and those who are willing to take the path of vocational education. The Government is strengthening the vocational education system by enhancing different skills development pathways for school leavers island-wide by launching new, attractive and demanding courses that fit with new employment demands. This will provide a meaningful alternative for children at risk of dropping out and help integrate them into vocational education and skilled employment.

Further, the Government is planning to amend the Employment of Women, Young Persons and Children Act to increase penalties for violators. These amendments are being discussed under the proposed new employment act. The Government is also strengthening its sectoral approach to addressing child labour. In addition to this, the Government will extend the fisheries sector project to the plantation and hospitality sectors. Plans are under way to enhance awareness, conduct focus group discussions and implement targeted interventions within these sectors.

With the inclusion of domestic work in the list of hazardous forms of work in 2021, no person under the age of 18 can be employed in domestic work under the prevailing laws in Sri Lanka. In line with the ILO Conventions, there are exceptions for light work in family-run economic activities and technical education as long as it does not disturb school attendance.



Sri Lanka has banned the use of children under the age of 12 in food advertisements, effective from 1 January 2025. This regulation has been established under the Food Act, No. 26 of 1980, which helps to protect children from potentially harmful advertising practices and ensures that they are not targeted with marketing materials without parental approval.

Finally, let us assure you that Sri Lanka will continue to uphold the principles of the Convention and work diligently to ensure that no child is left behind. Last but not least, on behalf of the Government, special thanks go to our employers, our trade unions in Sri Lanka and the ILO for working collectively to ensure zero tolerance of child labour in our country.

Worker members – As we close our discussion, the Worker members wish to thank all the members of the Committee for the constructive and serious consideration given to this case.

We reiterate our recognition of the legislative changes made by the Government of Sri Lanka, particularly the alignment of the minimum age for admission to employment with the age of completion of compulsory schooling. This step reflects a firm commitment to the Convention and to the protection of children's rights.

We also acknowledge the effort undertaken to raise awareness, build institutional capacity and engage local communities in addressing child labour. The awareness campaigns, training initiatives and Child Labour Free Zone programme are all examples of positive engagement. However, our discussions have also confirmed that significant challenges remain in practice.

The persistence of child labour in the informal economy, the rural sector and in hazardous and exploitative conditions, particularly in the worst forms of child labour, underscores the urgent need for effective implementation, monitoring and enforcement. Low detection rates, limited inspections and the absence of reliable data on the penalties imposed are issues of real concern. These gaps weaken the overall impact of the legislative framework and delay the fulfilment of the Convention's objectives. The strengthening of the labour inspectorate in terms of both resources and reach is therefore a central recommendation from the Worker members. More work needs to be done to fully comply with the Convention.

As a Pathfinder country under Alliance 8.7, Sri Lanka has committed to accelerating progress in eliminating child labour. This international platform provides not only technical support, but also a space for demonstrating leadership. We encourage the Government to honour this role by pursuing implementation with determination and openness, guided by social dialogue and grounded in strong enforcement.

In conclusion, the Worker members call on the Government of Sri Lanka to take the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation; continue its efforts to ensure the progressive elimination of child labour in the country, with a focus on the informal economy and children living in rural areas; and take measures to strengthen the capacity and expand the reach of the labour inspectorate, especially in the informal sector and rural areas. We further request that the Government provides information on the school enrolment and completion rates of children below the age of 16 years, the measures taken to ensure the progressive elimination of child labour in the country and the results achieved in this regard, and the number and nature of violations detected and penalties applied with regard to the employment of children and young persons.

Employer members – In their concluding remarks in this case, the Employer members would like to again thank the Government of Sri Lanka for the additional information submitted



to the Committee. We find this information to be promising, and we welcome the strong commitment expressed by the Government's representative to ensuring that every child is protected from the risk of child labour. We also thank all delegates for their participation and insight.

Considering the complexity of the situation and the persistence of certain forms of child labour on the ground, we reiterate our concern regarding this case. We welcome the significant legislative steps taken by Sri Lanka, specifically the amendments that successfully raised the minimum age for admission to work and employment from 14 to 16 years, and we also commend the Government for aligning this minimum age with the age of completion of compulsory education. This alignment is critical for ensuring that children remain in school. However, despite these positive developments and the Government's extensive efforts, we must address the persistent gaps and areas requiring reinforced action. The Employer members highlight that we cannot turn a blind eye to any form of child labour, even more so if children are deprived of their right to education.

In the light of the debate, the Employer members would like to recommend to the Government of Sri Lanka to intensify its efforts in order to continue to eliminate child labour, with a strong focus on the informal economy and children living in rural areas. We encourage the Government to continue providing information on the measures taken and the results achieved in this regard, including within the framework of a Child Labour Free Zone programme, and ensure that thorough investigations and robust prosecutions are carried out and that sufficiently effective and dissuasive sanctions are imposed in practice to deter adults from employing and abusing children. To this end, we request the Government to gather comprehensive information on the number of children identified as engaging in child labour, as well as the number and nature of violations detected and penalties applied with regard to the employment of children and young persons.

We would also like to suggest that the Government ensures that the definition of child labour used in the Child Activity Survey to calculate child labour statistics aligns with international standards so that the population of children in child labour estimated by the survey is correct; strengthen the capacity and expand the reach of the labour inspectorate in addressing child labour, particularly in the informal sector; take the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation and continue reporting on the school enrolment and completion rates of children below the age of 16. We encourage the Government to institute programmes to address vulnerabilities to child labour, particularly for ethnic minorities and in areas identified as having the highest risk of child labour; strengthen policies regarding prevention, removal, rehabilitation and social integration of children; and continue to report on the measures taken and the number of children benefiting from these policies. We encourage the Government to intensify its efforts to increase the capacities of tripartite constituents and to seek further assistance from the ILO and other international development partners to develop and implement multidimensional, sustainable strategies to eradicate child labour, in particular to address the root causes, risk factors and socio-economic circumstances that either lead to or result in the exploitation of children. All of these build upon timely and effective consultation with the social partners.

The Employer members hope that the Government's commitment will continue to develop in terms of concrete measures to ensure the protection of the significant number of boys and girls who remain vulnerable to being engaged in child labour, particularly in the informal sector and rural areas, and that we will continue to witness progress regarding the state of affairs described.



Conclusions of the Committee

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

The Committee welcomed the Government's use of ILO technical assistance and its impact made, and encouraged it to continue its efforts in this regard.

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

- continue its efforts to eliminate child labour, with a strong focus on the informal economy and children living in rural areas;
- provide information on the measures taken and the results achieved in this regard, including within the framework of the Child Labour Free Zone Programme;
- ensure that thorough investigations and robust prosecutions are carried out, and that sufficiently effective and dissuasive sanctions are imposed in practice, to deter adults from employing and abusing children;
- provide comprehensive information as soon as possible on the number of children identified as being engaged in child labour, as well as the number and nature of violations detected, and penalties applied with regard to the employment of children and young persons;
- strengthen the capacity and expand the reach of the labour inspectorate in addressing child labour, particularly in the informal sector;
- take the necessary measures to ensure the effective implementation of the Compulsory Attendance of Children at School Regulation and continue to report on the school enrolment and completion rates of children below the age of 16 years;
- strengthen policies and legislative texts regarding the prevention, removal, rehabilitation, and social integration of children, and to put an end to the described practices and continue to inform on the measures taken, and the number of children who have benefited from the policies.

The Committee requested the Government to provide detailed and complete information on measures taken and progress made on all the above issues and to transmit all relevant legislative texts to the Committee of Experts by 1 September 2025.

Chairperson – I have the honour of inviting the honourable representative of the Government of Sri Lanka.

Government representative – On behalf of the Government of Sri Lanka, I wish to thank you for this opportunity to speak before the Committee again. The recommendations made by the Committee will be considered by the Government and necessary action will be taken in consultation with stakeholders.

Further, some of the statements made by respected speakers in the last week are not evidence-based and in this regard, we have requested the assistance of the ILO to conduct a “child activity survey”. We are hopeful that this survey will provide an accurate picture of the situation of child labour in the country, enabling the Government to take targeted action in identified areas. In addition, some respected speakers also raised concerns regarding labour inspections. While we acknowledge that resources are always limited, we use them effectively.



The Department of Labour, with 78 offices and 500 labour offices, carry out 80,000 inspections per year, including a significant number of group inspections. In every inspection, child labour is one of the key items checked. The Government is also considering increasing the number of labour offices. Additionally, we request the ILO to provide more technical assistance in empowering labour offices to identify potential situations of child labour and to effectively handle such cases.

Further, as mentioned earlier, school dropouts are being closely monitored, and we are planning to work more closely with the Department of Education to ensure the reintegration of school dropouts into the educational system. We already have a highly effective coordination mechanism at both national and peripheral levels, and we intend to integrate the Ministry of Education into the system as well.

We would like to emphasize that recent data related to child labour suggests a declining trend in child labour, and we have submitted details. We are gradually moving in the right direction towards our goal of eliminating child labour. Sri Lanka firmly believes that child labour has no place in modern society and cannot be justified under any circumstances.

Uzbekistan (ratification: 2019)

Labour Inspection Convention, 1947 (No. 81)

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

Written information provided by the Government

The Government has provided the following written information, as well as a copy of the 2024 labour inspection report (in Uzbek).

Upon reviewing the Committee's request, the Ministry of Employment and Poverty Reduction notes that, pursuant to article 534 of the Labour Code, State control and supervision over compliance with labour legislation and occupational health and safety rules are exercised by the State Labour Inspectorate (SLI). As a structural subdivision of the Ministry, the SLI monitors and supervises employers' compliance with labour laws, legislation on employment, compulsory insurance of employers' civil liability, the rights of persons with disabilities, and other labour-related legal acts, health and safety regulations, and labour standards.

Chapter 33 of the Labour Code sets forth the procedure for monitoring and supervising compliance with labour legislation and occupational health and safety rules. Additionally, article 22 of the Law on the Prosecutor's Office stipulates that, in the process of exercising oversight of the implementation of laws, prosecutors may request inspections by various Government bodies and the allocation of specialists to conduct departmental or interdepartmental inspections. In the context of the SLI, this means that labour inspectors may be involved in unplanned inspections initiated by law enforcement or oversight bodies if there are grounds for violations of labour rights or occupational safety rules. The SLI itself conducts both scheduled and unscheduled inspections to enforce labour legislation and occupational safety standards. These inspections not only assess legal compliance, but also verify whether employers have rectified violations previously identified by inspectors. Currently, there are no time restrictions on the duration of inspections carried out by labour inspectors. In 2018, the Government introduced a two-year moratorium (until 2020) on inspections of the financial and economic activities of business entities, aimed at accelerating economic development and promoting entrepreneurship. It is noteworthy that this moratorium did not apply to inspections conducted by the SLI.



Paragraph 4 of Presidential Decree No. PP-3913 of 20 August 2018 on measures to improve the structure of labour bodies and strengthen the system of protection of labour rights and occupational safety provides that the SLI shall conduct consultations with authorized bodies based on applications from individuals, legal entities or the tax service. The right to carry out unplanned short-term (up to one day) inspections of compliance with labour and occupational safety legislation without prior approval remains with the SLI. Moreover, under the Presidential Decree on measures to improve and enhance the effectiveness of State policy in the sphere of employment and poverty reduction, the requirement to obtain permission from the business ombudsman for conducting inspections was abolished in October 2024. Currently, electronic notification is sufficient.

In addition to inspections conducted with prior notification, Presidential Decree No. PP-3913 mandates scheduled and unscheduled inspections in all organizations, regardless of ownership type. For example, during the cotton harvest in 2024, inspections were conducted without prior coordination with the competent authorities. Over 300 inspectors were involved in monitoring around 25,505 organizations, farms and cotton fields across the country to prevent forced labour and ensure decent working conditions. These inspections uncovered 520 violations, including 238 (46 per cent) related to poor working conditions, 102 (20 per cent) due to the absence of labour contracts and 180 (34 per cent) due to delayed wage payments. As a result, written instructions were issued to the heads of 330 farms, and administrative penalties were imposed on 23 officials under article 49(1) of the Administrative Offences Code (violations of labour and occupational safety legislation by officials).

The SLI operates in accordance with the Law on Appeals of Individuals and Legal Entities (new version dated 11 September 2017, No. ZRU-445). Article 19 prohibits the disclosure of private information or data that violates the rights or interests of citizens and legal entities, unless consent is given. Upon request, a complainant's identity must not be disclosed. In 2024, the SLI received 27,166 appeals, of which 16,181 were upheld and 8,948 were clarified; 12,472 citizens had their labour rights restored. Additionally, 390 appeals were submitted to the business ombudsman and led to inspections of business entities – all of which were upheld.

Throughout 2024, the SLI conducted 18,807 control activities related to labour and occupational safety legislation, identifying 49,488 violations. As a result, 10,556 written orders and 435 mandatory representations were issued, and penalties were imposed on 8,281 officials. Of the 49,488 violations, 31,839 concerned labour rights violations, including: 5,844 – failure to provide leave; 4,542 – non-payment of wages; 2,022 – absence of employment contracts; 672 – informal employment; 2,172 – violations of employment legislation; 776 – unlawful dismissals; and 1,478 – violations of labour record procedures. A further 17,649 violations pertained to occupational safety and unsatisfactory working conditions, including: 3,047 cases of employees working without safety instruction; 2,198 cases of lack of safety training and certification; 1,194 cases of absence of protective clothing and equipment; 1,466 cases of lack of occupational safety plans; 844 enterprises with no medical examinations; 991 without established occupational safety services; and 551 without workplace condition certification. In 2024, 717 unlawfully dismissed workers (including 341 women) were reinstated, and assistance worth 75 billion Uzbek sum was provided to 9,970 individuals. There were 868 occupational accidents in 2024 involving 974 people: 261 fatalities, 683 serious injuries, and 30 minor injuries. Over 3.7 billion sum was paid in compensation to affected workers or their families.

The SLI may involve technical experts, including medical, electrical, chemical and engineering specialists, in inspections. While such experts have not yet been engaged, an expert working group exists within the SLI. The SLI maintains records as stipulated in Article 21



of Convention No. 81, and Article 19(1) and Article 27 of Convention No. 129, based on data submitted by employers through the interdepartmental Unified Labour System database (also available at dmi.mehnat.uz). According to Cabinet of Ministers Resolution No. 286 of 6 June 1997, all workplace accidents must be reported within three working days, analysed by the employer, and discussed with the workforce to prevent recurrences.

Article 26 of the Law on Occupational Safety requires the investigation and registration of occupational diseases, with procedures established for cooperation between employers, medical institutions and the SLI. Employers must notify the SLI of all occupational illnesses and corrective measures taken.

To improve transparency and efficiency, the Ministry is digitalizing SLI operations. The Unified Labour System will soon enable simplified procedures for handling violations, allowing inspectors to issue penalties electronically. A risk analysis system has also been introduced, using 13 criteria to assess risk levels without human involvement. Organizations with high or medium risk are audited automatically, and integration of this system with the Unified State Control System is under way.

Presidential Decree No. PP-347 of 4 April 2024 increased SLI staff by 16 per cent, from 345 to 412, including an increase in central staff from 17 to 22. All SLI staff were fully certified between February and March 2025, with several employees sent for retraining. Under Cabinet Resolution No. 246 of 27 April 2017, technical inspectors must undergo at least 36 hours of occupational safety training annually.

Article 249 of the Labour Code states that wage systems for public employees are determined by law. Article 252 provides that the rules for incentive payments are also set by legislation. The Ministry relies on these regulations when determining salary scales. Currently, the average inspector's salary is 8–10 million sum. Positions in the State Tax Committee and Ministry of Internal Affairs are classified two grades below that of labour inspectors, making labour inspector salaries more competitive. According to Cabinet Resolution No. 424 of 2 August 2022, employees are reimbursed for travel, accommodation and per diem expenses while on official trips. As per paragraph 39 of the SLI Regulations (Appendix 3 to Cabinet Resolution No. 1066 of 31 December 2018), inspectors receive monthly bonuses of up to 10 per cent of fines collected, not exceeding 35.15 times the minimum wage. This system incentivizes impartial inspections.

Regarding trade union inspections, article 540 of the Labour Code grants trade unions the right to conduct public monitoring of labour legislation and collective agreements. They may examine workplace safety at various stages of a project, participate in investigations into accidents, attend expert medical commissions, and engage in dispute resolution and legal actions on behalf of workers. Unions may establish their own inspection services. Information collected by these inspectors is compiled and published on official union websites. As of 2025, 116 union inspectors are employed across the Federation of Trade Unions and its branches (9 women, 107 men). Their qualifications include those of lawyers, engineers, doctors, economists and other professionals. There are fundamental differences between the SLI and trade union inspectors: the SLI has legal authority to inspect all entities, impose penalties and produce official reports, while trade union inspectors operate within a limited membership scope and have no legal enforcement powers. Nonetheless, both systems complement one another within the framework of tripartism and social dialogue.

Currently, the ILO project entitled Improvement of Labour Inspection and Occupational Safety Systems in Uzbekistan (October 2024–December 2025) is being implemented. The Government would appreciate further ILO support in implementing Conventions Nos 81



and 129, and in enhancing the capacity of Ministry staff in reporting and Labour Inspectorate operations.

Discussion by the Committee

Chairperson – I have the honour to give the floor to the distinguished representative of the Government of Uzbekistan, the Minister of Employment and Poverty Reduction, for his opening statement.

Interpretation from Russian: Government representative – To begin with, I would like to thank the Committee for giving us the opportunity to share with you some information on the work that we have been doing in Uzbekistan, in order to implement Conventions Nos 81 and 129. Obviously, both Conventions are of key importance for guaranteeing workers' rights, including such issues, as freedom of association and collective bargaining, as well as reducing the scale of informal employment and expanding opportunities for decent work.

Uzbekistan has ratified all fundamental and ILO governance Conventions and has demonstrated itself to be a partner capable of fulfilling its commitments in terms of their implementation.

We can go back a few years and recall that previous questions to Uzbekistan about systematic forced and child labour have been left behind. Uzbekistan is actually an example for demonstrating firm political will and for carrying out comprehensive reforms that have led to the complete eradication of these phenomena.

I would like the achievements that we have made to remain in the memories of the members of the Committee and to serve as a basis for trust, now and in the future, in our Government, that the other obligations that we have to comply with in relation to international labour standards will be fulfilled.

Uzbekistan has achieved considerable progress in laying down a legal and practical basis for implementing labour rights.

In 2019, we ratified Conventions Nos 81 and 129, but even before ratification, we carried out the first reform of our labour inspection system in 2018. We set up one single State Labour Inspectorate in April 2023. We brought into force a new Labour Code, which was developed with the support of ILO, World Bank and other partners. The Labour Code outlaws child and forced labour, enshrines the basis for collective bargaining, and aims at improving employment.

What is equally important is that the Government has taken decisions in respect of digitalization, which will enhance both the effectiveness and the transparency of the Labour Inspectorate.

I would like to go into further details on the changes which have taken place in Uzbekistan since the first report on these Conventions was submitted, so that the distinguished members of the Committee and the other Members of the ILO at this meeting can learn about the reforms and the challenges to which our Government is still trying to react.

First of all, the Committee of Experts appealed to us to withdraw the moratorium on the work of the Labour Inspectorate, noting that labour inspection should be able to be independent. It was put in place by a Government decision in 2018, in order to speed up economic development and promote entrepreneurship. It applied to the financial and economic activities of companies and enterprises, and later a procedure for obtaining



permission from the business ombudsman to conduct inspections was introduced for labour inspections.

The Labour Code, which came into force in April 2023, establishes a free system for monitoring and supervising compliance with labour legislation and occupational safety rules. It has a greater legal force than the decision of the Government and, therefore, has removed the moratorium.

As part of institutional reform, in September 2024, the Presidential Decree on measures to improve and enhance the effectiveness of State policy in the sphere of employment and poverty reduction was adopted, formally abolishing the procedure for obtaining permission from the business ombudsman.

Now the Labour Inspectorate can carry out announced and unannounced inspections and there are no limits on the length of the inspection. The Labour Inspectorate can also hold consultations and inspect employers on the basis of information from legal and physical persons, the Prosecutor's Office, the tax service and others.

The first stage of the digitalization of the Labour Inspectorate has been completed: a unified database has been created, which works in conjunction with the Unified Labour System and the Digital Tax Platform. Inspectors now have access to information about all registered companies and organizations and about all taxpayers, including those involved in what we describe as non-traditional forms of employment, that is, freelance workers, short-term workers, and people working on digital platforms, etc. The inspectors also have access to all labour contracts in this newly digitalized system.

There is also a rating of employers based on risk assessments of the possibility that they may commit any kind of infringement of the labour law.

At the moment, the practice of informing the business ombudsman for scheduled inspections is still in place. However, unscheduled inspections are carried out without prior notification.

Now there are two things I would like to mention. During the cotton harvest, which is the most sensitive sector in respect of labour issues in Uzbekistan, inspections are carried out without announcement, and with the involvement of inspectors from other organizations, such as medical professionals or health service officials.

Every year the ILO continues to cooperate with us in training inspectors, non-governmental organizations and civil activists and guaranteeing independent monitoring of the situation in that area.

The practice of registering other inspections in the Unified Inspection Database and notifying the business ombudsman has been introduced to combat corruption. That is the first point I wanted to make.

Now, the second point brings me to where the Committee of Experts requested statistics about the quantity of inspections carried out with the authorization of the business ombudsman and those carried out as a result of complaints, as well as the quantity of requests for inspections and the number of cases where authorization was refused. From statistics, we can see that the number of inspections started by the inspection service itself has been going up every year. In 2023, the number was 920. By 2024, we were talking about a doubling of that figure and we had approximately 2,000 inspections. In five months of this year, the quantity of inspections started by the Labour Inspectorate itself exceeded 3,000. So, what we see is a positive trend. There is an increase in such inspections. The business ombudsman now has no



way of influencing whether an inspection is carried out or not as a result of the changes made in October 2024.

The Committee of Experts also asked about the nature and number of violations identified during inspections, judicial proceedings and subsequent sanctions imposed, including their amounts. I will take the first five months of this year as an example. From January to May, 7,840 inspections were carried out and 15,512 infringements were detected. 3,655 warnings were issued, and if I am not mistaken, administrative fines were levied on 4,368 individuals.

The fourth question which was asked was the number of inspectors in the State Labour Inspectorate. After carrying out our institutional reforms, the number of inspectors increased from 380 to 412. Of course, we understand that this figure is not yet sufficient to fully cover and monitor compliance with labour legislation. Therefore, we are in the process of undertaking new reforms which will be brought into operation in the near future, and we hope that before the end of this year, the number of inspectors will have increased by a minimum of 100.

The fifth point raised by the Committee of Experts was the issue of labour inspections carried out by trade unions. Trade unions do have the right to what we call “social control”, which means that they can contact employers and submit representations to them regarding the elimination of violations of labour legislation or occupational safety rules, apply to the State Labour Inspectorate, and also to the courts in defence of the labour rights of workers. There are key differences however, between the functions of the State Labour Inspectorate and the inspectorate run by trade unions. The State Labour Inspectorate has, of course, the authority of the State behind it and can carry out checks and inspections in any enterprise or office. It can also apply administrative sanctions and hold employers responsible for infringements to legal responsibility. The inspection service run by unions carries out social control, does not have the same level of authority, and cannot apply sanctions. However, both systems complement each other and are part of our system of tripartism and social dialogue.

In conclusion, we do realize that we still have challenges that have to be met and problems that have to be overcome. We do know the situation in Uzbekistan is not perfect in respect of our compliance with our own labour legislation or international labour Conventions. However, this meeting has, in the past, been a platform for tripartite dialogue and a healthy exchange of opinions and, indeed, it offers an excellent opportunity for multilateral cooperation. It also helps all of us to meet the challenges we face. Therefore, believing in the spirit of cooperation, in order to achieve full implementation of the obligations under Conventions Nos 81 and 129, we request technical assistance from the ILO in addressing the remaining issues. First of all, it concerns assistance, and I will try to do this briefly, for improving our labour inspectorate system, strengthening labour inspection capacity, expanding trilateral dialogue, integrating labour policy into sustainable development, a communication strategy for labour inspection, and following ILO recommendations.

Worker members – It cannot be repeated too often: inspection services are essential to ensuring the effectiveness of rights and compliance with rules in the world of work. They are a vital public service, playing a central role in promoting decent working conditions and fundamental principles and rights at work.

To fulfil this mission, inspection services must be provided with an adequate legal framework and human, material and financial resources commensurate with the importance of their mission. Unfortunately, we are bound to observe that they do not benefit from all these guarantees in Uzbekistan.



As in other countries in the region, it is common to see a moratorium imposed on inspections. We have already seen this with Kyrgyzstan, and it is also the case in Uzbekistan. Such a moratorium was recently imposed on the financial and economic activities of establishments, with the exception of inspections carried out in the context of criminal cases or in connection with the liquidation of a legal entity. We understand that this moratorium has ended in the meantime, in December 2024. Under the moratorium, the only possibilities for the inspection services to intervene seemed to be in cases where a complaint was lodged with them. We can only support the conclusion of the Committee of Experts, which points out that a moratorium imposed on labour inspection constitutes a serious violation of the Conventions.

In addition, labour inspectors are subject to numerous restrictions in the course of their activities. A Presidential Decree of 15 March 2019 sets out the following restrictions:

- All inspections must be registered electronically.
- Any inspection carried out without such registration is illegal.
- The Commissioner for the protection of the rights and legitimate interests of business entities coordinates inspections and ensures that they are carried out in accordance with the law.
- The electronic inspection registration system allows the Commissioner to examine the validity of the authorities' decisions to carry out inspections and issue a permit with a unique code for their implementation; and to verify that the authorities comply with the inspection procedure defined by law. It also allows business entities to receive, upon request, information about the inspection in the form of short messages (SMS), as well as via the internet in real time.

The same Presidential Decree also limits the duration of inspections. Another Presidential Decision of 2018 limits inspections in response to a complaint to one day, and also limits the scope of these inspections.

A Presidential Decree of 13 September 2022 contains further restrictions on the powers of inspectors. It sets out an endless list of restrictions:

- Inspectors are required to notify a business entity that an inspection will take place at least 10 working days in advance.
- Inspectors are not allowed to carry out re-inspections.
- Business entities have the right to refuse inspections if the order to carry out the inspection has not been issued in accordance with the established procedure or if the notification period for the inspection has not been respected.
- Inspections may only be carried out after preventive measures have been put in place.
- Inspectors must submit a request for approval to the Commissioner.
- The Commissioner also has the right to refuse inspections.

This Presidential Decree also stipulates that:

- The inspection order must contain the subject of the inspection, its duration, and the period of activity subject to inspection.
- During the inspection, officials of the supervisory authority must not exceed the specified time limit, the scope of their powers, and the issues defined in the inspection programme.



- Before starting an inspection, the inspector must inform the head of the business entity of the purpose of the inspection, present an official identity document authorizing the inspector to conduct the inspection, and provide copies of the documents that are the basis for the inspection.
- Lastly, inspections may only be carried out during working hours.

As you will agree, this Presidential Decree alone contains an impressive series of restrictions that are contrary to the Convention and do not facilitate the work of labour inspectors.

As if the list of restrictions was not long enough already, there are others restrictions to add. Workplaces that obtain certification through occupational safety and health audits cannot be subject to any planned inspection for three years.

The State Labour Inspectorate regulations, which define the powers of inspectors, omit important prerogatives that should be part of these powers. They are not empowered to question witnesses, employers or workers, or to take or remove, for analysis, samples of materials and substances used or handled.

In accordance with the Occupational Safety Act and the State Labour Inspectorate Regulations, when violations of the law are detected, labour inspectors are first required to issue an order to address the violations and take preventive measures. Only in the event of non-compliance with the order may inspectors consider administrative penalties on the basis of the Administrative Liability Code. However, inspectors themselves are not empowered to impose administrative fines. It is a court that must decide on the basis of the evidence provided by the inspectors.

These elements are not in conformity with the provisions of the Conventions, which provide that the decision to issue warnings or advice rather than initiate proceedings must be left to the discretion of labour inspectors.

Finally, the Committee of Experts' report notes that the Labour Code provides that obstruction of labour inspectors in the performance of their duties may entail liability for the perpetrators, but does not provide for any penalties for such violations.

After listing these breaches of the Conventions under examination, you will understand that we share the deep concern expressed by the Committee of Experts in its report. All these factors are likely to seriously hamper the work of the inspection services in Uzbekistan.

We hope that the Government will engage in constructive dialogue with our Committee and all the ILO bodies concerned in order to follow up on the recommendations made to it and thus remove the many restrictions that place an unfair burden on the inspection services.

Employer members – The Employer members thank the Government of the Republic of Uzbekistan for their oral and written information on this case. The Employer members emphasize the importance of the Government's compliance with Conventions Nos 81 and 129. These are governance or priority Conventions, as such they require special attention because of their importance for the functioning of the international labour standards system.

We would like to start by providing some background information and context. The Republic of Uzbekistan joined the ILO in 1992. It has ratified a total of 25 Conventions and one Protocol. This includes all ten fundamental Conventions, all four governance Conventions and 11 technical Conventions. The Republic of Uzbekistan ratified Conventions Nos 81 and 129 on 19 November 2019.



The Committee of Experts previously adopted an observation on the Government of the Republic of Uzbekistan's application of Conventions Nos 81 and 129 in 2024. The Committee of Experts also previously made two direct requests to the Government of the Republic of Uzbekistan on the application of Conventions Nos 81 and 129. This year is the first time that the Committee has examined the Government of the Republic of Uzbekistan's application of Conventions Nos 81 and 129.

The Government of the Republic of Uzbekistan has been going through a process of significant reforms to transition to a market economy. In the past few years, the Government has been working with the ILO to improve labour inspections and occupational health and safety systems in the country. However, significant gaps still exist.

The Committee of Experts' comments relate to three issues regarding the Government's application of Conventions Nos 81 and 129.

First, the Committee of Experts noted with deep concern that there is a temporary moratorium on labour inspectors imposed by law.

Second, the Committee of Experts noted with deep concern the extent and gravity of several measures imposed by law, restricting the ability and authority of inspectors to conduct labour inspections.

Third, the Committee of Experts noted deficiencies in the enforcement and penalties provisions in relation to labour inspections.

With respect to the first issue, the Employer members note that Article 16 of Convention No. 81 and Article 21 of Convention No. 129 state that workplaces shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

The Employer members note the Committee of Experts' deep concern that there is a temporary moratorium on most inspections imposed by Presidential Decree.

The Government provided information, noted in the Committee of Experts' report, that the State Labour Inspectorate has the right to initiate an inspection within the framework of the issues raised in the complaint, notwithstanding the moratorium.

The Government also provided additional information on 20 May 2025 to the Office, disputing the existence of a moratorium on labour inspection and stated that there was an issue regarding the interpretation of the Presidential Decree imposing that moratorium. The Employers underscore the importance of ensuring that workplaces are inspected to safeguard the effective enforcement of legal provisions. As noted by the Committee of Experts in its general observation adopted in 2019 on Convention No. 81, a modern, well-designed and risk-based approach to labour inspection planning is compatible with Conventions Nos 81 and 129.

With respect to the second issue, the Employer members note that Article 12 of Convention No. 81 outlines the various powers to be granted to labour inspectors. These include the power to enter workplaces without prior notice. It also includes the power to carry out an examination, test or inquiry, including interrogating the employer or their staff on any matters concerning the application of legal provisions. Article 16 of Convention 129 includes similar provisions.

The Employer members note the Committee of Experts' deep concern that the law by Presidential Decree contains a number of restrictions to the power of labour inspectors. These include the following:



- a requirement that labour inspectors obtain prior approval of inspections by an authorized body which can also refuse to provide approval in certain circumstances.
- during the inspection, inspectors are barred from going beyond the timeline and the scope of their powers and issues defined by the order of the authorized body.
- labour inspectors can only conduct inspections after preventive measures have been implemented.
- labour inspectors must provide prior notification to a business entity of the commencement of a labour inspection.
- business entities have the right to refuse inspections in certain circumstances.

Finally, the Employer members note the Committee of Experts' observation that the regulations on the State Labour Inspectorate does not include the power to question alone or in the presence of witnesses the employer or its staff on matters concerning the application of legal provisions. They also do not have the power to take or remove for purposes of analysis samples of materials and substances.

In order to ensure the effectiveness of the governance of labour standards and the application of labour standards in law and in practice, the Employer members emphasize the importance of providing labour inspectors who hold the proper credentials with the powers outlined in Conventions Nos 81 and 129.

With respect to the third issue, the Employer members note that Article 17 (2) of Convention No. 81 states that it should be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings. Article 22 (2) of Convention No. 129 contains a similar provision.

Moreover, Article 18 of Convention No. 81 states that national laws or regulations must provide for adequate penalties for violations of the legal provisions and for obstructing labour inspectors in the performance of their duties. Article 24 of Convention No. 129 contains a similar provision.

The Employer members note the Committee of Experts' observation that, under the applicable Occupational Safety Act and the regulations on the State Labour Inspectorate, when violations of the law are detected, labour inspectors will first issue an order to take preventive measures. The Employer members also note the Committee of Experts' observation that the Labour Code establishes liability for the obstruction of labour inspectors. However, it does not specify any sanctions for such a violation.

The Employer members urge the Government of the Republic of Uzbekistan to comply with the effective enforcement and adequate penalties provisions of Conventions Nos 81 and 129. In order to ensure the effectiveness of the governance of labour standards and the application of labour standards in law and in practice, there must be an effective enforcement mechanism which includes adequate penalties. Issuing orders to take preventive measures must also be coupled with instituting or recommending proceedings. Furthermore, there should be sanctions for parties who obstruct the work of labour inspectors.

In conclusion, the Employer members strongly urge the Government of the Republic of Uzbekistan to commit to meeting the requirements of Conventions Nos 81 and 129 both in law and in practice.

Interpretation from Russian: **Worker member, Uzbekistan** – It is an enormous honour to speak today on behalf of the Federation of Trade Unions of Uzbekistan (FPU). Bearing in mind



that Uzbekistan has ratified Conventions Nos 81 and 129 concerning the work of the Labour Inspectorate, normative and legal acts and laws in our country should be brought into accordance with the requirements of those Conventions. They are also supposed to be applied in practice. That is a priority for our Federation and it is something that we have brought up at tripartite consultation meetings more than once.

We are grateful to the Committee of Experts for having gone into detail into the situation with respect to the application of the Conventions in practice. We note that, with ILO support and the participation of tripartite partners, we have already carried out a comprehensive overhaul of the activity of the State Labour Inspectorate.

In autumn 2024, the Government decree lifted the moratorium on inspections. This is a positive step forward. We hope that further steps will follow, so that the work in Uzbekistan will lead to compliance with these Conventions in practice.

On its side, the FPU, in order to exercise public control over compliance with regulatory and legal documents relating to the socio-economic rights and interests of workers, as well as regulatory documents in the field of technical regulation, on the basis of the Law on trade unions, set up in 2020 a Labour Inspectorate within the FPU.

We had 50 inspectors at first. We now have over 100 inspectors working across the union at local, branch and regional levels. The inspectors not only find infringements and advise on how to tackle them, they also carry out awareness-raising activities among workers, informing them about their labour rights and occupational safety.

During the period in which they have been working, they have carried out 3,520 educational and awareness-raising events. They have also held seminars and webinars with unionized workers, so as to enhance their knowledge and skills. We hope this work will lead to preventing infringements, saving lives and protecting the health of workers and also change the culture of labour relations in the workplace.

On the basis of a monitoring plan for workers' rights and the establishment of decent work, which was developed by the Ministry of Employment and Poverty Reduction, the FPU and the Confederation of Employers in our country conduct monthly checks and investigations in various branches of the economy.

The workers of the Labour Inspectorate have participated actively in the national monitoring of conditions in the cotton harvest, in particular to prevent child and forced labour during the harvesting season. The FPU also organized a system of feedback so that it could work constantly on this issue.

Of course, we still recognize that we have challenges to meet, particularly in fully implementing the provisions of Conventions Nos 81 and 129 on the effectiveness and independence of the Labour Inspectorate, including in agriculture.

The unions of Uzbekistan believe that an effective and independent system of labour inspection is of decisive importance for ensuring compliance with labour rights and improving working conditions. We think there are key challenges we have to address, which arise in our national labour market and which have a direct influence on the possibility of the Labour Inspectorate to carry out its work properly.

Firstly, in our country we still have a very high level of informal employment, especially in agriculture, construction, small business and the services sector. It is thought that the vast majority of workers are not covered by active labour contracts. They are not registered in the official system and, as a result, they are deprived of their basic social and legal protection. This



limits significantly the ability of the Labour Inspectorate to carry out monitoring and requires a review of the methods used to cover the informal sector.

Secondly, labour migration remains a major issue for us, especially with Uzbek citizens leaving to work abroad. Quite often, the rights of these migrants to decent working conditions and labour protection, as well as safety in the workplace, are not guaranteed.

We appeal for more international cooperation in the area of labour inspection, including through bilateral agreements, exchange of information and coordination between the labour inspectorates of different countries.

Thirdly, the Labour Inspectorate in Uzbekistan comes up against problems of an institutional nature. That means a lack of inspectors, insufficient provision of equipment and a lack of training for officials. Quite often, the inspectors do not have sufficient access to industrial sites, or they suffer pressure exerted by employers, particularly in the private sector. This undermines trust felt by the workers in the fact that their rights will be protected.

Furthermore, as we digitalize the economy and as non-standard forms of employment spread, such as working freelance, temporary contracts and platform work, there is a need to adapt the mechanisms of our Inspectorate.

Law and inspection practices should take into account the new realities in the world of work and protect the rights of all workers, whatever the form of employment they are engaged in.

In conclusion, let me underscore that strengthening the Labour Inspectorate is impossible without the full development of social dialogue. Unions should be actively involved in the process of monitoring conditions at work, provide information on violations and also be involved in developing decisions and strategies at all levels. We insist on the need for regular participation of unions in the action of the Inspectorate, including in carrying out joint inspections and risk assessments.

We believe that the effectiveness of the State Labour Inspectorate should be determined by the number of violations prevented, the amount of lives saved, and the growth of understanding by workers and by employers of their rights, rather than by formal reporting on investigations of violations that have already occurred.

In this regard, we request further technical assistance from the ILO, including expert support, training for inspectors, development of methodological materials and assistance in the institutional development of inspection bodies.

We are convinced that, with the ILO's support and through active social dialogue, we will be able to improve the monitoring of labour rights and ensure decent working conditions for all the workers of Uzbekistan.

Interpretation from Russian: Employer member, Uzbekistan – I would like to make one or two comments on the topic under discussion today. The Employers of Uzbekistan consider that we need to first of all, increase the transparency, independence and status of the State Labour Inspectorate in Uzbekistan. As we see it, a strong inspection service is a guarantee of fair, honest and high-quality control.

As employers, we note that the inspection service participates actively in tripartite dialogue and in bilateral cooperation with our Employers' confederation.

As an example, let me say that the inspectorate always actively cooperates with our organization and it has been an active participant in events that we have held.



At the beginning of this year, for example, it started to participate in meetings with us and, so far, it has participated in six meetings which have looked at the work of the Labour Inspectorate and at the problems with its work that we have identified.

At the same time, the current rules governing the State Labour Inspectorate in its work are not fully in accordance with Convention No. 81, which, as we know, was ratified by the Republic of Uzbekistan in 2019.

We would like to draw your attention, with your permission, to several challenges that we see:

- First of all, it is an institutional challenge, by the simple fact that we do not have sufficient numbers of labour inspectors in our country.
- Secondly, and because of that, each inspector has far too much work to do. The result of that is that they do quick and superficial inspections and that leaves us a bit doubtful about the outcome and the conclusions.
- Thirdly, there is a system of bonuses for labour inspectors in Uzbekistan, which is based on a percentage of the amount levied as fines. This is still operating and we fear that this does not really enhance trust among employers, the kind of trust we would like to have in the conclusions reached and the measures taken.
- We think that the Labour Inspectorate should be the only body responsible for carrying out inspections in our country, but as my colleague, I think, indicated, there is what is described as a trade union inspectorate that carries out what is known as social control. It is true that this service does not have the possibility of giving fines or other punitive measures, but according to Convention No. 81, labour inspection at companies and in industries and agriculture is supposed to be carried out only by a State body. This worries us as employers, and we think it undermines both the independence and the transparent status of the State Labour Inspectorate.
- Furthermore, there are not sufficient numbers of inspectors in Uzbekistan who are trained in carrying out inspections at more specialized enterprises.

If inspectors do not have the necessary qualifications, they cannot do a proper job. Each sector of the economy has its own characteristics, its own features and inspectors have to know the method to carry out inspections correctly.

What measures do we think are necessary to deal with this situation?

Well, firstly, there has to be an increase in the numbers of labour inspectors in Uzbekistan. That is extremely important.

We also agree that something needs to be done, and here I agree with my colleague about the system of bonuses for inspectors, because that really is a problem for us. We would like that to be changed. We heard our colleagues mention this, too, that the imposition of fines and the handing down of punitive measures is an issue.

I mentioned the system of inspections in the FPU. We would prefer to suggest a change of name for that. We could call it something like the “social monitoring service”, but not the “Labour Inspectorate”, so that we do not have this issue of confusion between that body and the work of the State Labour Inspectorate. It simply causes confusion and also leads to a reduction in the authority of the State Labour Inspectorate. We would like the Labour Inspectorate to be working in partnership with the employers of Uzbekistan and not to be seen as a body whose purpose is punitive.



We do understand also that there is a need to do preventive work, which means better cooperation between business and the Labour Inspectorate to ensure that the law is observed and to minimize infringements, infractions and violations in the first place.

Lastly, the employers of Uzbekistan and, indeed, our Uzbek colleagues from the Union, believe it is absolutely correct that the employers of Uzbekistan would like to be observers when State inspections are carried out, so that we can guarantee that what is being done is both correct and transparent. I mentioned transparency at the beginning, and it is very important to us in every sense. It is equally important to us that our rights and duties as employers in Uzbekistan are governed by the law and that the law in respect of the Labour Inspectorate is properly observed.

Let me say in conclusion that, of course, we are unable to achieve any of this without the technical support and advice of the ILO. As employers in Uzbekistan, I would like to echo the call for support to Uzbekistan in general and to the employers' organization in Uzbekistan, so that we can all work together to improve our mechanisms through tripartite dialogue and thereby, enhance the quality of the Uzbek Labour Inspectorate and its work. We do think that a strong Labour Inspectorate, as I said, is a guarantee of many things, including economic growth, but only if it works equally and impartially with the employer's organization, the unions and the Government. We want a balanced system which does not lurch in favour of, or against, one side or the other. If we obtain that, then we'll be heading in the right direction.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **Albania, Montenegro, North Macedonia, Republic of Moldova and Ukraine**, and **Norway**, member of the European Economic Area align themselves with this statement.

The EU and its Member States are committed to the respect, protection and fulfilment of human rights, including labour rights.

We promote the universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application.

Labour inspection as provided for in Convention No. 81 is key in promoting and safeguarding decent working conditions.

In 2021, Uzbekistan became a beneficiary of a special incentive arrangement for sustainable development and good governance of the EU generalized scheme of preferences, the GSP plus, which, in addition to generous market access, offers a platform to exchange on and promote sustainable development based on Uzbekistan's commitment to the effective implementation of 27 international Conventions, particularly on human rights, including labour rights and environmental protection and climate change and good governance. Moreover, the EU and Uzbekistan concluded negotiations in 2022 on an enhanced partnership and cooperation agreement which aims to extend their relationship into new areas of cooperation.

Lastly, the EU supports Uzbekistan's reform agenda through technical and financial assistance, including concerning labour rights. The moratorium placed on labour inspection in force since September 2018 is a serious violation of Conventions Nos 81 and 129.

We note with deep concern that at present no scheduled inspections are conducted in business entities due to this moratorium on inspections of the financial and economic activities of business entities.



In line with the Committee of Experts' recommendation, we urge the Government to eliminate the temporary ban on inspections and to ensure that labour inspectors are able to undertake labour inspections as often as necessary to ensure the effective application of the Conventions.

Furthermore, we note with deep concern the extensive restrictions on labour inspections. We appeal to the Government to take the necessary measures to ensure that labour inspectors are not limited in their work.

They must be empowered to make visits to workplaces liable to inspection without previous notice, to carry out any examination, test or inquiry which they may consider necessary, to choose not to notify the employer or his representative of their presence and to undertake labour inspections as often and as thoroughly as it is necessary.

We also recall the importance of ensuring that labour inspectors treat as absolutely confidential the source of any complaint and give no intimation to the employer that an inspection was made in consequence of such a complaint.

Lastly, labour inspectors should be empowered to ensure effective enforcement and adequate penalties such as administrative fines. We reiterate the Committee of Experts' call to introduce sanctions for cases of obstruction of labour inspectors in the performance of their duties. In this context, we welcome the implementation of the Decent Work Country Programme 2021–25. We also welcome the implementation of the ILO project on the improvement of labour inspection and occupational safety systems in Uzbekistan in 2024–25.

We thank the Office for its active engagement in the promotion of labour rights and welcome the fact that Uzbekistan avails itself of ILO technical assistance.

We took note of the written information provided by the Government of Uzbekistan, including the rationale that the moratorium introduced on inspections of the financial and economic activities of business entities was aimed at accelerating economic development and promoting entrepreneurship.

We encourage the Government to provide further information related to the practical application of Conventions Nos 81 and 129, in order to respond to the Committee of Experts' requests.

The EU and its Member States stand ready to support Uzbekistan with the aim of strengthening the Government's capacity to address the issues raised and in meeting its obligations under the ratified Conventions. We will continue to follow closely the situation in the country.

Government member, Cuba – Cuba acknowledges the positive progress made by Uzbekistan in implementing the ILO Conventions on labour inspection, specifically Conventions Nos 81 and 129. Since the ratification of the Conventions in 2019, Uzbekistan has worked actively to strengthen its State Labour Inspectorate, ensuring compliance with labour and occupational safety legislation in all sectors, including agriculture.

The country has implemented a more efficient and transparent inspection system, with planned and unplanned inspections that verify compliance with labour standards and the rectification of previously identified violations. In the agricultural sector, the labour inspection entity has intensified its supervision to prevent forced labour and improve working conditions, especially during the cotton harvest. In addition, it has introduced digital tools to optimize labour inspection. The risk analysis system, based on automated criteria, makes it possible to identify the most vulnerable sectors and prioritize audits in high-risk organizations. In terms



of results, in 2024, the Labour Inspectorate carried out approximately 19,000 control activities, detecting thousands of violations of labour regulations. As a result, more than 10,000 written orders were issued and sanctions were imposed on 8,281 officials.

Cuba recognizes the efforts made by Uzbekistan in implementing Conventions Nos 81 and 129 and its commitment to labour inspection as a fundamental pillar for ensuring decent work and social justice. We trust that this process will continue to move forward, with the support of the ILO and international cooperation.

Worker member, Germany – I speak on behalf of the German trade unions and wish to express our concern about the violations of Conventions Nos 81 and 129 by the Government of the Republic of Uzbekistan. In line with the Committee of Experts' findings on Conventions Nos 81 and 129, we note that current labour inspection practices in Uzbekistan do not meet the required standards of scope, frequency or impartiality. We are deeply concerned about the 2018 moratorium placed on labour inspections, which represents a serious breach of the said Conventions. Unscheduled inspections are critical to prevent workplaces from concealing hazards before inspectors arrive. The ten-day advance notice requirement for inspections is a fundamental violation of the Conventions posing serious risks to workers' health and safety.

Inspections focus on investigating and sanctioning infringements of labour standards and enterprises. Currently, a significant majority of inspections are conducted in response to complaints. Regular routine inspections must be intensified. Preventive inspections are crucial to prevent workplace accidents and tragedies before they happen.

To date, labour inspectors lack the authority to impose sanctions, to the detriment of their effectiveness.

Further, we emphasize that independent labour unions are essential for effective labour inspection and occupational safety. Therefore, it is impossible to address Conventions Nos 81 and 129 in isolation. The lack of truly independent labour unions is fundamental to commenting on the present case.

The FPU remains the sole workers' federation in the country and serious concerns persist regarding its independence.

The union is State funded, and its leadership frequently includes individuals who hold Government positions. For example, the current head of the FPU is a senator. The first deputy is head of the Prime Minister's Secretariat. As a result, the distinction between Government and trade unions remains blurred. In 2019, the adoption of the law on trade unions aimed to strengthen and clarify union rights. However, six years later, the law has failed to address concerns about union independence. Workers attempting to form independent unions remain unprotected and efforts to establish an independent union, as attempted in the cotton sector in 2021, were thwarted by State repression.

We noted that a German organization was approached to support the formation of a trade union in the country's important textile sector. The German organization witnessed that the endeavour was driven by commercial actors and therefore declined the request to support the said trade union formation. German workers' representatives remain firmly committed to the principles enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and call upon the Uzbek Government to take meaningful steps towards implementation. We welcome the Government's intention to increase the number of inspectors.



However, to ensure truly independent and effective labour inspections, Uzbekistan must fundamentally improve with regards to freedom of association, as occupational safety is indispensably linked to independent unions. Keeping the general situation of trade unions in mind, we call for immediate action by the Uzbek Government to immediately lift the 2018 moratorium on labour inspections, and to abolish the mandatory pre-registration of labour inspections. We call for a shift in the approach to labour inspections, placing greater emphasis on prevention. Also, we call for the authority to issue sanctions for labour inspectors and, lastly and most importantly, we call for the full implementation of Convention No. 87 in Uzbekistan.

Government member, Pakistan – Pakistan acknowledges the constructive efforts of the Republic of Uzbekistan to enhance its labour inspection system, in line with Conventions Nos 81 and 129. We have noted the substantial progress made in strengthening legal frameworks, improving institutional capacities and promoting compliance in both general and agricultural sectors. Uzbekistan's continued engagement with the ILO supervisory mechanisms reflects its commitment to international labour standards. Pakistan supports a fair, balanced and forward-looking assessment of this case and encourages ongoing dialogue and cooperation to further consolidate these achievements.

Interpretation from Arabic: **Government member, Oman** – Oman would like to commend Uzbekistan for their efforts to bring themselves into compliance with international labour standards, particularly with regards to Conventions Nos 81 and 129. We also pay tribute to Uzbekistan's cooperation with the Committee, in order to strengthen constructive dialogue with the ILO. As a result, we have seen that there has been technical assistance in order to enhance the implementation of these Conventions, thereby improving the drawing up of reports and statistics and ensuring the capacities of inspectors. We welcome these efforts and would like to reiterate how important our Committee is with regard to helping countries to comply with international labour standards, particularly with regard to allowing for sustainable development.

Government member, Switzerland – While commending the efforts by the Government, Switzerland remains concerned by the comments of the Committee of Experts regarding the situation concerning labour inspection in Uzbekistan. This situation is characterized by periods of suspension of labour inspections, as well as numerous restrictions on the exercise of the functions and powers of labour inspectors.

While noting the information provided by the Government, including the lifting of the moratorium on labour inspections, we encourage the Government to step up its efforts to ensure the proper functioning of the labour inspection system. We recall that it must be possible to carry out labour inspections without previous notice and as often and as thoroughly as necessary, and we therefore encourage the Government to lift the restrictions resulting from Presidential Decrees adopted several years ago which are still in force. These restrictions include:

- the requirement to give notice of inspections at least ten working days in advance;
- the requirement to obtain prior authorization, and the right of establishments to refuse an inspection if this procedure is not followed;
- the prohibition of carrying out repeat inspections;
- the impossibility for labour inspectors to question the employer or the staff, or to take or remove samples for purposes of analysis.



We note with interest the information indicating that efforts are under way to establish legal penalties for obstructing labour inspectors in the performance of their duties, and to ensure their effective enforcement in practice.

Finally, Switzerland encourages the Government to continue its cooperation with the ILO under the Decent Work Country Programme 2021–25, with a view to complying, in law and in practice, with its international obligations under Conventions Nos 81 and 129.

Interpretation from Chinese: **Government member, China** – We thank the President and the representative of the Government of Uzbekistan for the presentation. We have carefully reviewed the report of the Committee of Experts and the written materials submitted by the Government to the Committee. We note with appreciation that Uzbekistan attaches great importance to fulfilling its obligations under ILO Conventions, actively engages in cooperation with all parties, continues to advance reforms and promotes decent work and social justice.

The State Labour Inspectorate of Uzbekistan conducts regular and ad hoc inspections of employers in accordance with the law. The inspectors retain the authority to carry out unannounced inspections without prior approval and are unaffected by the Uzbek Government's 2018 suspension of inspection measures. In response to comments from relevant parties, the Government of Uzbekistan provided detailed and targeted replies, including information on recent inspections and the handling of complaints. In 2024, Uzbekistan issued a Presidential Decree increasing the staffing of the State Labour Inspectorate by 16 per cent and at the beginning of this year, it conducted a comprehensive certification for all inspectorate personnel. The Government's proactive and constructive approach deserves recognition by this Committee.

We welcome the ILO project on the improvement of labour inspection and occupational safety systems in Uzbekistan, which supports the analysis of existing national legislation at Uzbekistan's request. We support the ILO in continuing to provide technical assistance to Uzbekistan to enhance the labour inspection capacity of relevant departments and to help the country to better fulfil its obligations under the Conventions.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela thanks the Government for sharing a holistic view on the progress made and challenges faced in labour inspection and legislation in Uzbekistan. We appreciate the Government's willingness to fulfil these responsibilities by promoting reforms that foster decent work, social justice and the protection of workers' rights.

We note the recent measures implemented to strengthen labour inspection capacity, including the increase in personnel in the labour inspection services and continuous staff training. We also recognize that the digitalization of processes, the use of risk analysis, and the simplification of administrative procedures will be essential to improving the efficiency and transparency of inspection.

We emphasize the importance of social dialogue and cooperation with the various social actors, who, in addition to performing representative functions, actively participate in inspection activities, thereby complementing and strengthening the Government's efforts in this regard.

To conclude, we urge the ILO to foster cooperation and technical assistance with the Government, with a view to further strengthening the country's labour inspection and occupational safety systems. All of this in accordance with international Conventions, in support of a fairer, safer and more sustainable labour system.



Government member, Türkiye – Türkiye commends Uzbekistan's ratification of all fundamental and governance Conventions and notes with appreciation the recent reforms, including the ratification of 11 ILO instruments within the last five years, which reflects a strong political commitment to labour rights and institutional development.

In light of Uzbekistan's comprehensive reforms, Türkiye welcomes the Government's clear political will to integrate Conventions Nos 81 and 129 into national practice. We note that the adoption of the new Labour Code in April 2023, coupled with the development of digital inspection systems and nationwide inspectors' training supported by the ILO and Germany, reflects a holistic strategy, aimed at sustainable compliance and institutional capacity-building.

The full eradication of forced and child labour in agriculture, internationally recognized in 2022, demonstrates the tangible impact of these reforms. Uzbekistan's model offers valuable lessons for rights-based governance and digital transformation in labour inspection systems across the region. We particularly welcome the recent removal of the requirement for business ombudsman approval for inspections, as well as the reintroduction of both planned and unannounced inspections in 2024, and the active enforcement efforts during the 2024 cotton harvest.

Türkiye notes with appreciation the progress made in institutional capacity-building, including the expansion of the State Labour Inspectorate staff, enhanced digital inspections such as the risk-based analysis system, and the increased transparency enabled by electronic sanctioning procedures.

We further highlight the strong record of performance in 2024, with nearly 50,000 violations identified, over 12,000 workers' rights restored, and more than 8,000 officials held accountable.

At the same time, we encourage the Government of Uzbekistan to further align the powers of the State Labour Inspectorate with the full scope of Conventions Nos 81 and 129, including the ability to interrogate witnesses, collect samples, and act with independence and without undue procedural constraints.

We welcome the ongoing ILO technical cooperation project and support Uzbekistan's request for continued assistance, particularly in the areas of legislative alignment, statistical capacity-building, and inspector training. Finally, we believe that Uzbekistan's continuing reforms, coupled with open engagement with ILO's supervisory system, will further advance the protection of workers and the realization of social justice.

Interpretation from Arabic: **Government member, Saudi Arabia** – Our delegation has taken note of the clarifications provided by Uzbekistan regarding developments in the national labour inspection system. We welcome the constructive cooperation with the ILO technical mechanisms and the comprehensive information provided, which demonstrate a clear commitment to dialogue and transparency. We welcome the progress made in strengthening institutional inspection capacities through regulatory reinforcement, capacity-building, etc. We also welcome Uzbekistan's gradual approach based on progressive evaluation, a participatory approach and coordination with the social partners. We underline the importance of technical cooperation with the ILO. In conclusion, Saudi Arabia reiterates its full support for Uzbekistan's efforts and encourages it to continue reforms to establish a balanced and effective inspection system to facilitate compliance and improve working conditions, taking into account national priorities and international commitments.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – Speaking on behalf of the IUF, we thank



the Committee of Experts for the information provided and we thank the Government of the Republic of Uzbekistan for the detailed and honest report on the implementation of Convention No. 81.

Unfortunately, we cannot say that sufficient information is provided on Convention No. 129. Each Member of the ILO for which this Convention is in force, shall maintain a system of labour inspection in agriculture. The competent authority shall define the line which separates agriculture from industry and commerce, etc.

We regret to say that the figures given in the Government's written and oral reports do not indicate in which sectors the inspections and the work of the Labour Inspectorate were carried out. It does not separate agriculture, and it is impossible to see from the report if and to what extent the agricultural sector specifically referred to in Convention No. 129 is covered by this work. We would like to recall that agriculture has one of the worst fatal accidents and occupational ill health records of any major employment sector.

Uzbekistan is one of the key suppliers of cotton to the international market and the issues of labour protection and respect for fundamental rights of workers in agriculture are of great importance here, especially for companies planning to invest in this industry after a long period of distrust and boycott of Uzbek cotton, which was caused by the systematic and massive use of forced labour of children in cotton farming. It was only three years ago, in March 2022, that the international boycott of Uzbek cotton was lifted. This was achieved through a remarkable effort of the Government to reform the industry and eliminate systematic child and forced labour.

Amid the general improvement, we still cannot ignore the regular reports from the country about problems with violations of human rights of agricultural workers and small farmers. This unfinished work keeps hindering the sustainability of the sector.

An example of this is a recent assessment by the European Bank for Reconstruction and Development of its funded project run by one of the agro-industrial companies in Uzbekistan, to which the Government allocated about 55,000 hectares for cotton cultivation in the Kashkadarya and Syrdarya regions. The cotton workers at these plantations made several attempts to unite, but all of them ended in the same way: the union was suppressed.

The Labour Inspectorate approached the situation concerning poor working conditions and safety standards in this area, but was not able to do anything, simply because workers were afraid to contact the labour inspectors and to openly and freely complain about the problems.

The situation perfectly illustrates the futility of efforts to strengthen inspections in the absence of freedom of expression, assembly and association.

The IUF submitted the complaint to the Committee of Freedom of Association, which is registered under No. 3487. We urge the Government of Uzbekistan to restore the right to freedom of association under Convention No. 87 and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Interpretation from Russian: Government representative – As speakers have pointed out, over the last two years the Uzbek Government has made quite a few changes to its legislation, including the adoption of the new Code I mentioned and the various other laws which have been put on the statute books. The moratorium that people have been talking about was withdrawn last year and so have certain other inappropriate procedures.



As I said, the system for carrying out inspections has now been improved. Having said that, the comments you have made, both positive and negative, and the suggestions you have put forward will all be taken into account by our authorities.

We understand your concern and we are quite happy to go back and check our legislation again and make changes and amendments where those are necessary, in order for us to be fully compliant with Conventions Nos 81 and 129.

We are coming to the final stages of the adoption of the separate document, which will improve the effectiveness and the solidity of our Labour Inspectorate and, as I said, in so far as possible, we will increase the number of inspectors, the quality of inspections and set appropriate levels for fines when they need to be levied. We also intend to improve the training and retraining provided to our inspectors.

We hope that, in taking into account the comments which have been made today and making the necessary amendments to our legislation and our procedures and practices, we will be able to improve the situation and bring ourselves fully into compliance with ILO standards.

Of course, we are open to constructive criticism and comments from the Committee of Experts and express our willingness to engage in dialogue with this Committee as and when necessary, and we hope that our needs will be taken into account and the assistance we need will be forthcoming in future technical cooperation with this Organization.

Employer members – The Employer members thank the various speakers who took the floor and, notably, the Government of the Republic of Uzbekistan for their intervention and information. The employers remind the Committee that Conventions Nos 81 and 129 are governance Conventions. The two Conventions ensure the effectiveness of the governance of the application of labour standards in practice.

As noted by the Employer members in our opening remarks, the Government of the Republic of Uzbekistan has been working with the ILO to improve labour inspections and occupational health and safety systems in the Republic of Uzbekistan. The Employer members acknowledge recent technical cooperation efforts between the Government and the ILO, including inspector training and study visits. However, these initiatives alone are insufficient to address the serious legislative and administrative barriers to effective labour inspections identified by the Committee of Experts.

The Employer members also acknowledge the request from the Government of the Republic of Uzbekistan first made on 8 May 2025 to the ILO Director-General for the ILO to provide technical assistance to ensure the full implementation of Conventions Nos 81 and 129.

On the basis of our earlier statements and, in light of the observations of the Committee of Experts, the Employer members recommend that the Government of the Republic of Uzbekistan do the following.

Number one, take the necessary measures to ensure that labour inspections are undertaken as often and as thoroughly as is necessary to ensure the effective application of legal provisions, including by ensuring that labour inspectors enter a workplace without prior notice. Labour inspectors carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed. This also includes interrogating alone or in the presence of witnesses the employer or their staff on any matters concerning the application of legal provisions, as well as labour inspectors



notifying employers of their presence, unless they consider that such notification may be prejudicial to the performance of their duties.

Number two, for the Government to take necessary measures in order to ensure that effective and adequate enforcement and penalties are in place. This includes ensuring that labour inspectors have the power to exercise their discretion to give warning and advice, instead of instituting or recommending proceedings and establishing adequate penalties for obstructing labour inspectors in the performance of their duties.

Number three, provide the Committee of Experts with the various information requested.

Number four, be granted technical assistance as per the request from the Government of the Republic of Uzbekistan.

We trust that the Government of the Republic of Uzbekistan will provide their requested information by 1 September 2025 and adopt the measures indicated by this Committee in a timely manner.

Worker members – We thank the Government representative for the written and oral information he has provided. During our discussions, we noted that there are numerous violations of the Conventions in Uzbekistan. The recurring application of moratoriums on inspections is a source of deep concern. This is a serious violation of the Conventions. The Government should permanently lift all moratoriums on inspections in the country and ensure that such moratoriums are not reintroduced in the future.

We believe it is essential to strengthen the inspection services. We have noted the efforts of the Government to increase the number of labour inspectors and encourage it to intensify its efforts in this area. However, it will not be enough to simply increase the number of inspectors. It will also be necessary to ensure that they are trained and provided with all the necessary material and financial resources.

We have already reviewed the list of restrictions imposed on labour inspectors. Without revisiting this list, we nevertheless call on the Government to amend the relevant legislation in order to remove all the restrictions identified.

Hence the Government should take the necessary steps to ensure that labour inspectors:

- are authorized to carry out inspections without previous notice to any workplace liable to inspection;
- are authorized to carry out any examination, test or enquiry deemed necessary to satisfy themselves that the legal provisions are being observed;
- can choose not to notify the employer or their representative of their presence if they consider that such notification would prejudice the effectiveness of the inspection;
- can inspect establishments as often and as thoroughly as is necessary to ensure the effective application of the legal provisions.

A sufficient number of inspection visits without prior notice is necessary to enable inspectors to fulfil their obligation of confidentiality with regard to the source of any complaint, but also to avoid the establishment of any link between the inspection and a complaint. This is why we ask the Government to indicate the measures taken to ensure that inspectors treat the source of any complaint as strictly confidential and refrain from revealing to the employer or their representative that an inspection visit has been carried out further to a complaint.



The Government should also indicate the number of scheduled inspections carried out on the basis of the authorization of the Commissioner for the protection of the rights and legitimate interests of business entities, as well as the number of such inspections carried out further to a complaint.

The Government should also provide information on the number of requests for inspection submitted to the Commissioner and the number of cases in which such authorization was refused, indicating the reasons for the refusal. In its written information, the Government provides figures on the number of inspections carried out and the number of violations detected, but does not break down these figures as requested by the Committee of Experts.

The Government should also ensure that labour inspectors are free to decide whether to issue warnings or advice rather than institute or recommend proceedings. It should also provide information on the nature and number of violations detected during inspections, the number and nature of proceedings brought before the courts and the penalties subsequently imposed, including the amount of fines.

Finally, we request the Government to ensure that penalties are provided for in cases where labour inspectors are obstructed in the performance of their duties.

As the Government itself suggests, it will be important for it to continue to avail itself of ILO technical assistance to implement all the recommendations made. We ask the Government to do so by agreeing to an ILO direct contacts mission. We invite it to consider, in this context, the renewal of the "Improvement of Labour Inspection and Occupational Safety Systems in Uzbekistan" project, which was set up in collaboration with the ILO and will finish at the end of this year.

Conclusions of the Committee

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

The Committee welcomed the Government's use of ILO technical assistance to improve labour inspections. The Committee noted with concern the current practice of moratoriums on labour inspections in the country and the restrictions on the powers of labour inspectors.

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

- **eliminate the temporary ban on inspections and refrain from reintroducing such bans in the future;**
- **recruit labour inspectors and provide them with material, financial and operational resources in order to ensure the proper functioning of the Labour Inspectorate;**
- **ensure that labour inspections are undertaken as often and as thoroughly as necessary, including by ensuring that all the restrictions on the Labour Inspectors' powers are removed;**
- **ensure that effective and adequate enforcement and penalties are in place, by ensuring that labour inspectors have the power to exercise their discretion to give warning and advice, instead of instituting or recommending proceedings, and**



establishing adequate penalties for obstructing labour inspectors in the performance of their duties.

The Committee invited the Government to continue availing itself of ILO technical assistance in this regard.

The Committee requested the Government to provide detailed and complete information to the Committee of Experts on measures taken in line with the Conventions by 1 September 2025.

Chairperson – I have the honour to give the floor to the distinguished representative of the Government of Uzbekistan, the Minister of Employment and Poverty Reduction.

Interpretation from Russian: Government representative – We would like to express our gratitude to the Committee of Experts and this Committee for the conclusions. The Government of the Republic of Uzbekistan would reaffirm its full commitment to implementing the ratified Conventions and its preparedness to continue working to ensure the effectiveness of labour inspection. We will look very closely at all of the recommendations, strengthen cooperation with the ILO and take the necessary measures to eliminate the problems that have arisen.

Zambia (ratification: 1964)

Forced Labour Convention, 1930 (No. 29)

Written information provided by the Government

The Government of Zambia acknowledges receipt of the observation issued by the Committee of Experts concerning the implementation of our National Policy on Human Trafficking and Smuggling of Migrants and the provision of compulsory national service under the Zambia National Service Act. We appreciate the role of the supervisory system in supporting Member States to strengthen the application of international labour standards. In this regard, we welcome the opportunity to provide the information requested in the observation and offer hereto, the following responses:

1. Measures taken to implement the National Policy on Human Trafficking and Smuggling of Migrants and achieve its objectives: Zambia has taken extensive steps to implement the Policy, and these include:
 - Development of a comprehensive National Implementation Plan for the National Policy on Human Trafficking and Smuggling of Migrants to guide operationalization.
 - Amendment of the Anti-Human Trafficking Act No. 11 of 2008, which resulted in the following:
 - (a) the establishment of the Anti-Human Trafficking Department, mandated to coordinate all institutions involved in matters relating to human trafficking;
 - (b) operationalization of the Anti-Human Trafficking Department;
 - (c) enhancement of legal provisions through the inclusion of a specific section in the Act criminalizing child trafficking;
 - (d) revision of the composition and functions of the National Committee on Human Trafficking;



- (e) introduction of a provision for the certification of victims;
 - (f) expansion of the scope of authorized officers empowered to handle trafficking cases, now including officers from the Anti-Corruption Commission, Anti-Human Trafficking Department, Drug Enforcement Commission, and Immigration Department.
- A fourth pillar, “Partnerships”, was introduced to foster a multisectoral response to human trafficking. This has enabled wide-ranging engagement from institutions and stakeholders at the national level. The Anti-Human Trafficking Department also actively participates in meetings, workshops and training sessions on human trafficking at national, regional and international levels.
 - Continued engagement with various stakeholders is ensured through the National Committee on Human Trafficking, which convenes at least once per quarter to deliberate on human trafficking matters.
 - A dedicated budget line has been created and funded for the Anti-Human Trafficking Department to support the implementation of anti-trafficking activities.
 - The Victim Fund has been established, and guidelines for its disbursement are currently under development.
 - A Partnership Agreement has been signed between the Government of the Republic of Zambia and the Government of the United States of America to combat human trafficking. Under this agreement, the US Government has committed to providing a total of US\$12 million over a five-year period to support Zambia’s anti-trafficking efforts.
 - The Anti-Human Trafficking Department prepares and submits quarterly and annual reports on the implementation of anti-human trafficking programmes.
 - The Policy has not been reviewed since its adoption; however, a mid-term review is planned to be undertaken before 31 December 2025.
2. Victim identification and assistance: From 1 January to 31 December 2024, 186 victims were identified, of whom 73 received various forms of assistance such as shelter, food, clothing, psychosocial counselling, translation and interpretation service, legal services, and repatriation support.
 3. Efforts to strengthen the capacity of law enforcement officials in order to effectively identify, promptly investigate and prosecute cases of trafficking with emphasis given to the sectors where women are victims of trafficking:
 - The Government trained 2,204 law enforcement officers in 2024 in order to enhance their capacity to identify, investigate and enforce laws against human trafficking.
 - During the same period, 41 cases were investigated, 22 prosecuted, and 5 convictions secured.
 - Of the five convictions secured, one of the penalties imposed was a sentence of 13 years imprisonment with hard labour for attempted human trafficking. The remaining 4 cases are awaiting sentencing by the High Court.
 4. Efforts to strengthen awareness and implementation of the Anti-Human Trafficking Act to promote greater awareness and effective implementation of the Anti-Human Trafficking



Act: The Government undertook a series of targeted interventions during the reporting period:

- Public awareness and education: A range of public sensitization activities were conducted nationwide using television, radio broadcasts, and community meetings. These platforms were employed to disseminate information on the provisions of the Anti-Human Trafficking Act, the rights of individuals, and available channels for reporting suspected cases of trafficking in persons.
 - Capacity-building and institutional strengthening: A total of 2,204 officers from various law enforcement institutions received specialized training on trafficking in persons between 1 January and 31 December 2024. The purpose of the training was to enhance their ability to identify, investigate, and prosecute trafficking cases, with particular attention to sectors where women are especially vulnerable.
 - Development of supporting instruments: To reinforce the effective implementation of the Act, the following instruments have been developed or are under development:
 - (a) regulations to guide procedures on victim identification, reporting and certification;
 - (b) a revised National Referral Mechanism for coordinated support and case management;
 - (c) a national Data and Case Management System on Human Trafficking;
 - (d) guidelines for the administration of the Victim Fund;
 - (e) a National Communication Strategy on Human Trafficking;
 - (f) a standard training curriculum on trafficking in persons; and
 - (g) a Judicial Desk Guide to assist judicial officers in handling trafficking-related cases.
5. Nature of national service in Zambia: Contrary to the view of the Committee of Experts, that Zambia allows a compulsory national service of a non-military character, the Government wishes to clarify that, the Zambia National Service (ZNS) was recently reintroduced as a voluntary citizen empowerment programme, aimed at equipping citizens, especially youth and women with practical skills, fostering self-reliance and contributing to national development. These efforts are aligned with Zambia's commitment to the International Labour Organization's (ILO) Skills and Lifelong Learning Strategy 2030 adopted at the 109th Session (2021) of the International Labour Conference. In furtherance of these commitments, Zambia launched the four-year Skills Development for Employability Programme in 2023, with support from the ILO and the European Union, with the aim of enhancing the relevance, quality and governance of our Technical Education, Vocational and Entrepreneurship Training (TEVET) system. However, the ZNS programme contributes to a broader national and international objective in addressing youth unemployment, under skilling and decent work deficits. This was publicly affirmed by the Republican President, Mr Hakainde Hichilema, on 14 November 2024. This public affirmation is readily available on official online government media platforms such as the Zambia New and Information Service (ZANIS).

In conclusion, the Government remains committed to upholding its obligations under international labour standards and ensuring the effective implementation of relevant legislation and policies. The measures outlined in this report reflect ongoing efforts to strengthen institutional capacity, enhance coordination among stakeholders, and promote



rights-based approaches across all areas of concern raised by the Committee. The Government will continue to engage constructively with the Committee and stands ready to provide further information and clarification where required.

Discussion by the Committee

Chairperson – I have the honour to invite the honourable representative of the Government of Zambia, the Permanent Secretary, Ministry of Labour and Social Security, to take the floor.

Government representative – The Government of the Republic of Zambia acknowledges receipt of the request issued by the Committee of Experts concerning the implementation of our National Policy on Human Trafficking and Smuggling of Migrants and the provision of compulsory national service under the Zambia National Service (ZNS) Act.

We appreciate the role of the supervisory system in supporting Member States to strengthen the application of international labour standards. In this regard, we welcome the opportunity to provide the information requested in the observation and offer the following responses:

1. Measures taken to implement the National Policy on Human Trafficking and Smuggling of Migrants and achieve its objectives.

Zambia has taken extensive steps to implement the policy, which include:

- 1.1. Development of a comprehensive national implementation plan for the National Policy on Human Trafficking and Smuggling of Migrants to guide operationalization.
- 1.2. Amendment of the Anti-Human Trafficking Act No. 11 of 2008, which resulted in the following:
 - (a) the establishment of the Anti-Human Trafficking Department, which is mandated to coordinate all institutions involved in matters relating to human trafficking;
 - (b) operationalization of the Anti-Human Trafficking Department;
 - (c) enhancement of legal provisions through the inclusion of a specific section in the Act criminalizing child trafficking;
 - (d) revision of the composition and functions of the National Committee on Human Trafficking;
 - (e) introduction of a provision for the certification of victims;
 - (f) expansion of the scope of authorized officers empowered to handle trafficking cases, which now includes officers from the Anti-Corruption Commission, Anti-Human Trafficking Department, Drug Enforcement Commission and Immigration Department.
- 1.3. A fourth pillar, "Partnerships", was introduced to foster a multi-sector response to human trafficking. This has enabled wide-ranging engagement from institutions and stakeholders at the national level. The Anti-Human Trafficking Department also actively participates in meetings, workshops and training sessions on human trafficking at national, regional and international levels.



- 1.4. Continued engagement with various stakeholders is ensured through the National Committee on Human Trafficking which convenes at least once per quarter to deliberate on human trafficking matters.
- 1.5. A dedicated budget line has been created and funded for the Anti-Human Trafficking Department to support the implementation of anti-trafficking activities.
- 1.6. The Victim Fund has been established, and guidelines for its disbursement are currently under development.
- 1.7. A Partnership Agreement has been signed between the Government and the Government of the United States of America to combat human trafficking. Under this agreement, the United States Government has committed to providing a total of US\$12 million over a five-year period to support Zambia's anti-human trafficking efforts.
2. Victim identification and assistance: From 1 January to 31 December 2024, 186 victims were identified, out of which 73 received various forms of assistance such as shelter, food, clothing, psychosocial counselling, translation and interpretation services, legal services and repatriation support.
3. Efforts to strengthen the capacity of law enforcement officials for them to effectively identify, promptly investigate and prosecute cases of trafficking with emphasis given to the sectors where women are victims of trafficking.
 - 3.1. During the same period, 41 cases were investigated, 22 prosecuted and 5 convictions secured.
 - 3.2. Of the five convictions secured, one of the penalties imposed was a sentence of 13 years imprisonment with hard labour for attempted human trafficking.
4. To promote greater awareness and effective implementation of the Anti-Human Trafficking Act, the Government undertook a series of targeted interventions during the reporting period. These include:
 - 4.1. Public awareness and education: A range of public sensitization activities were conducted nationwide using television, radio broadcasts and community meetings. These platforms were employed to disseminate information on the provisions of the Anti-Human Trafficking Act, the rights of individuals, and available channels for reporting suspected cases of trafficking in persons.
 - 4.2. Capacity-building and institutional strengthening: A total of 2,204 officers from various law enforcement institutions received specialized training on trafficking in persons between 1 January and 31 December 2024. The purpose of the training was to enhance the ability to identify, investigate and prosecute trafficking cases, with particular attention to sectors where women are especially vulnerable.
 - 4.3. Development of supporting instruments: I wish to submit that the following instruments have been developed or are undergoing development:
 - (a) regulations to guide procedures on victim identification, reporting and certification;
 - (b) a revised National Referral Mechanism for coordinated support and case management;
 - (c) a National Data and Case Management System on Human Trafficking;



- (d) guidelines for the administration of the Victim Fund;
 - (e) a National Communication Strategy on Human Trafficking;
 - (f) a standard training curriculum on trafficking in persons; and
 - (g) a Judicial Desk Guide to assist judicial officers in handling trafficking-related cases.
- 4.4. Additionally, the Cabinet has approved the Children's Code (Probation Committee) Regulations, 2025, in May this year, in order to enhance oversight, support and guidance to children placed on probation. Cabinet has further approved the Children's Code (National Coordinating Committee for Children) Regulations, 2025, in order to formalize and ensure the proper functioning of the Committee which will oversee the implementation of child protection policies and programmes in Zambia.
5. Nature of national service in Zambia: Zambia takes note of the observations of the Committee of Experts. However, concerning the reintroduced national service training, we wish to state that Zambia did not impose compulsory national service but instead reintroduced a voluntary citizen empowerment programme.

To that end, I want to emphasize that the ZNS Act has undergone a consultative process for its amendment, and Cabinet approved this Act in principle. The amendment includes the merging of the ZNS Act and the Defence Act into one consolidated Act. The draft amendment Bill was submitted to the Minister of Justice. However, the process awaits the conclusion of the defence policy, which is under the Minister of Defence. These amendments take into account the provision which seemingly contravenes the Convention, that is to do with compulsory training.

On the other hand, it is important to emphasize that, while the ZNS operates under the mandate of the National Service Act (Chapter 121 of the Laws of Zambia) (specifically, section 3 of the Act permits compulsory national service of a non-military character), Zambia does not conduct compulsory military training for citizens. The ZNS youth programmes are designed to equip school leavers and non-school leavers with essential skills that are beneficial for their personal and professional development, thereby contributing to national development.

The said training is entirely voluntary. Zambia recognizes the importance of providing young individuals with opportunities to develop skills that will enhance employability and contribute positively to society. The programmes focus on various life support skills, including leadership, teamwork and vocational training, which are crucial for fostering self-reliance and resilience among our youth.

Zambia is committed to ensuring that participation in the training programme is based on the individual's choice and the voluntary aspect is promoted to all potential participants. Zambia's goal is to empower young people and not to impose any form of compulsory service.

Zambia is dedicated to aligning its programmes with the international labour standards and the principles adopted by the Conference. Training initiatives are continually reviewed to ensure they meet the evolving needs of our society while respecting the rights and freedoms of all individuals.

The reintroduction of the National Service Training resonates with the Act, which provides for a voluntary enlisting for citizens after which those trained can undergo a period of apprenticeship in any business, trade, profession or vocation.



The ZNS programme contributes to a broader national and international objective in addressing youth unemployment, skills gap, under-skilling and decent work deficits.

These efforts are aligned with Zambia's commitment to the ILO resolution concerning skills and lifelong learning adopted at the 109th Session of the Conference in 2021.

In furtherance of these commitments, Zambia launched the four-year Skills Development for Employability Programme in 2023, with support from the ILO and the European Union, with the aim of enhancing the relevance, quality and governance of our Technical Education, Vocational and Entrepreneurship Training (TEVET) system.

As I conclude, the Government remains committed to upholding its obligations under international labour standards and ensuring the effective implementation of relevant legislation and policies. The measures outlined in this statement reflect ongoing efforts to strengthen institutional capacity, enhance coordination among stakeholders and promote rights-based approaches across all areas of concern raised by the Committee of Experts. The Government will continue to engage constructively with the Committee and stands ready to provide further information and clarification where required. Zambia is open to technical and financial assistance from the ILO to accelerate our efforts towards achieving decent work.

Worker members – We are examining Zambia's application of Convention No. 29, a fundamental Convention ratified by Zambia in 1964. This is the first time Zambia's application of the Convention, in law and in practice, is being discussed in our Committee. The Committee of Experts has issued three observations between 2016 and 2024.

Let me begin with the issue of trafficking in persons.

We would like to acknowledge the steps taken by the Government of Zambia. As noted by the Committee of Experts, the adoption in 2022 of the National Policy on Human Trafficking and Smuggling of Migrants along with its implementation plan represents a notable step in combating trafficking as a form of forced labour. We note that the plan recognizes Zambia as a source, transit and destination country for victims of trafficking. It also highlights an increase in reported cases. We commend the Government for candidly acknowledging the scale of the challenge. Transparency is the first step towards effective action to suppress forced labour. However, we are concerned that, without effective measures and political will, the implementation of this policy may remain a paper commitment. Clearly, without the necessary expertise, institutional coordination and financial support, the plan's objectives will remain unfulfilled and the situation could deteriorate further.

We therefore join the Committee of Experts in requesting the Government to provide detailed information on:

- the measures taken to implement the National Policy;
- any assessments conducted on its implementation and effectiveness; and
- the results achieved so far.

Turning now to the identification and protection of victims of trafficking and forced labour, the Convention requires that governments must put in place effective mechanisms for the identification, release, protection, recovery and rehabilitation of all victims. It also mandates the provision of comprehensive assistance and support. We are therefore concerned by two ongoing challenges:

- the Anti-Human Trafficking Fund, intended to support the rehabilitation and integration of victims, is still not operational; and



- identification of trafficked persons remains a significant difficulty in practice.

We urge the Government to:

- enhance efforts to identify victims of both sexual and labour exploitation;
- ensure victims receive adequate protection, including shelter, counselling, legal aid and rehabilitation services; and
- provide data on the number of identified victims and the types of assistance provided.

Effective prosecution and the imposition of dissuasive penalties are core obligations under the Convention. We note the information provided by the Government concerning the number of trafficking cases handled by the Ministry of Community Development and Social Services. It is essential that this work be strengthened, with greater resourcing and more coordinated efforts.

We also take note of the Government's steps to:

- build the capacity of prosecutors and investigators under the National Prosecution Authority (NPA);
- enhance collaboration between prosecutors, police investigators and the judiciary; and
- operationalize the Witness Management Fund, which supports victims and witnesses who testify.

These are all welcome developments.

However, we also take seriously the concern raised by the United Nations Human Rights Committee in its 2023 concluding observations, which pointed to a low number of investigations, convictions and sanctions imposed on perpetrators of trafficking.

We therefore urge the Government to adopt a system-wide and institutionalized coherent approach, ensuring that:

- no institution is left behind;
- all relevant actors – from police to prosecutors to the judiciary – are properly resourced and effectively coordinated; and
- investigations, prosecutions and penalties are adequately documented and enforced.

The Government should provide updated data on:

- the number of investigations, prosecutions, convictions and penalties imposed; and
- challenges encountered in the enforcement of existing laws.

We now turn to the issue of recruitment for national service. Since 1994, the Committee of Experts has repeatedly requested the Government of Zambia to amend or repeal the National Service Act, 1971, which permits compulsory non-military national service. In 2021, the Government committed to repealing the Act. However, this commitment remains unfulfilled. We strongly urge the Government to take the necessary legislative measures to bring the Act into full conformity with the Convention, ensuring that any work required under national service is purely military in nature and not a form of forced or compulsory labour.

Clearly, the Government is putting in efforts to address the issue of forced labour, which is an intolerable violation of human dignity. But much more needs to be done.



Employer members – We have noted with interest the information shared by the Government. We wish to encourage Zambia to take further concrete steps to better investigate and remediate the issues raised by the Committee of Experts regarding trafficking of persons, as well as its National Service Act. This case has never been discussed in the Committee. There have been three observations issued by the Committee of Experts for Zambia in 2016, 2019 and 2024. We note that this case centres on Zambia’s recently adopted National Policy on Human Trafficking and Smuggling of Migrants, along with its accompanying implementation plan in 2022. The Committee of Experts has asked for details of these instruments – with a sharp focus on capacity-building for robust investigatory and prosecutorial processes.

In addition, and despite the Government’s provision of information on the number of trafficking cases handled by the Zambian Ministry of Community Development and Social Services, the Committee of Experts noted that the Anti-Human Trafficking Fund – which is designed for the rehabilitation and reintegration of victims – remains non-operational and that identifying trafficking victims remains a challenge.

Finally, and as a more discrete issue, we note the Committee of Experts’ request to amend or repeal the National Service Act, which, according to the Committee of Experts, permits compulsory national service of a non-military character.

To be very clear, the Employer members wish to stress their deep commitment towards the eradication of forced labour, trafficking in persons and any related abuses. We stand united in our belief that there should be no place for these abuses in our world of work. We further stand ready in our commitment to exercise any authority we may have as a social partner to assist in the eradication of these abuses, whether in Zambia or anywhere else in the world.

We now turn to the issues raised by the Committee of Experts, along with the Government’s response, in greater detail.

Zambia is a destination and transit country for trafficking victims. The Government has, to its credit, acknowledged this reality and taken concrete and material steps to investigate and prosecute these abuses. The Committee of Experts’ concern is the reportedly low number of investigations, convictions and sanctioning of perpetrators. To that end, the Government has reported both in written submissions and today that:

- The NPA, which is now part of the National Committee on Human Trafficking, is pursuing activities to build the capacity of prosecutors and investigators in relation to transnational crime, including trafficking in persons.
- The NPA is also working to strengthen coordination and cooperation with key stakeholders.
- It has now operationalized the Witness Management Fund to provide logistical support to witnesses and victims that are called to testify.
- A dedicated budget has been authorized and funded for the Anti-Human Trafficking Department to support the implementation of anti-trafficking activities.
- The provision of specific resources for this work is particularly significant and wise.

The Employer members’ view is that the Government should continue in these material efforts and request technical or other assistance as necessary and appropriate.

Moreover, and with respect to the concern of victim identification and assistance, the Government has noted that, from 1 January to 31 December 2024, a total of 186 victims were identified, of whom 73 received various forms of assistance such as shelter, food, clothing or psychosocial counselling, and that it has trained over 2,000 law enforcement officers in 2024



to enhance the capacity to identify and investigate and enforce laws against human trafficking. During that same period, 41 cases were investigated, 22 were prosecuted and 5 convictions were secured.

We are of the mind that more can always be done, but we appreciate these material and detailed steps as well as the reporting.

The Government has further identified other material steps that have been taken to strengthen awareness and achieve broader implementation. For example, the Government has noted that the following instruments have been developed or are under development: regulations to guide procedures on victim identification, reporting and certification; a revised National Referral Mechanism; a national data and case management system on human trafficking; guidelines for the administration of the Victim Fund; a national communication strategy; a standard training curriculum on trafficking in persons; and a judicial desk guide to assist judicial officers in handling trafficking-related cases.

Again, the Employer members applaud this work but ask that the Government continue in these efforts and ensure that these pieces be properly and effectively implemented. As just several examples, we would be interested to learn about the consultation process that led to these instruments and whether there are sufficient resources available, whether from the specifically budgeted monies or otherwise, to ensure effective implementation. More can be done and we stand ready to assist in any way that we can.

Lastly, we note that with respect to the National Service Act there appears to be contrasting views. According to the Committee of Experts, the Act is in conflict with Article 2(2)(a) of the Convention, which states that work or service exacted in virtue of compulsory military service laws is excluded from the scope of the Convention only when it is of a purely military character. According to the Committee of Experts, compulsory work under this Act has taken non-military forms, and the Committee of Experts has requested information on the number of citizens who have been called to perform compulsory national service as well as on the nature of that work.

The Government for its part appears to deny that compulsory work pursuant to this Act is of a non-military character and further notes that any such work is part of a voluntary citizen empowerment programme aimed at equipping citizens, especially youth and women, with practical skills. All of which, according to the Government, is consistent with the ILO's resolution concerning skills and lifelong learning adopted at the 109th Session of the Conference in 2021. We cannot divine from the Government's submission and its presentation today whether the Committee of Experts' concerns here remain founded.

We urge the Government to engage in meaningful consultations with the ILO and independent social partners on this issue and comply with the Committee of Experts' request for information. We look forward to hearing the views of other groups in this case.

Worker member, Zambia – I would like to extend my sincere gratitude to the Committee of Experts for its observations concerning my country Zambia's compliance with the Convention. The Workers acknowledge the effort made by the Committee in highlighting critical issues and legal gaps that potentially expose citizens to forced labour.

The Committee of Experts' observations are focused on the following key areas:

- National action plan and implementation: The adoption of the National Policy on Human Trafficking and Smuggling of Migrants was noted, emphasizing the need for



implementation, monitoring and impact assessment, based on four strategic pillars: prevention, protection, prosecution and partnerships.

- Identification and protection of victims: Although 2,782 trafficking cases were handled between January 2020 and June 2023, the observation noted that the identification of victims remained challenging. The National Referral Mechanism and related Guidelines are in place but lack comprehensiveness. The Anti-Human Trafficking Fund remains non-operational.
- Prosecution and penalties: The Government has enhanced training and coordination efforts by the NPA, but the observation highlights a low rate of prosecutions and convictions, especially regarding trafficking for forced domestic work and sexual exploitation. The Anti-Human Trafficking (Amendment) Act of 2022 was acknowledged.
- National service obligations under the 1971 Act: The Committee of Experts raised concern over the National Service Act of 1971, which mandates non-military compulsory national service contradicting Article 2(2)(a) of the Convention. The law remains under review without conclusive amendments.

The report serves as a timely wake-up call for the labour movement in Zambia to take a more assertive and vigilant role in monitoring the application of this Convention to address all forms of forced labour, including trafficking in persons, abusive recruitment practices and exploitative service conditions.

The labour movement in Zambia will hold both Government and Employers accountable for violations, while on our part we commit to raise awareness among workers, employees and policymakers to eradicate forced labour in all its manifestations.

Coming to the legal framework, I would like to highlight the fact that Zambia has ratified the Convention and enacted several legal instruments to combat forced labour. These include:

- The Constitution of Zambia (Amendment) Act No. 2 of 2016, article 14 of which prohibits slavery, servitude and forced labour.
- The Penal Code (Chapter 87), which criminalizes forced labour, trafficking and similar offences.
- The Anti-Human Trafficking Act, 2008 (amended in 2022), which provides a legal framework for the prevention, detection, prosecution and victim protection related to trafficking.
- The Employment Code Act No. 3 of 2019, which regulates labour contracts, prohibits coercion and abuse in employment relationships.
- The National Policy on Human Trafficking and Smuggling of Migrants (2022), with an operational strategy to address trafficking.

Despite this legal framework, we still face implementation gaps, particularly in victim protection, prosecution of offenders, and amendment of outdated legal frameworks. Our call upon our Government is to swiftly and decisively do the following:

- Operationalize the Anti-Human Trafficking Fund and improve victim support systems.
- Finalize and enact amendments to the National Service Act to comply with the Convention.
- Ratify the Protocol of 2014 to the Forced Labour Convention, 1930, which provides more protection.



- Ensure full implementation of the National Policy on Human Trafficking and Smuggling of Migrants, including robust monitoring and evaluation.
- Strengthen inter-agency coordination and support the work of the Anti-Human Trafficking Department.
- Increase investigations, prosecutions, convictions and deterrent penalties for perpetrators of trafficking and forced labour.
- Strengthen subregional coordination with neighbouring countries who are also suppliers of victims.

In conclusion, we reaffirm our commitment to promoting decent work, human dignity and freedom from forced labour. We thank the Committee of Experts for its continued scrutiny and call on the Government to urgently address all gaps identified in the observation, ensuring that no person in Zambia is subjected to forced labour in any form. We pledge to work alongside the Government, Employers and civil society to make Zambia a model of compliance within international labour standards. In that respect, I call upon your Committee to request the ILO to provide my country with technical assistance to help us address the concerns raised by the Committee of Experts.

Employer member, Zambia – This statement is made in reference to the fact that the Government has been cited for failure to comply with the provisions of the Convention, which Zambia ratified in 1964. Under Articles 1(1), 2(1) and 25 of the Convention, we note that the Committee of Experts has acknowledged the availability of a National Policy on Human Trafficking and Smuggling of Migrants and its implementation plan of 2022, based on four pillars which are prevention, protection of victims, prosecution of offenders and partnerships. But the Committee of Experts has further noted that the country has reported or recorded an increase in cases of trafficking, including of women and young men. The Committee of Experts has further requested the Government to provide information on the measures taken to implement the National Policy on Human Trafficking and Smuggling of Migrants that was reported to have been formulated in 2022.

It is regrettable that, while the Government has recorded some success in terms of putting measures in place aimed at implementing the National Policy, the Government had not reported in a timely manner in order for the Committee of Experts to be in the know regarding the progress so far made.

In our engagement with the Government and through our participation as one of the government stakeholders in some of the activities that are aimed at curbing human trafficking, we wish to inform this Committee that the Government has put a number of measures in place that are meant to implement the National Policy on Human Trafficking and Smuggling of Migrants. The steps include the following:

- An implementation plan for the National Policy on Human Trafficking and Smuggling of Migrants to guide operationalization of the policy has been developed.
- An amendment of the Anti-Human Trafficking Act No. 11 of 2008, which has given birth to the following:
 - The establishment of the Anti-Human Trafficking Department, which has been mandated to coordinate all institutions involved in matters relating to human trafficking.
 - The operationalization of the Anti-Human Trafficking Department.
 - The criminalization of child trafficking.



- The expansion of the scope of authorized officers empowered to handle trafficking cases, which now includes officers from the Anti-Corruption Commission, Anti-Human Trafficking Department, Drug Enforcement Commission and Immigration Department.
- The introduction of a provision for the certification of victims.
- A dedicated budget line has been created and funded for the Anti-Human Trafficking Department to support the implementation of anti-trafficking activities.
- A Victim Fund has been established and guidelines for its disbursement are currently under development and as the Zambian Federation of Employers (ZFE) we are part of the team that is developing the guidelines.
- There is now a National Committee on Human Trafficking that meets quarterly to deliberate human trafficking issues; the ZFE is one of the stakeholder organizations that attend the quarterly meetings.

As employers in Zambia, we wish to indicate that the measures stated above are well meant to reduce or to completely eliminate cases of human trafficking. We, however, wish to indicate that since Zambia is land-locked and surrounded by eight neighbouring countries, some of the borders are porous, making the country a transit point for human trafficking. Therefore, certain measures meant to prevent the entry of those that are involved in trafficking in human beings need to be put in place at the border posts.

We support the position of the Committee of Experts on its call on the Government to strengthen the Government's efforts in taking measures to ensure the effective identification of victims of trafficking for both sexual and labour exploitation and on its encouragement to the Government to pursue its efforts to strengthen the capacity of law enforcement officials, in order for them to identify and to promptly investigate and prosecute cases.

On national service obligations, we note the valid observations of the Committee of Experts, and its call on the Government to amend or repeal the National Service Act (Chapter 121 of the laws of Zambia), that was passed by Parliament in 1971, as the Committee of Experts regrets the fact that despite several calls on the Government to amend or repeal this Act, there have been no action by the Government to this effect to remove the provisions that permit compulsory national service of a non-military character and also the provision that children between the ages of 18 and 35 shall be liable to have their names in the National Service Register and may be called upon to serve, which effectively can amount to forced labour.

This is regrettable, and the ZFE joins the Committee of Experts in encouraging the Government to embark on a process to amend this law and bring it into conformity with the Convention that is under discussion. We, however, wish to inform this Committee that although this law has remained unamended, the practice on the ground is different as national service no longer involves compulsory military training for citizens. There are now Zambian national service youth programmes designed to equip school leavers and non-school leavers with essential life skills that are beneficial for their personal and professional development on a voluntary basis. This has motivated a larger group of the Zambian youth. The programme has come up as one of the solutions to combating high levels of youth unemployment and poverty.

Government member, Poland – I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries **Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Republic of Moldova** and **Ukraine** and the



EFTA countries **Iceland** and **Norway**, members of the European Economic Area, align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights. We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO in developing and promoting international labour standards and supervising their application. We note that the Committee requested information on the measures taken to implement the National Policy on Human Trafficking and Smuggling of Migrants and achieve its objectives. We welcome the clarifications provided by the Government on 18 May in this regard.

We are deeply concerned, however, about the reported increase in cases of trafficking, including that of women and young men. We commend the efforts of the Ministry of Community Development and Social Services to provide protection and assistance to victims of trafficking, including through the establishment of six places of safety. We regret that the Anti-Human Trafficking Fund designed for rehabilitation and reintegration of victims is not yet operational.

We urge the Government to intensify its efforts to ensure the effective identification of victims of trafficking for both sexual and labour exploitation and to provide them with appropriate and adequate protection and assistance, including through the National Referral Mechanism and its Guidelines and the operationalization of the Anti-Human Trafficking Fund. We note the Government's clarification on the number of identified victims and the nature of the support provided in 2024.

We recall that the Government had benefited from the assistance of the ILO, the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF), within the framework of the European Commission-funded project, with the objective of providing training and capacity-building to the social partners and labour inspectors on trafficking.

We acknowledge the efforts of the NPA to strengthen the capacity of law enforcement officials and in particular the training of 2,204 law enforcement officers in 2024. We also commend the establishment of the Witness Management Fund, which offers logistical support to witnesses and victims called to testify in all cases prosecuted by the NPA, as well as the adoption of the Anti-Human Trafficking (Amendment) Act, 2022 to strengthen coordination and cooperation between several stakeholders in the fight against trafficking in persons.

While we acknowledge these positive steps, we remain concerned about the low number of investigations, convictions and sanctions of perpetrators in cases of trafficking of women, including for forced domestic work and sexual exploitation, documented in the 2023 concluding observations of the United Nations Human Rights Committee.

We note the information shared by the Government which indicates that in 2024, a total of 41 cases of trafficking were investigated, 22 individuals were prosecuted and 5 convictions were secured. It is crucial for national institutions to be effective and capable of delivering tangible results. We therefore encourage the Government to continue its efforts to strengthen the capacity of law enforcement officials in order to investigate and prosecute all cases of trafficking. We note the efforts of the Anti-Human Trafficking Department to promote awareness and strengthen implementation of the Anti-Human Trafficking Act.

We recall that the Committee of Experts has repeatedly raised concerns about the National Service Act of 1971, which permits compulsory national service of a non-military character in violation of Article 2(2)(a) of the Convention. We note with concern that the



Committee of Experts considers that the Government has not yet undertaken the necessary amendments to its national legislation in this regard. We also take note of the Government's response on this issue.

The EU and its Member States encourage the Government to further strengthen its cooperation with the ILO, the social partners, civil society and the international community, in order to address the issue of forced labour in the country.

We will continue to follow the situation closely and remain ready to support efforts aimed at ensuring compliance with international labour standards and the protection of individuals from trafficking.

Government member, Zimbabwe – On behalf of the **Southern African Development Community (SADC)**, the Government of the Republic of Zimbabwe, in its capacity of chairing the SADC and representing **16 SADC Member States** who are also members of the ILO, wishes to address the Committee on the matters raised concerning the Republic of Zambia's application of the Convention. I must mention that the SADC continues to value its partnership with the ILO and places great emphasis on regional cooperation in upholding international labour standards. Through its well-established tripartite employment and labour sector, the SADC consistently facilitates regional dialogue among its member governments, the Southern African Trade Union Coordination Council and the SADC private sector forum on employment and labour issues, including those related to migration. These interventions have a direct impact on the observance of Member States' commitment to international labour standards, including Zambia.

In this spirit, the SADC invites the Committee to take note of Zambia's comprehensive and progressive approach to addressing trafficking in persons. The Government has undertaken notable legislative and institutional reforms, including amending the Anti-Human Trafficking Act, establishing a dedicated Anti-Human Trafficking Department, and adopting a national implementation plan to guide coordinated action. Significant progress has also been made in ensuring victim protection, prosecuting perpetrators, enhancing intelligence collaboration, and securing bilateral and multilateral support to strengthen its efforts.

Furthermore, Zambia is reforming the National Service Act and the Defence Act to ensure compliance with the Convention. Beyond its national commitments, Zambia has demonstrated strong regional leadership. In May 2024, Zambia organized a joint meeting of the heads of immigration, labour, and statisticians fostering collaboration in combating smuggling and trafficking. As one of seven SADC Member States to ratify the Protocol on the Facilitation of Movement of Persons (2005), Zambia demonstrates a strong political will for safe and orderly migration. It has also domesticated the SADC's Regional Migration Policy Framework and Labour Migration Action Plan by aligning its national policies and coordination structures.

Notably, the SADC Committee of Ministers of Employment and Labour and Social Partners is committed to working closely with the Office within the framework of the SADC Decent Work Programme to assist the Government of Zambia in addressing the issues raised by the Committee of Experts as well as to provide the required support and guidance.

In conclusion, the SADC requests the Committee to acknowledge and take into account the strides made by the Republic of Zambia when drawing up its conclusions on this case. It is our expectation that the ILO will continue to provide Zambia with the necessary technical support to ensure that the issues raised by the Committee of Experts are adequately addressed.



Government member, Malawi – My delegation would like to commend the Government for its openness and commitment to constructive engagement with this Committee and for the comprehensive information it has provided in response to the observations made by the Committee of Experts. Malawi applauds Zambia for the efforts taken to combat human trafficking and forced labour. In particular, we take note of the enactment of Zambia's Correctional Service Act of 2021, the launch of the 2024 National Drug and Substance Control Policy, the development and operationalization of the implementation plan for the National Policy on Human Trafficking and Smuggling of Migrants, the amendments to the Anti-Human Trafficking Act and the establishment of a dedicated Anti-Human Trafficking Department.

We encourage the Government to continue on this positive path and to ensure the effective implementation of the Convention in law and practice to address forced labour and human trafficking. In this regard, we urge the ILO to provide technical and financial assistance to the Government, in order to strengthen the legal framework, continue to build capacity, develop victim support and referral mechanisms, accelerate public awareness and enhance stakeholder coordination.

Employer member, Democratic Republic of the Congo – As regards the situation of this sister country, we should take note objectively of the following.

A National Policy on Human Trafficking and Smuggling of Migrants has been adopted, plus an implementation plan in 2022, which has resulted in the adoption of measures by the Government to ensure protection and assistance for trafficking victims in six places of safety. There has also been the deployment of the National Prosecution Authority (NPA) in ten provinces. There has also been the setting up of the Anti-Human Trafficking Fund. But what about its operationalization? Is this a concern that persists? We have just had the Government's concrete reply on this matter.

Perhaps we should underline the existence of a major concern, based on Article 2(2)(a) of the Convention, in that there is a pressing need to amend or repeal the National Service Act of 1971, which authorizes non-military compulsory national service. The scope and meaning of the above-mentioned provision of the Convention excludes the exaction of forced labour when the forced labour forms part of a military context. However, this is not the case with the National Service Act, and so it must be repealed or amended. In this regard, we invite the Government of this sister country to speed up the repeal process.

In view of the shortcomings which have been observed, while in no way minimizing what the Government has achieved, we urge it to intensify its efforts with regard to the following:

- effective identification of trafficking victims, including for labour exploitation;
- clarification of procedures and content for providing assistance to victims;
- strengthening of the capacity of the National Prosecution Authority, of course with the essential support of the ILO.

Worker member, Botswana – Zambia ratified the Convention in 1964 and this Convention is currently in force. The Convention aims at eliminating all work or service which is exacted from any person under the menace of any penalty and for persons who have not offered himself voluntarily. In 2025, Zambia finds itself confronted with internal and transnational trafficking of human beings. Through the report of the Committee of Experts, the Government has admitted the existence of this situation and has reported handling about 2,782 cases, in which women and children are among the victims. This situation was also noted as a concern by the United Nations Human Rights Committee, especially on the trafficking of



women, sexual exploitation and forced domestic work. Low numbers of investigations and prosecutions of perpetrators are also highlighted as matters of concern in the same report.

It must be stated as a fact that we cannot deal with issues of human trafficking effectively if our systems are still corrupt, especially within the public service. The 2024 Transparency International Corruption Perceptions Index (CPI) report showed that Zambia's CPI score increased by two points from 37 to 39 out of 100 and its rank improved to 92 out of 180 in 2024. However, the report posted a decline in efforts to fight public sector corruption and further warns that if no measures are taken by the Government, the decline will also be seen in 2025. We want to take this time to encourage the Government to come up with robust and sustainable strategies to fight corruption within the public sector, in order to detect and deal with issues of human trafficking. Having a corruption-free public sector will help in the enforcement of laws and deal with human trafficking in Zambia, especially within the police service and in the national prosecution and other law enforcement agencies within the country.

Among the strategies that the Government must focus on is dealing with porous borders with neighbouring countries, which are both points of entry for victims and transactional points for perpetrators.

Lastly, there is the issue of labour inspections. Zambia ratified the Labour Inspection Convention, 1947 (No. 81), in 2013. The significance of ratifying this Convention cannot be overemphasized. We therefore urge the Government to intensify labour inspections and capacitate labour inspectors to detect and deal with these growing issues of human trafficking, including identifying victims and ensuring their protection. Visibility of labour inspectors is of great importance in dealing with issues of human trafficking as a deterrent.

Government member, Zimbabwe – My delegation appreciates the opportunity to contribute to the discussion on the case of Zambia, particularly concerning the implementation of Zambia's National Policy on Human Trafficking and Smuggling of Migrants and provisions of the National Service Act.

My delegation has taken note of the detailed written information submitted to this Committee by the Government and has also listened carefully to the oral submissions in this session. Zimbabwe applauds Zambia for taking further steps to operationalize the National Policy on Human Trafficking and Smuggling of Migrants, which has led to transformative changes in legislation, institutionally and in practice. My delegation also takes note of the clarification by the Government on the progressive intention of the Zambia National Service recently reintroduced as a voluntary citizen empowerment programme aimed at equipping citizens, especially youth and women, with practical skills, fostering self-reliance and contributing to national unity and development.

It is my delegation's considered view that the efforts undertaken by the Government are encouraging and a step in the right direction towards the empowerment of vulnerable groups and full application of the Convention in question.

My delegation applauds the willingness of the Government to continue cooperating with the ILO supervisory bodies so as to ensure that a true reflection of information is shared regarding this case.

Finally, we hope the Committee, in its conclusions, will take into consideration the efforts made by the Government and we urge the ILO to continue making technical support available to complement the Government's efforts to strengthen its observance of international labour standards.



Worker member, United Kingdom of Great Britain and Northern Ireland – I speak on behalf of the workers of the United Kingdom and of the Commonwealth Trade Union Group. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the most representative trade union federation in the United States of America, also joins this statement.

The Committee of Experts has raised the issue of trafficking in Zambia on repeated occasions going back to 2005 at least. Today, Zambia is recognized as being a source, destination and route for trafficking. The US State Department in 2024 said in its regular Trafficking In Persons report that Zambia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. This progress is also noted by the Committee of Experts.

It is further clear that while we are gathered here to hold Zambia to account over the Convention, it is also a regional problem. All of its immediate neighbours have recently been subject to commentary by the Committee of Experts on the subject of trafficking. While this does not absolve Zambia of responsibility, it is important to recognize that some aspects of this problem will only be fundamentally addressed through regional cooperation.

That said, the State Department further notes that Zambian women and children from rural areas are being trafficked into cities for domestic servitude or forced labour in agriculture, textile production, mining, construction, street vending, small businesses and forced begging. These issues are chiefly the responsibility of the Government of Zambia to address. We are encouraged to hear of the greatly improved relationship between the Government of Zambia and the country's trade unions. This presents a huge opportunity to address some of those root causes of trafficking and to work with unions as partners in identifying and protecting victims. Fundamental labour rights, including freedom of association and collective bargaining along with living wages, have been shown worldwide to reduce instances of exploitation. Applying labour rights to all workers regardless of status similarly mitigates against trafficking. It is relevant, therefore, to revisit the guidance of the International Trade Union Confederation (ITUC) on combating trafficking, which states that governments should strengthen legal frameworks. We note that Zambia has not yet ratified the Protocol to this Convention, which modernizes the Convention to address the current challenges of trafficking. Article 5 of the Protocol requires that Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour. As half of Zambia's neighbours have ratified the Protocol, this presents the Zambian Government with an opportunity to address the regional nature of the problem if it will only join them in ratifying the Protocol, which also provides other crucial legal and practical frameworks for fighting modern slavery.

The Government should also improve law enforcement and victim protection, including ensuring that those affected are treated as victims and not as illegal migrants, raising awareness and working with unions, educating workers to increase the nation's capacity to identify and support victims, and reporting abuses, boosting labour inspection, increasing the capacity to monitor recruitment agencies and supply chains, and addressing root causes like poverty, discrimination and lack of educational opportunities. Compliance with the Convention does not exist in a vacuum.

Good practice on observing all the ILO Conventions represents the basic blueprint for defeating all forms of exploitation and we urge the Government to take every opportunity to engage with its unions on making this happen.



Government member, Mozambique – The Government of the Republic of Mozambique expresses its full support for the Republic of Zambia in its effort to address the concerns raised by the Committee of Experts under the Convention.

Mozambique acknowledges the proactive steps Zambia is undertaking, including its request for technical and financial assistance from the ILO to strengthen its legislative institutional and operational response to forced labour and trafficking. We commend Zambia's commitment to international labour standards and its willingness to work collaboratively to overcome persistent silence.

As a country equally committed to the fight against forced labour and exploitation, Mozambique recognizes the importance of international cooperation and solidarity. We encourage the ILO and its constituents to respond positively to Zambia's call to action and to ensure that no Member State is left behind in the good global effort to eliminate all forms of forced labour.

In conclusion, Mozambique affirms its full support for Zambia's efforts and expresses its readiness to engage in shared learning and mutual assistance as we work together towards common objectives and decent work and social protection for all.

Government member, Belarus – We would like to thank the Government of Zambia for providing detailed information on the issue under consideration. We welcome the legislative and practical measures the Government has taken to implement the National Policy on Human Trafficking and Smuggling of Migrants, as well as to provide assistance to victims of these crimes. We positively acknowledge the measures taken by the Zambian Government to raise public awareness, including disseminating through mass media the information about relevant legislation, citizens' rights and ways to inform the authorities of unlawful acts related to human trafficking. Given the Government of Zambia's commitment to fulfil its obligations under the Convention, we call on the ILO to provide the country with technical assistance in implementing these measures.

Worker member, Spain – I would like to express our deep concern about Zambia's persistent failure to comply with the Convention, and in particular the structural deficiencies in its legal framework. While we recognize that Zambia has ratified the Convention and has adopted measures such as the National Policy on Human Trafficking in 2022 and the National Action Plan 2023–28, these efforts are seriously undermined by legislative and institutional gaps that have not yet been addressed.

Firstly, Zambia lacks a comprehensive and independent definition of forced labour, in accordance with Article 2(1) of the Convention. The Anti-Human Trafficking Act of 2008 conflates trafficking with forced labour and does not cover the full spectrum of coercive practices defined by the Convention, that is to say, all work or service exacted under the menace of any penalty and not offered voluntarily. This legal ambiguity hinders the effective identification, investigation and prosecution of all forms of forced labour in the country.

Secondly, the National Service Act of 1971 remains incompatible with the Convention. This legislation allows compulsory national service for non-military purposes, in breach of Article 2(2)(a), which excludes from the scope of the Convention only service of a strictly military nature.

Thirdly, the application of criminal penalties, as required by Article 25 of the Convention, remains insufficient. Although legislation against human trafficking exists, prosecution and conviction rates remain low, and many victims are not even identified. The lack of an



operational support fund and the limited scope of the National Referral Mechanism further exacerbate the problem.

It is also a source of grave concern that prison labour practices may contravene the Convention, particularly when prisoners perform work without guarantees of its voluntary nature.

We welcome the Zambian President's statement last December confirming the resumption of voluntary national service and we hope that this will be put into legislative practice. However, the legal shortcomings mentioned above have serious consequences and contribute to Zambia remaining a country of origin, transit and destination for victims of forced labour and trafficking, particularly women, children and young persons.

In view of the above, it is essential that Zambia:

- adopts a clear and comprehensive definition of forced labour in its legislation;
- amends or repeals the National Service Act of 1971 to comply with the Convention;
- strengthens the effective application of criminal penalties against perpetrators; and
- ensures comprehensive protection for all victims with real access to justice and compensation.

Government member, Namibia – Namibia aligns itself with the statement delivered by Zimbabwe on behalf of the SADC countries. As such, we recognize the fundamental importance of international labour standards in promoting decent work, social justice and inclusive development.

Namibia commends the Government of Zambia for its significant effort in tackling trafficking in persons, particularly through the recent adopted National Policy. This policy is structured around four key pillars: prevention, victim protection, offender prosecution and partnerships, demonstrating a time-based approach consistent with ILO values.

The policy also sets out four measurable objectives, namely:

- reducing the incidence of trafficking by 2030, enhancing the criminal justice system's capacity to prosecute traffickers by 2026;
- strengthening support services for victims, witnesses and at-risk individuals by 2030;
- reinforcing the importance of the survivor centres approach; and lastly
- reinforcing national, regional and international cooperation by 2025.

Zambia's response to forced labour and human trafficking aligns with international human rights standards emphasizing victim protection, capacity-building for law enforcement and the reintegration of survivors into society.

Namibia believes this framework can serve as a model for other nations. It therefore calls for comprehensive technical and financial assistance to support the Zambian Government's efforts in eradicating forced labour and related practices, particularly in the area of legal frameworks alignment, victim support system, public awareness campaign, data collection and institutional coordination.

Government member, Pakistan – Pakistan expresses its full support for the Government of Zambia's commitment to eradicating forced labour and trafficking. We commend Zambia's concrete steps, including legislative reforms and institutional measures, in line with the



Convention. Pakistan welcomes Zambia's request for ILO technical assistance and financial assistance and urges continued support from the international community to Zambia to strengthen its national frameworks and protection mechanisms. We appreciate Zambia's constructive engagement with the ILO supervisory system and reaffirm the importance of solidarity and cooperation in achieving decent work for all.

Interpretation from Arabic: **Government member, Egypt** – My delegation would like to welcome the statement by the representative of Zambia on the implementation of the Convention. We appreciate the relentless efforts made by Zambia to fulfil its obligation with the Convention in line with a number of legislative reforms undertaken by the Government of Zambia including the promulgation of the Correctional Service Act and the national policy for combating drugs and restricted substances, and the implementation of an Anti-Human Trafficking Act, which all contribute to this process.

We have noticed with great interest the determination of the country to continue to cooperate with the Organization and with the Committee of Experts through tripartite consultations. The State of Zambia is also determined to continue with reforms to institutional bodies, to combat forced labour through training in the prison sector and in labour inspection and, in continuation of these positive measures, my delegation would like to encourage Zambia to accept technical assistance from the Office and to review national legislation. My delegation expresses its appreciation for the effort by Zambia to develop social dialogue and to improve the legislation implemented. In conclusion, we really are satisfied with the progress made and we hope that the Committee will take into account the progress made and reflect that in its report.

Government member, United Republic of Tanzania – The United Republic of Tanzania welcomes the report of the Government of the Republic of Zambia on the implementation of the Convention. We also took note of the serious concerns relating to human trafficking and the protection of vulnerable populations, especially women and children. We commend the significant progress made by the Government of Zambia in enacting the Zambia Correctional Service Act in 2021, amending the Anti-Human Trafficking Act in 2022 and launching the National Drug and Substance Control Policy in 2024. These are concrete legislative and policy steps that show Zambia's commitment to its international obligations.

Tanzania acknowledges Zambia's request for technical and financial assistance to review and strengthen its legal and policy frameworks to align with the Convention, develop victim referral and protection systems, improve data collection and monitoring mechanisms, capacity-building and training for law enforcement agencies, and awareness campaigns for targeted communities. This reflects a commitment to continuous improvement which should be encouraged and supported.

The Government of the United Republic of Tanzania asks the Committee to recognize the efforts and the progress made by Zambia and to consider its request to provide the necessary support through ILO technical assistance mechanisms to reinforce these efforts. The Government of the United Republic of Tanzania equally encourages the Government of Zambia to intensify efforts to adhere to the Convention.

Government member, Cameroon – The Government of Cameroon would like to thank the Government of Zambia for its efforts to respond to the observations of the Committee. Even more, Cameroon appreciates Zambia's commitment to implementing all the international commitments it has entered into, and also the progress made at national level to give effect to the provisions of ratified international Conventions, in this case Convention No. 29. It further appreciates the legislative and institutional measures taken, which should not be overlooked.



Without going into full detail, we can mention as a few examples the promulgation of the Correctional Service Act of 2021, the amendment of the Anti-Human Trafficking Act of 2022 and, especially, the capacity-building for all stakeholders in the fight against trafficking.

Far from thinking that these actions are a universal cure as regards the application of the Convention, the Government of Cameroon requests the Committee to allow Zambia to continue its efforts to combat trafficking in persons and to continue the necessary dialogue for better implementation of ratified Conventions. We also ask this sister Government to pursue its awareness-raising campaigns and support for trafficking victims, and to impose the penalties established for the perpetrators of trafficking. Lastly, we ask the Committee to take account of these elements when drafting the conclusions, and ask the Office and partners to provide this sister country with all the different forms of support needed to eradicate this scourge.

Government member, Bangladesh – Bangladesh wishes to commend the Republic of Zambia for its transparency, commitment and constructive engagement with the ILO in responding to the observations of the Committee of Experts concerning the implementation of the Convention. Bangladesh recognizes the complex challenges faced by many developing countries, including Zambia, in tackling forced labour and human trafficking. We applaud Zambia's initiative to request technical and financial support from the ILO and its clear commitment to strengthening legal frameworks, improving victim protection and enhancing enforcement mechanisms. As a fellow Member of the ILO, Bangladesh strongly supports Zambia's call for assistance in building institutional capacity, conducting awareness campaigns and fostering inclusive social dialogue. We ask the ILO and the developing partners to provide the necessary support to Zambia to fulfil its obligations under the Convention in upholding the fundamental rights of all workers.

Bangladesh stands in solidarity with Zambia in its efforts to eradicate forced labour and pledges to continue working collaboratively with the ILO framework to advance decent work, human dignity and social justice globally.

Government member, Eswatini – Eswatini supports the statement delivered by Zimbabwe on behalf of the SADC countries. From hearing the submissions made by the representative of the Government of Zambia on the progress made so far regarding the implementation of the observations made by the Committee of Experts, we note that the Government has reaffirmed its commitment to fulfil or to fully implement its obligations under the Convention and to enhance its national efforts aimed at eradication of forced labour in all its forms.

In an attempt to upscale its efforts in this regard and in demonstrating its acceptance of the comments made by the Committee of Experts, we note that the Government is availing itself of the ILO's technical and financial assistance in a number of areas such as follows:

- (1) review the progress of the identified national legislation and policy framework to align with the requirements of the Convention;
- (2) capacity-building for law enforcement officers, including labour inspectors, immigration personnel and other front-line responders on identifying and handling cases of forced labour and human trafficking;
- (3) support in developing victim referral and protection systems including assistance in establishing shelters and rehabilitation centres or services for victims;



- (4) assistance in improving data collection and monitoring mechanisms including the development of centralized databases for forced labour and trafficking;
- (5) conducting public awareness campaigns; and
- (6) support in creating coordination among all relevant government institutions, civil society, and social partners in implementing a comprehensive National Strategy against Forced Labour and Human Trafficking.

In adopting its conclusions, we urge this Committee to accept the commitment already presented by the Government to strengthen its efforts in the implementation of this Convention. We urge the Committee to reckon that with the open demonstration of a political will and commitment by the Government regarding ensuring the effective implementation of its obligations under this Convention, further progress regarding this case should conveniently be monitored through a tripartite approach at the national level in upholding the spirit of social dialogue and tripartism.

Government member, Niger – Niger would like to thank the Government of Zambia for the presentation of its report. My delegation notes with appreciation the good faith and goodwill of Zambia, which reaffirms its commitment to fully implementing the Convention and to intensifying its efforts to eradicate all forms of forced labour. In this regard, Niger supports and congratulates the efforts of the Government of Zambia and the remarkable progress it has achieved. My delegation also notes with appreciation the legislative and political measures taken by Zambia in order to respond to the challenges highlighted by the Committee of Experts.

Responding fully to these challenges requires resources and time. We invite the ILO to provide all necessary financial and technical assistance to Zambia to implement effectively and efficiently the above-mentioned policy and legislative measures and to improve them, if necessary.

Social dialogue is the cornerstone of the ILO. We invite the social partners to support the Zambian Government in its fight to tackle the challenges identified through constructive tripartite consultations.

Finally, Niger reaffirms its support for Zambia, which it congratulates, and reiterates its call to the ILO, the social partners and all the international partners in a position to do so to support and assist the Government of Zambia in its efforts to eradicate this scourge. We would also like to invite the Committee, in its conclusions, to take into account this good faith, goodwill and progress made by Zambia.

Government representative - As we conclude this evening's discussion for our country, we are most grateful for all the comments provided both severally and individually. Special thanks to the SADC and its Member States, the EU and its Member States and indeed other blocs, the Workers and the Employer members. I want to assure you that we have listened carefully to your submissions.

Allow me to reaffirm the unwavering commitment of the Government of the Republic of Zambia to the total eradication of forced labour wherever and however it may occur. We do recognize that forced labour undermines the very core of human dignity and decent work and we remain fully dedicated to aligning our national laws, policies and practices with international labour standards. The progress we have outlined today reflects Zambia's deliberate and ongoing efforts through legal reforms, institutional strengthening and broad



based stakeholder engagement to respond to the complex challenges of forced labour and human trafficking.

Regarding the concerns on the delayed amendment of the Zambia National Service Act, I want to indicate that under the current Government remarkable progress has been made since assuming office in August 2021. We are aware of the 1994 commitments but I want to state here that under this current Government a lot of amendments are being made. For instance, for the Apprenticeship Act of 1965, we have a work-based learning Bill of 2025, and we are still recording progress in other areas.

We have equally taken note of the concern regarding the operationalization of the Anti Human Trafficking Fund. As Government, working with our social partners, we will do everything possible.

You may wish to note that Zambia experienced one of the worst droughts during the 2023–24 farming season. The drought adversely affected sectors such as agriculture, energy, food security and availability of water, consequently 6.6 million people were affected. This led to the President declaring the country's drought as a National Disaster and Emergency on 29 February 2024. This is why we are saying we are still committed. We just had these unique challenges. The effects of drought continue to cause untold misery among most Zambians due to increased load shedding and threatened food security. The Government has, however, remained resilient despite this major setback by proactively coming up with various interventions to mitigate the suffering of its citizens.

I also want to state here that the ILO has made a commitment that in July this year a mission will be made to Zambia. Therefore, as Government, we have requested comprehensive support on international labour standards, including on the obligation of submission. This mission working together with our social partners will be handy. I also want to state here that the recent ratification of the Violence and Harassment Convention, 2019 (No. 190), is a testament to the Government's commitment to the transformative character of international labour standards.

Regarding the concern of Zambia being a source, destination and transit country for labour migration, you may wish to note that Zambia has developed the National Labour Migration Strategy 2024–28. It also came up with ethical recruitment guidelines for employment agencies to be concluded by mid-June this year. We have equally developed and launched the 2022 Labour Migration Statistical Report. I have also got concerns concerning the Protocol of 2014 to the Forced Labour Convention, 1930 (P029). I want to put it on the record that while we regret the delay, progress has been made. As I submit before this Committee, we have since submitted the Protocol to the Cabinet Office. We just did this in May 2025. I further wish to conclude that, as the Government of Zambia, we are yet to sign a Memorandum of Understanding with the State of Qatar. This has been cleared by the Attorney General. It awaits the signing ceremony.

We are deeply grateful for the constructive dialogue and the valuable observations shared by the Committee and Member States. These engagements not only reinforce our shared values but also strengthen our resolve to do more and do better.

We look forward to continued collaboration with the ILO and warmly anticipate positive technical support and assistance for our efforts in addressing the remaining areas of concern. Together, through partnership and mutual commitment, we can build stronger systems that promote rights, protect the vulnerable and ensure decent work for all.



Employer members – The Employer members would like to thank all the speakers who have taken the floor. We also sincerely thank the Government of Zambia for the information it has provided both in its written submissions and today in person.

In closing, we note that the Convention is a fundamental Convention. We would like to stress once again that the Employer members consider unacceptable any forms of forced labour and other abusive practices amounting to forced labour, notably when they include or target the most vulnerable categories of society. Our position thus aligns in this regard with that of the Committee of Experts and the Worker members. It cannot be overstated how damaging trafficking in persons is, nor how complex these issues can be to effectively remediate.

One of the complexities that has been highlighted today is that trafficking presents transnational and criminal actors. As one of our Worker colleagues noted, this could be characterized as a regional problem. It was thus heartening to hear and see so much interest and support for this work from African countries today. It is in this regard that the work of the international community, including the ILO and the Committee, is most critical. Zambia appears to have started to build a real infrastructure to meet these challenges, but as we all know, the real work involves effective operationalization. The Employer members thus request the Government to:

- (1) ensure the complete elimination of the use of compulsory labour;
- (2) continue in its material efforts to eradicate trafficking in persons through its National Policy on Human Trafficking and Smuggling of Migrants, and any other meaningful law, policy or initiative;
- (3) cooperate with the ILO and independent social partners to ensure the full application of the Convention in practice;
- (4) provide information on concrete measures taken in this respect, including the detail and nature of consultations taken to achieve compliance with the Convention;
- (5) further dialogue with the ILO and independent social partners on the scope of its National Service Act, including the provision of the information requested by the Committee of Experts regarding the details of relevant assignments along with the nature of those assignments, as well as any legislative or other changes that are necessary to achieve compliance with the Convention.

We trust that the Government will implement such recommendations in a timely manner to achieve full compliance.

Worker members – Forced labour in all its forms remains a grave concern and demands urgent and sustained action. While we welcome the steps Zambia has taken, we must also acknowledge that the measures adopted to date are not yielding the desired results. The Convention obliges States to make forced or compulsory labour punishable as a penal offence, and to ensure that penalties are truly adequate and strictly enforced. Implementation must be effective and not symbolic. As previously stated, Zambia continues to face serious challenges as a source, transit and destination country for victims of trafficking, including women and young men. We note that the National Policy has outlined four key objectives: reducing the incidence of trafficking by 2030; enhancing criminal justice capacity to prosecute cases by 2026; strengthening protection services for victims and witnesses by 2030; and improving coordination and cooperation at all levels by 2025. We therefore urge the Government to ensure that: adequate funding and institutional capacity are in place to meet these objectives;



assistance is sought from the ILO when needed; and regular updates are provided to this Committee.

We request the Government to:

- share results of any assessment of the implementation of the National Policy along with the identified challenges and response measures;
- provide updated statistics on victims identified and the assistance they have received;
- clarify the functioning of the National Referral Mechanism and the Anti-Human Trafficking Fund;
- continue to strengthen the capacity of law enforcement, prosecutors and investigators;
- provide information on witness protection measures and the effectiveness of the Witness Management Fund; and
- ensure nationwide cooperation among all stakeholders involved in the fight against trafficking.

On national service, we again urge the Government to amend the relevant legislation and provide data on the nature and scope of compulsory national service, in full compliance with Article 2(2)(a) of the Convention. Eliminating forced and compulsory labour is a core obligation under international law and a shared moral imperative. We therefore urge Zambia to intensify its efforts and to ensure that its legal and institutional framework delivers real, measurable results for victims and communities, and to also request ILO assistance in this regard.

Conclusions of the Committee

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

The Committee noted the efforts by the Government to meet its obligations under the Convention including the adoption of the National Policy on Human Trafficking and Smuggling of Migrants and its implementation plan in 2022 which is an important step in eradicating trafficking as an element of forced labour. The Committee noted however with concern that there is an increase in cases of trafficking and that Zambia remains a source, transit and destination country for victims of trafficking.

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

- **take effective measures to ensure the effective identification of victims of trafficking for both sexual and labour exploitation, and to provide them with appropriate and adequate protection and assistance, including recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support;**
- **ensure the prosecution of perpetrators and the imposition of dissuasive sanctions;**
- **ensure the operationalization of measures to provide logistical support to witnesses and victims called to testify and measures to facilitate evidence-gathering for effective prosecutions;**
- **continue to strengthen the capacity of law enforcement officials and build the capacity of prosecutors and investigators;**



- take effective measures to strengthen the coordination and cooperation with key stakeholders, such as police investigators and the judiciary, throughout the whole country, in the fight against trafficking in persons;
- take the necessary measures to amend the Act so as to limit the work exacted as part of the **Zambian National Service**, to work which is of a purely military nature, in compliance with Article 2(2)(a) of the Convention and to provide information on the number of citizens who have been called to perform compulsory national service, as well as on the nature of the work to which they are assigned;
- provide all pending information requested by the Committee of Experts.

The Committee requested the Government to avail itself of the technical assistance of the ILO and to provide a detailed report on the measures taken to implement the above recommendations by 1 September 2025.

Chairperson – I invite the representative of the Government of Zambia to take the floor.

Government representative – Zambia takes note of the conclusions and the Committee’s recommendations and wishes to reiterate its commitment to addressing the concerns raised on human trafficking.

Regarding the concerns on the delayed amendment of the **Zambian national service (ZNS) Act**, Zambia wishes to state again that the Government has made remarkable progress. The Act has undergone a consultative process of its amendment and the Cabinet granted approval in principle of this Act. The amendment includes the merging of the ZNS and the Defence Acts into one consolidated Act. The bill was submitted to the Ministry of Justice. The process awaits the conclusion of the defence policy which is under the Ministry of Defence. These amendments take into account the provision which seemingly contravenes the Convention.

The Government would once again wish to reiterate that it does not impose compulsory national service. It is purely voluntary. The Committee may wish to note that the recruitment criteria for the youth to undergo this voluntary skills training programme under the ZNS include: being a **Zambian citizen**, aged between 18 and 35 years, having the minimum of a grade 12 certificate or equivalent, being vulnerable as assessed by the Social Welfare Department, and having no criminal record.

The detailed progress report will be submitted, as recommended, especially as we expect the ILO to assist in capacity-building, among other things, in July 2025.



Appendix I. Table of reports on ratified Conventions due for 2024 and received since the last session of the CEACR (as of 12 June 2025) (articles 22 and 35 of the Constitution)

The table published in the Report of the Committee of Experts, page 1103, should be brought up to date in the following manner:

Note: First reports are indicated in parentheses.

Paragraph numbers indicate a modification in the lists of countries mentioned in Part One (General Report) of the Report of the Committee of Experts.

Antigua and Barbuda	28 reports requested
· 10 reports received: Conventions Nos. 29, 81, 87, 94, 98, 105, 122, (181), MLC, (189) · 18 reports not received: Conventions Nos. 11, 100, 111, 135, 138, 142, 144, 151, 154, 158, (177), 182, 183, (184), (185), (187), (188), 190	
Armenia	6 reports requested
· 5 reports received: Conventions Nos. 29, 94, 122, 138, 182 · 1 report not received: Convention No. 105	
Belize	10 reports requested
· 2 reports received: Conventions Nos. 87, 98 · 8 reports not received: Conventions Nos. 29, 88, 94, 105, 138, 140, 182, MLC	
Brunei Darussalam	2 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 138, 182	
Burundi	6 reports requested
· 1 report received: Convention No. 27 · 5 reports not received: Conventions Nos. 29, 94, 105, 138, 182	
Cook Islands	4 reports requested
· All reports received: Conventions Nos. 29, 105, 182, (MLC)	
Croatia	6 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 29, 90, 105, 122, 138, 182	
Cuba	9 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 29, 77, 78, 79, 90, 105, 122, 138, 182	
Denmark - Greenland	6 reports requested
<i>(Paragraph 74)</i>	
· 5 reports received: Conventions Nos. 6, 29, 105, 122, 182 · 1 report not received: Convention No. 138	
El Salvador	13 reports requested
· 12 reports received: Conventions Nos. 29, 77, 78, 87, 105, 122, 138, 148, 154, 182, 183, 190 · 1 report not received: Convention No. 102	
Ethiopia	6 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 11, 29, 87, 105, 138, 182	



Fiji	11 reports requested
· All reports received: Conventions Nos. 11, 29, 87, 98, 105, 111, 122, 138, 144, 182, (190)	
Gabon	24 reports requested
· 21 reports received: Conventions Nos. 3, 12, 13, 14, 19, 26, 52, 81, 87, 95, 96, 98, 99, 100, 106, 111, 122, 155, 158, 161, 167	
· 3 reports not received: Conventions Nos. 101, 144, 150	
Iceland	14 reports requested
· All reports received: Conventions Nos. 2, 81, 87, 98, 100, 102, 111, 122, 129, 139, 144, 155, 159, 187	
Iraq	29 reports requested
<i>(Paragraphs 69)</i>	
· 23 reports received: Conventions Nos. 1, 13, 14, 30, 81, 87, 89, 95, 98, 106, 115, 119, 120, 131, 132, 139, 144, 148, 150, 153, 167, (184), (185)	
· 6 reports not received: Conventions Nos. 17, 19, 42, 118, 136, 187	
Kenya	21 reports requested
<i>(Paragraph 74)</i>	
· 14 reports received: Conventions Nos. 2, 17, 81, 88, 94, 98, 99, 100, 111, 118, 129, 131, 140, (185)	
· 7 reports not received: Conventions Nos. 12, 14, 19, 89, 132, 144, 188	
Kiribati	4 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 87, 98, 100, 144	
Liberia	6 reports requested
· 3 reports received: Conventions Nos. 87, 100, 138	
· 3 reports not received: Conventions Nos. 81, 98, 144	
Libya	3 reports requested
· 2 reports received: Conventions Nos. 81, 87	
· 1 report not received: Convention No. 98	
Lithuania	7 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 11, 81, 87, 98, 135, 144, 154	
Montenegro	27 reports requested
<i>(Paragraph 74)</i>	
· 21 reports received: Conventions Nos. 11, 27, 81, 87, 98, 100, 111, 113, 114, 122, 126, 129, 135, 144, 151, 152, 155, 156, 185, MLC, 187	
· 6 reports not received: Conventions Nos. 12, 19, 97, 102, 121, 143	
Nigeria	9 reports requested
· 1 report received: Convention No. MLC	
· 8 reports not received: Conventions Nos. 11, 81, 87, 98, 144, 155, 187, 190	
Papua New Guinea	18 reports requested
<i>(Paragraph 66)</i>	
· 4 reports received: Conventions Nos. 100, 111, 122, 158	
· 14 reports not received: Conventions Nos. 11, 12, 19, 22, 26, 27, 29, 87, 98, 99, 103, 105, 138, 182	
Romania	29 reports requested
· 27 reports received: Conventions Nos. 1, 11, 13, 27, 29, 81, 89, 95, 100, 102, 105, 108, 111, 122, 127, 129, 131, 135, 136, 138, 144, 150, 154, 168, 182, 183, MLC	
· 2 reports not received: Conventions Nos. 14, 137	



Saudi Arabia	2 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 100, 111	
Senegal	5 reports requested
· All reports received: Conventions Nos. 100, 111, 125, MLC, 188	
Serbia	8 reports requested
<i>(Paragraph 74)</i>	
· 7 reports received: Conventions Nos. 27, 100, 111, 113, 114, 126, MLC	
· 1 report not received: Convention No. 32	
Singapore	9 reports requested
· 7 reports received: Conventions Nos. 11, 81, 100, 138, 155, 182, MLC	
· 2 reports not received: Conventions Nos. 29, 32	
South Africa	4 reports requested
· 3 reports received: Conventions Nos. 100, 111, 188	
· 1 report not received: Convention No. MLC	
Sudan	15 reports requested
<i>(Paragraphs 69)</i>	
· 14 reports received: Conventions Nos. 26, 29, 81, (87), 95, 98, 100, 105, 111, 138, (144), 175, 182, (MLC)	
· 1 report not received: Convention No. 19	
Suriname	3 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 27, 100, 111	
Thailand	3 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 100, 111, 188	
Turkmenistan	4 reports requested
<i>(Paragraph 74)</i>	
· All reports received: Conventions Nos. 100, 105, 111, 182	
United Kingdom of Great Britain and Northern Ireland - British Virgin Islands	3 reports requested
· 1 report received: Convention No. 82	
· 2 reports not received: Conventions Nos. 94, 97	
United Kingdom of Great Britain and Northern Ireland - Montserrat	1 report requested
<i>(Paragraph 74)</i>	
· All reports received: Convention No. 97	

Grand Total

A total of 1,836 reports (article 22) were requested, of which 1,454 reports (79.19 per cent) were received.

A total of 73 reports (article 35) were requested, of which 70 reports (95.89 per cent) were received.



Appendix II. Statistical table of reports received on ratified Conventions (reports received as of 12 June 2025) (article 22 of the Constitution)

Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested		Reports registered for the session of the Committee of Experts		Reports registered for the session of the Conference	
1932	447	–		406	90.8%	423	94.6%
1933	522	–		435	83.3%	453	86.7%
1934	601	–		508	84.5%	544	90.5%
1935	630	–		584	92.7%	620	98.4%
1936	662	–		577	87.2%	604	91.2%
1937	702	–		580	82.6%	634	90.3%
1938	748	–		616	82.4%	635	84.9%
1939	766	–		588	76.8%	–	
1944	583	–		251	43.1%	314	53.9%
1945	725	–		351	48.4%	523	72.2%
1946	731	–		370	50.6%	578	79.1%
1947	763	–		581	76.1%	666	87.3%
1948	799	–		521	65.2%	648	81.1%
1949	806	134	16.6%	666	82.6%	695	86.2%
1950	831	253	30.4%	597	71.8%	666	80.1%
1951	907	288	31.7%	507	77.7%	761	83.9%
1952	981	268	27.3%	743	75.7%	826	84.2%
1953	1 026	212	20.6%	840	75.7%	917	89.3%
1954	1 175	268	22.8%	1 077	91.7%	1 119	95.2%
1955	1 234	283	22.9%	1 063	86.1%	1 170	94.8%
1956	1 333	332	24.9%	1 234	92.5%	1 283	96.2%
1957	1 418	210	14.7%	1 295	91.3%	1 349	95.1%
1958	1 558	340	21.8%	1 484	95.2%	1 509	96.8%
As a result of a decision by the Governing Body, detailed reports were requested as from 1959 until 1976 only on certain Conventions							
1959	995	200	20.4%	864	86.8%	902	90.6%
1960	1 100	256	23.2%	838	76.1%	963	87.4%
1961	1 362	243	18.1%	1 090	80.0%	1 142	83.8%
1962	1 309	200	15.5%	1 059	80.9%	1 121	85.6%
1963	1 624	280	17.2%	1 314	80.9%	1 430	88.0%
1964	1 495	213	14.2%	1 268	84.8%	1 356	90.7%
1965	1 700	282	16.6%	1 444	84.9%	1 527	89.8%
1966	1 562	245	16.3%	1 330	85.1%	1 395	89.3%
1967	1 883	323	17.4%	1 551	84.5%	1 643	89.6%
1968	1 647	281	17.1%	1 409	85.5%	1 470	89.1%
1969	1 821	249	13.4%	1 501	82.4%	1 601	87.9%
1970	1 894	360	18.9%	1 463	77.0%	1 549	81.6%
1971	1 992	237	11.8%	1 504	75.5%	1 707	85.6%
1972	2 025	297	14.6%	1 572	77.6%	1 753	86.5%
1973	2 048	300	14.6%	1 521	74.3%	1 691	82.5%
1974	2 189	370	16.5%	1 854	84.6%	1 958	89.4%
1975	2 034	301	14.8%	1 663	81.7%	1 764	86.7%
1976	2 200	292	13.2%	1 831	83.0%	1 914	87.0%



Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested	Reports registered for the session of the Committee of Experts	Reports registered for the session of the Conference
As a result of a decision by the Governing Body (November 1976), detailed reports were requested as from 1977 until 1994, according to certain criteria, at yearly, two-yearly or four-yearly intervals				
1977	1 529	215 14.0%	1 120 73.2%	1 328 87.0%
1978	1 701	251 14.7%	1 289 75.7%	1 391 81.7%
1979	1 593	234 14.7%	1 270 79.8%	1 376 86.4%
1980	1 581	168 10.6%	1 302 82.2%	1 437 90.8%
1981	1 543	127 8.1%	1 210 78.4%	1 340 86.7%
1982	1 695	332 19.4%	1 382 81.4%	1 493 88.0%
1983	1 737	236 13.5%	1 388 79.9%	1 558 89.6%
1984	1 669	189 11.3%	1 286 77.0%	1 412 84.6%
1985	1 666	189 11.3%	1 312 78.7%	1 471 88.2%
1986	1 752	207 11.8%	1 388 79.2%	1 529 87.3%
1987	1 793	171 9.5%	1 408 78.4%	1 542 86.0%
1988	1 636	149 9.0%	1 230 75.9%	1 384 84.4%
1989	1 719	196 11.4%	1 256 73.0%	1 409 81.9%
1990	1 958	192 9.8%	1 409 71.9%	1 639 83.7%
1991	2 010	271 13.4%	1 411 69.9%	1 544 76.8%
1992	1 824	313 17.1%	1 194 65.4%	1 384 75.8%
1993	1 906	471 24.7%	1 233 64.6%	1 473 77.2%
1994	2 290	370 16.1%	1 573 68.7%	1 879 82.0%
As a result of a decision by the Governing Body (November 1993), detailed reports on only five Conventions were exceptionally requested in 1995				
1995	1 252	479 38.2%	824 65.8%	988 78.9%
As a result of a decision by the Governing Body (November 1993), reports were requested, according to certain criteria, at yearly, two-yearly or five-yearly intervals				
1996	1 806	362 20.5%	1 145 63.3%	1 413 78.2%
1997	1 927	553 28.7%	1 211 62.8%	1 438 74.6%
1998	2 036	463 22.7%	1 264 62.1%	1 455 71.4%
1999	2 288	520 22.7%	1 406 61.4%	1 641 71.7%
2000	2 550	740 29.0%	1 798 70.5%	1 952 76.6%
2001	2 313	598 25.9%	1 513 65.4%	1 672 72.2%
2002	2 368	600 25.3%	1 529 64.5%	1 701 71.8%
2003	2 344	568 24.2%	1 544 65.9%	1 701 72.6%
2004	2 569	659 25.6%	1 645 64.0%	1 852 72.1%
2005	2 638	696 26.4%	1 820 69.0%	2 065 78.3%
2006	2 586	745 28.8%	1 719 66.5%	1 949 75.4%
2007	2 478	845 34.1%	1 611 65.0%	1 812 73.2%
2008	2 515	811 32.2%	1 768 70.2%	1 962 78.0%
2009	2 733	682 24.9%	1 853 67.8%	2 120 77.6%
2010	2 745	861 31.4%	1 866 67.9%	2 122 77.3%
2011	2 735	960 35.1%	1 855 67.8%	2 117 77.4%



Year of the session of the Committee of Experts	Reports requested	Reports received at the date requested	Reports registered for the session of the Committee of Experts	Reports registered for the session of the Conference
As a result of a decision by the Governing Body (November 2009 and March 2011), reports are requested, according to certain criteria, at yearly, three-yearly or five-yearly intervals				
2012	2 207	809 36.7%	1 497 67.8%	1 742 78.9%
2013	2 176	740 34.1%	1 578 72.5%	1 755 80.6%
2014	2 251	875 38.9%	1 597 70.9%	1 739 77.2%
2015	2 139	829 38.8%	1 482 69.3%	1 617 75.6%
2016	2 303	902 39.2%	1 600 69.5%	1 781 77.3%
2017	2 083	785 37.7%	1 386 66.5%	1 543 74.1%
2018	1 683	571 33.9%	1 038 61.7%	1 194 70.9%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals				
2019	1788	645 36.1%	1217 68.1%	International Labour Conference 2020 deferred due to the COVID-19 pandemic
In light of the deferral of 109th Session of the Conference to June 2021 due to the COVID-19 pandemic, the Governing Body decided in March 2020 to invite Member States to provide supplementary information on reports submitted in 2019, highlighting relevant developments, if any, on the application of the provisions of Conventions under review that might have occurred in the meantime. In addition, reports were requested on the basis of a footnote adopted by the Committee requesting a report for 2020 and on the follow-up of failures to submit reports				
2020	1 796	394 21.9%	712 39.6%	768 42.8%
As a result of a decision by the Governing Body (November 2018), reports are requested, according to certain criteria, at yearly, three-yearly or six-yearly intervals				
2021	1 865	747 40.0%	1 230 65.9%	1 383 74.2%
2022	1 915	787 41.1%	1 334 69.7%	1 460 76.2%
2023	2 014	923 45.8%	1 504 74.7%	1 631 81.0%
2024	1 836	766 41.7%	1 338 72.9%	1 836 79.2%



► Report of the Committee on the Application of Standards

Presentation, discussion and approval





► Record of Proceedings

4C

International Labour Conference – 113th Session, Geneva, 2025

Date: 4 July 2025

Plenary sitting: Report of the Committee on the Application of Standards

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Friday, 13 June 2025, 2.55 p.m.

President: Mr Moyo

Report of the Committee on the Application of Standards: Presentation, discussion and approval

The President

We will now turn our attention to the report of the Committee on the Application of Standards. Part One of the report is contained in [Record of Proceedings No. 4A](#). Part Two is contained in Record of Proceedings No. 4B.

Please allow me to recall that the Officers of the Committee and its Reporter are: Mr Tabai (Algeria), Chairperson; Mr Moyane (South Africa), Employer Vice-Chairperson; Mr Postma (Netherlands), Worker Vice-Chairperson; and Mr Tapia (Chile), Reporter.

I now give the floor to Mr Tapia, who will present to us the Committee's report. The Officers will then take the floor.

Mr Tapia

Reporter of the Committee on the Application of Standards (Original Spanish)

I am honoured to present the Report of the Committee on the Application of Standards to the plenary of the 113th Session of the International Labour Conference.

As a standing body of the Conference, this unique tripartite forum is authorized under article 10(1) of the Standing Orders of the Conference to consider measures taken by Member States to give effect to their obligations under Conventions that they have voluntarily ratified. It also considers matters linked to their reporting and other obligations under the ILO Constitution.

The basis of this discussion is the annual report of the Committee of Experts on the Application of Conventions and Recommendations. I am pleased to report that the Committee fulfilled its mandate. The working methods of the Committee were agreed upon during informal tripartite consultations which were held in March this year.

The report of the Committee, which is now submitted to the plenary, comprises two parts. Part One contains the General Report, which includes: a record of the general discussion and of the outcomes of the Committee's discussion of the General Survey of the Committee of Experts, entitled *Achieving comprehensive employment injury protection*; cases of serious failure by Member States to respect their reporting and other constitutional standards-related obligations; a record of a 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 in 2023; and, lastly, 22 individual cases regarding the application of ratified Conventions. The Committee was not able to hold a discussion on two individual cases related to Afghanistan and Nicaragua, as these two countries were not represented at the Conference.

Part Two of the report contains the verbatim records of the discussions held in the Committee. As in previous years, this part of the report is submitted to plenary in the form of



a trilingual patchwork document. The complete report, translated into the three working languages of the Conference, will be published on the Committee's website within 30 days.

I would like to highlight some of the main points of the Committee's discussions. This year, the general discussion again focused on the fruitful dialogue between the Committee on the Application of Standards and the Committee of Experts. As part of this dialogue, the two Vice Chairpersons of the Committee on the Application of Standards participated in a special sitting with members of the Committee of Experts during the latter's annual session in December 2024. The Conference Committee noted that, in addition to this institutionalized dialogue, the Committee of Experts held an informal briefing session with Government representatives in December 2024.

Moreover, this year the Conference Committee welcomed Judge Dixon Caton, the outgoing Chairperson of the Committee of Experts, and Judge Lacabarats, the new Chairperson of the Committee of Experts. Both addressed the Committee, respectively, during the opening and closing sittings of the general discussion. What I took away from their statements is the importance that the Committee of Experts attaches to constructive engagement and continued dialogue between the two Committees, and the will to continue to strengthen this dialogue. The Committee had the pleasure of welcoming the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula, who presented the annual report of his Committee, thereby highlighting the complementarity between the different supervisory procedures.

Our Committee welcomed the opportunity to discuss the subject of achieving comprehensive employment injury protection on the basis of the General Survey carried out this year by the Committee of Experts.

As I mentioned earlier, the Committee held a special sitting concerning the application by the Government of Belarus of Conventions Nos 87 and 98. The sitting followed up on the resolution adopted by the International Labour Conference at its 111th Session with a view to ensuring compliance with the recommendations of the Commission of Inquiry established to examine the application of these two Conventions by Belarus. The Committee adopted the conclusions on this case by vote. These are reflected in the Committee's report.

Lastly, the Committee adopted a list of 24 individual cases for examination; of these 24 cases, the Committee examined 22, because, as I mentioned earlier, two countries were not accredited. A consensus was reached on every case examined. Following the adoption of the conclusions, the governments concerned had the opportunity to express their views, which are reflected in the records contained in the Committee's report.

I would like to conclude my statement by thanking the Chairperson of the Committee, Mr Belgacem Tabai, a Government representative of Algeria, for the competence with which he led our meetings, and the Employer Vice-Chairperson, Mr Kaizer Moyane, and the Worker Vice Chairperson, Mr Tjalling Postma, for the spirit of cooperation which prevailed within the Committee. And, of course, I would also like to thank the Secretariat, led by the representative of the Secretary-General, Ms Corinne Vargha, supported by Mr Horacio Guido and Ms Karen Curtis, for whom this Conference Committee was her last before her well-deserved retirement. I would also like to thank the coordinators, Ms Rosinda Silva and Mr Carlos Magalhaes. To conclude, I recommend that the Conference adopt the report of the Committee on the Application of Standards.



Mr Moyane**Employer Vice-Chairperson of the Committee on the Application of Standards**

On behalf of the Employers' group, I endorse the report of the Committee on the Application of Standards (CAS) and recommend its adoption. The Employers are pleased that the CAS successfully concluded its work this year. Once again, the CAS demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt conclusions in the cases discussed. I would like to reiterate a few points.

Under the general discussion of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, the Employers had highlighted the following points.

First, the Employers support streamlining reporting under article 22 of the ILO Constitution. We believe this process has the potential to ease the reporting burden on ratifying States and improve overall efficiency. We note that streamlining reporting can only be effective and efficient if governments have sufficient capacity for reporting. Therefore, in addition to streamlining reporting, a more committed and deliberate approach to pre ratification is indeed needed to ensure that ratifying States are both willing and able to comply meaningfully.

Second, with regard to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which has already been referred to the International Court of Justice (ICJ) for an advisory opinion, we note that this matter is still pending, and we look forward to finding a constructive and unified way forward in a tripartite manner once the ICJ has issued its advisory opinion.

Regarding the General Survey, which addressed this year six ILO instruments on employment injury protection, for us, ensuring protection against employment injury contributes to the realization of inclusive and well-functioning economies, decent work, productive employment, sustainable enterprises and inclusive growth. It is also a fundamental part of social protection. For countries that ratify ILO social security standards, these goals should be pursued, taking into account national specificities, priorities and resources, the core principles established in the ratified standards, in coordination with other public policies, including employment policy, and through tripartite social dialogue.

The notion of protection recalls that of prevention. It is, in fact, through prevention that risks are mitigated and the occurrence of work-related injuries and illnesses is minimized. Alongside employment injury schemes, it is therefore essential to also develop adequate prevention mechanisms with regard to occupational safety and health.

Raising public awareness and social acceptance to learn relevant and up-to-date information on preventive measures is equally important to build a preventive culture. In this regard, workers' responsibility should also be explicitly acknowledged in different regulations.

The Employers noted that companies are working to adopt measures that make workplaces safer, while also advocating for the reduction of bureaucracy, simplification and reduction of cost that the current occupational safety and health system imposes on companies.

However, shared responsibility is crucial in administering employment injury schemes. In light of this, we also welcome the fact that many public and private institutions administering employment injury schemes have a tripartite governing body composed of representatives of the government, workers and employers. Further, the participation of social partners in the



management of employment injury protection schemes can contribute to good governance and informed decision-making, as well as maintaining and strengthening public trust.

Under individual cases, it is important for governments to fully acknowledge and respect that ratifying an international labour instrument gives rise to obligations, namely complying with the instrument, reporting to the ILO on the measures which it has taken to give effect to its provisions, and appearing before the Committee on the Application of Standards when called on.

We appreciate the appearance and engagement of all governments whose countries were being discussed at the CAS this year, and those which also provided written and oral information during the discussions. We urge all governments to continue this laudable behaviour. However, we regret that two governments failed to attend. The Employers underlined that non-attendance is detrimental to the important work of the Committee. Going forward, we will need to consult in a tripartite manner and strategize a way to prevent this from happening again.

It is particularly serious and deeply regrettable that no government or authority representatives from Afghanistan and Nicaragua were present at the Conference this year, especially given that they had cases before the CAS. Both cases involved serious and pressing concerns, which makes the absence of the relevant governments or authorities all the more troubling. Their non-participation meant that the Committee was unable to hear their perspectives, which undermined the principles of dialogue and transparency and weakened the Committee's ability to ensure a fair and balanced discussion of cases.

We would like to emphasize that the supervisory system is a vital mechanism for upholding international labour standards. ILO Members have a clear obligation to engage with this process, particularly when serious allegations relating to ratified Conventions are raised.

We therefore urge all governments to honour their ILO membership commitments and engage fully and constructively with the ILO and its supervisory bodies. Meaningful participation is essential to accountability, trust and the integrity of the international labour system.

With regard to the case of El Salvador, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), we considered this situation serious and urgent and had called for a special paragraph. The case concerns the allegations of interference by the authorities in employers' and workers' organizations, contrary to Article 2 of the Convention, and reported acts of harassment against an employers' organization, the National Business Association (ANEP). The Employers also regret that the employers from El Salvador this year were not accredited to the Conference. Further, allegations of ongoing violations of the Convention by the Government, including the absence of tangible progress in genuine institutional tripartite social dialogue, is of deep concern. We deplore the acts of anti-union discrimination and lack of legislation protecting against this behaviour.

Finally, on Belarus, Convention No. 87. Once again, we had a special sitting in the context of the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus. The discussion unfortunately showed that the Belarusian Government is still not willing to cooperate with the ILO to work towards compliance with its obligations under the Convention.

On the number of cases, given that this year we had the special sitting, we ended up discussing 25 cases, and some of these cases are by nature complex. And so, given that our



time is rather limited over the two weeks we have, we, as Employers, will insist that going forward we should limit cases to be discussed to only 24.

Now, with regard to my concluding remarks, we are satisfied that the conclusions formulated are short, clear and balanced, and that they address the problems and possible solutions in a fair and equitable manner. The Employers consider that assistance from regional ILO offices is a very effective and efficient approach to support constituencies. We call on the governments concerned to accept the Committee's recommendations to avail themselves of technical assistance. With regard to follow-up to these conclusions, we consider that it is very important for both the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) to be included in Office follow-up, so that the employers' and workers' organizations at country level can participate meaningfully.

Finally, in conclusion, the Employers are satisfied with the operation of the CAS this year. Consensus was reached whenever possible and disagreements highlighted where necessary. Special thanks goes to our Chairperson, Mr Tabai, for his fair, parliamentary running of the Committee's meetings this year, including very effective time management. I also would like to thank the Employers' group, especially Sonya Janahi, Annick Hellebuyck, Guido Ricci, Fernando Yllanes, Juan Mailhos, Jacqueline Vandermeulen, Juliana Manrique, Michael Congiu, Laura Gimenez, Paul Mackay, Paul Noll and Tala Khoury for their support and assistance in preparing and presenting the Employers' perspective on the individual cases and the General Survey. Thanks also go to my friend Tjalling Postma, the Worker Vice-Chairperson, and his team, and the Government representatives who actively participated in the CAS to ensure that our discussions were both constructive and productive. Finally, I would like to express gratitude for the invaluable support I had from Rita Yip, Tessa Mitchell and Emilie Villet from the International Organisation of Employers (IOE), and María Ángeles Palmí Reig, Nuno Biscaya and Andrés Yurén from ACT/EMP.

Mr Postma

Worker Vice-Chairperson of the Committee on the Application of Standards

The Committee on the Application of Standards approved its report yesterday and today commends it to the plenary.

The approval of this report offers a timely opportunity to reflect on the role of our Committee in the ILO. This role is central. Our Committee contributes to the founding objective of promoting peace and social justice, which the ILO set for itself upon its creation: to protect workers, to guarantee human dignity, and to put in place safeguards that prevent exploitation and a race to the bottom, and, in that regard, to ensure a level playing field for enterprises and governments and thus realize sustainable societies. The role of overseeing the proper application of international labour standards by Member States is indispensable in this regard. The ILO should therefore reaffirm the centrality of its supervisory system in the realization of its mandate and give it all the resources it needs to be effective.

It is through the setting, promotion, ratification and effective supervision of standards that we realize the goals established at our founding. In order to fulfil this mandate at this session, we were able to examine all but two of the cases on our list and adopt consensual conclusions. We also examined Belarus in the context of a special sitting. This ability to reach and adopt conclusions is an achievement that must be duly appreciated, and must be guided solely by the aim of addressing the challenges faced by each Member State in the most relevant and effective way possible. The suffering and deprivation caused by violations of international labour standards – and the responses they require – should never be subject to political or



strategic considerations that would distract us from the constitutional objective that must guide the work of the Committee.

The two cases we were unable to examine were those concerning Nicaragua and Afghanistan. This was due to the absence of the relevant authorities before our Committee. We call on the ILO and its Member States to follow up with these authorities on the serious concerns expressed in these cases. The lack of engagement of a Government in the work of the ILO cannot, and must not, exempt it from its obligations, much less justify depriving workers of their fundamental rights.

We also must regret that this year, again, the Government of Belarus could not constructively engage in the work of our Committee. As a consequence, the Government of Belarus, supported by some Governments, called for a vote, despite calls by the Chairperson, in particular, for consensus, and knowing clearly that they would lose. This approach by Belarus is against the spirit of the rules that guide our work in the Committee. It is also against the long-standing practice of our Committee. So, we urge Belarus, in light of its own call yesterday for constructive dialogue, to reconsider its approach and engage constructively with our Committee and the ILO, release all trade unionists in prison and welcome the Director-General's Special Envoy.

As in previous years, we were also confronted with delegations that were not composed in accordance with the tripartite principles that govern the ILO. In some instances, Governments want to choose their own workers' organizations to attend the Conference instead of the genuinely most representative organizations. Those issues are addressed by the Credentials Committee of the Conference, but their impact on the work of our Committee is concerning and it jeopardizes the full participation of legitimate workers' representatives in our discussions.

As highlighted in the Report of the Director-General, this is all happening in a broader context of rising authoritarian policies and surging militarization, which are undermining essential pillars of the democratic system, social protection and respect for rights. We must highlight, for example, the attacks on the most representative workers' organization of the United States, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), as well as the attacks on workers and their unions in Argentina and Panama.

Many of the conclusions adopted by our Committee this year invite Member States to seek technical assistance from the ILO. It is clear that the ILO should enjoy the greatest possible flexibility in assessing the most appropriate forms this technical assistance should take to adequately address and resolve the issues at hand. The ultimate objective is to see that our conclusions and recommendations are making an impact on the lives of workers and employers facing violations of their rights under the respective Conventions, leading to the development of our societies. The social partners have been inventive in arriving at these conclusions, especially those related to missions. These challenging times call for creativity. It is our expectation that, in following up, the Office will take this opportunity, working together with the secretariats of the Employers' and Workers' groups and our respective bureaus, to deliver missions that will be efficient and effective and make the development impact our constituents desire on the ground, taking into account, where they exist, ILO activities such as Decent Work Country Programmes and others.

On the subject of impact, the Workers' group is of the view that the promotion and ratification of ILO Conventions, as well as their implementation in law and practice, is core to the normative mandate of the ILO and is the beginning of the cycle of positive change and development. Governments should take proactive steps to ratify Conventions, in consultation



with their social partners, and with ILO assistance to bring this change and impact to the labour and social situation in our countries.

We want to thank the Chairperson of our Committee and the Secretariat for the way they conducted the work of our Committee. This certainly contributed to the generally positive and constructive atmosphere in the Committee. But we must call attention to the discussion during the special sitting on Belarus. We were deeply concerned as we saw some officers of the state-controlled Federation of Trade Unions of Belarus (FPB) recording our colleague Maksim Pazniakou, a representative of the exiled independent trade union congress, the Belarusian Congress of Democratic Trade Unions (BKDP), when he was speaking on behalf of the International Trade Union Confederation (ITUC). In this case, this is not just a small breach of the rules, considering that Maksim Pazniakou's life, and the life of other trade unionists in Belarus, have been threatened. We must continue to insist on ensuring that, whether here in the plenary or in our committees or at home, there is an environment where workers can express themselves safely and without intimidation.

The coherent and interrelated work of the supervisory system becomes visible during our work as a Committee. In particular, the report and follow-up by the Committee of Experts on the Application of Conventions and Recommendations is central to us. We support them fully in the independent and professional execution of their mandate.

We had cause to come back to the issue of the right to strike at the beginning of the session, and hope that this matter will be put to rest in our Committee, in view of the way of working we have adopted for many years now. In our view, it is for the Governing Body, which referred the question to the International Court of Justice, to receive the advisory opinion and agree on the best way forward, in line with the constitutional mandate and objectives of the ILO.

This year, the Committee was again able to fulfil its work and contribute to the mandate of the ILO to advance towards the realization of social justice. As we conclude the work of our Committee today, the implementation of the conclusions should be paramount and should be prioritized.

Finally, allow me now to express a few words of thanks. On behalf of the Workers' group of the Committee, I would like to extend my sincere thanks to the Chairperson of the Committee, Mr Belgacem Tabai, who led the work with great care; to the Reporter, Mr Marcelo Tapia, for his diligent work; and to the entire Secretariat for its contribution. In particular, I would like to name the representative of the Director-General, Ms Corinne Vargha, and her deputies, Mr Horacio Guido and Ms Karen Curtis. Ms Curtis will soon conclude her long and admirable career at the ILO and we thank her for her decisive contribution to the ILO supervisory bodies, especially to the work of our Committee, and we wish her the best for the future. We also extend our thanks to Ms Rosinda Silva and Mr Carlos Magalhaes, the backbone of this Committee; to the interpreters, the technical team and the security team. My thanks also go to my counterpart from the Employers' group and my friend, Mr Kaizer Moyane, who I have come to respect, even though at times we had very different opinions; but for his attentiveness and patience, I also thank him, and his team. Of course, I also thank my group, without exception, for its active participation and solidarity. I would especially like to acknowledge those who accepted the role of spokesperson alongside me, and I would like to mention Marta Pujadas, Nina Mjøberg, Mikyung Ryu, Zingiswa Losi, Alejandra Ortega, Ann Vermorgen, Clare Middlemas, Jocelyne Dubois, Stephen Russell and Souleymane Diallo. My thanks also to our colleagues from the Confederation of Christian Trade Unions (ACV-CSC)



and the ITUC for their immense work, their steady and professional input and their advice, as well as those from the Bureau for Workers' Activities (ACTRAV) for their great support.

Mr Tabai

Chairperson of the Committee on the Application of Standards (Original Arabic)

I have the honour to address you in my capacity as Chairperson of the Committee on the Application of Standards at this 113th Session of the International Labour Conference in order to discuss the adoption of the Committee's report.

At the outset, I would like to acknowledge the important role of this Committee, which is one of the main committees of the International Labour Conference and the cornerstone of the ILO's supervisory system. It embodies the tripartite framework through which the Organization promotes the rights set forth in international labour standards since 1926.

It is a great personal honour for me, and my country, Algeria, to chair this important Committee on behalf of the group of Governments of Member States. I would like to thank you once again for the trust that you have placed in me by electing me to chair this eminent Committee.

I would like to also say that Algeria attaches great importance to international labour standards and the associated bodies and mechanisms. In this context, I would like to note my country's positive experience of dealing with the various supervisory bodies of the ILO in assessing the extent to which the national legislation and practice is in conformity with international standards.

As a result of this fruitful cooperation and taking into account the observations of the Committee of Experts on the Application of Conventions and Recommendations, Algeria has introduced numerous reforms with a view to bringing its national legislation into line with international labour standards.

These efforts also form part of a larger framework of an ambitious policy introduced by the President to strengthen the social character of the Algerian State through a package of reforms and initiatives aimed at promoting social dialogue and guaranteeing workers' rights in accordance with the country's international commitments.

I am pleased to say that during this session, our agenda has dealt with several important topics. The Committee has discussed the implementation of a number of Conventions and Recommendations, including those relating to the protection of workers from accidents at work. This topic was the centre of the comprehensive study prepared by the Committee of Experts entitled *Achieving comprehensive employment injury protection*. The Committee also held a plenary sitting on the General Report of the Committee of Experts and listened to the responses of the Chairperson of the Committee of Experts and the representative of the Secretary-General of the Conference on some of the issues raised and key standards-related developments.

This session also afforded an opportunity for delegates to study and exchange views on the important report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. Committee members also discussed the report on cases of serious failure of Member States to respect reporting and other standards-related obligations and examined a number of individual cases on the application of ratified international Conventions.



In this context, I would like to note that the discussions at all stages of the Committee's work were rich and profound. During those discussions, we heard multiple and at times divergent views. However, they reflected mutual respect and genuine commitment to the standards and supervisory system of the ILO. This reaffirms that the Committee on the Application of Standards is an important forum for debate and bears responsibility for ensuring respect for the rights of workers of all categories, as well as employers and all stakeholders around the world.

In the same context, I would like to commend the spirit of cooperation that marked our work over the past two weeks. The discussions allowed all tripartite delegates to express their opinions freely in an atmosphere of mutual respect and constructive debate, without any notable excesses. As Chairperson of the Committee, I have endeavoured to make every condition available to ensure this.

Serving as Chairperson of the Committee on the Application of Standards has been a privileged and distinctive moment for me. Through this positive experience I can reaffirm that this system continues to enjoy the prestige that it deserves and is essential for the contribution that it makes to resolving various issues characteristic of the world of work, in particular in view of the serious challenges facing our world today and the international climate of uncertainty.

It has been highly satisfying to witness the genuine spirit of dialogue in the work of this Committee, whether during the discussion of individual cases or the plenary debates. Although views diverged on some occasions, what distinguished our work was the spirit of consensus that allowed us to reach joint conclusions, which shows the role and importance of dialogue in all multilateral forums.

I would like to take this opportunity to thank all Government, Workers' and Employers' delegates for their commitment and constructive spirit during the work of the Committee. The high level of attendance in the meeting rooms reflected the value and importance of the discussions that we held and once again highlighted the importance of the Organization's supervisory system.

I would also like to express my sincere appreciation to the Vice-Chairpersons, Mr Kaizer Moyane for the Employers and Mr Tjalling Postma for the Workers, for their cooperation and professionalism. I also thank the Worker and the Employer spokespersons for their valuable contributions and the Reporter, Mr Marcelo Tapia of Chile, for his competent and accurate reporting.

I would also like to take this opportunity to commend the commitment and professionalism of the Secretariat throughout the Committee's meetings. In particular, I thank Ms Corinne Vargha, representative of the Secretary-General of the Conference, for her constant support and guidance over the past two weeks.

I also express sincere thanks to all members of the Secretariat for their kindness, dedication, professionalism and constant support and, in particular, the coordinators, Carlos and Rosinda. Their efforts to ensure that the Committee's work went well deserves full appreciation and respect.

Taking great pride in what we have achieved together, I recommend that the International Labour Conference approve the report of the Committee on the Application of Standards.



The President

I now declare open the discussion of the report of the Committee on the Application of Standards.

Ms Lemieszewska

Government (Poland), speaking on behalf of the European Union and its Member States

I have the honour to speak on behalf of the European Union and its Member States. North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Georgia, Iceland, Norway and Switzerland align themselves with this statement.

We would like to start by warmly thanking the Chairperson of the Committee on the Application of Standards 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 representative of the Secretary-General, Ms Corinne Vargha, and her team for their dedicated support and guidance throughout the sittings. We would like to take this opportunity to sincerely thank Ms Karen Curtis, Deputy Director of the International Labour Standards Department, for her key role in this support for numerous years. This is her last session of the Committee in this function. We would like to extend to her our very best wishes for fulfilment in all her future endeavours. Last but not least, we would like to thank our interpreters and translators.

We welcomed the discussions and the constituents' positive approach and engagement in the process. However, we very much regret that two cases could not be examined because the respective Governments chose not to engage or participate in the Committee. We would like to stress that the participation of Government representatives in discussions of country cases is vital for the proper functioning of the ILO supervisory mechanism. It is not only an obligation of each Member State, but also an opportunity to receive guidance and assistance for future work towards complying with ratified Conventions. It is also regrettable that, for a second consecutive year, not all conclusions could be adopted by consensus, 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 to effectively implement international labour standards in law and in practice.

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, including international labour rights, are fundamental for relations between peoples and nations.

The Committee on the Application of Standards 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.

We highly appreciate the analysis and expertise of the Committee of Experts on the Application of Conventions and Recommendations, 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 in the implementation of international labour standards. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts.

We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations human rights treaty bodies, which is crucial to enhancing the effective



fulfilment of human rights, including labour rights. We very much welcome the fact that the Office of the High Commissioner for Human Rights has joined the Global Coalition for Social Justice.

We note with regret that the situation that we are in means that we are not on track to reach the Sustainable Development Goals, and in particular Goal 8 on decent work and economic growth. In this regard, we hope that the Second World Summit for Social Development will provide new impetus to foster social inclusion, social justice and social dialogue on advancing universal social protection, decent jobs and green and digital skills.

We attach great value to the General Survey of the Committee of Experts, which presents a comprehensive overview of the vital relationship between a safe and healthy working environment and the prevention of employment injuries, enabling a reduction in the overall cost of employment injury benefits. Strengthening the culture of prevention at work, promoting the sustainability of enterprises and ensuring comprehensive and accessible social protection are urgent. We welcome the General Survey's recommendations for improvement.

We welcome the fact that the conclusions of the Committee on the Application of Standards are more action-oriented. They provide guidance to 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 ILO technical assistance, which may also entail missions.

We will continue to fully support and reinforce the ILO 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 Office and the tripartite constituents in the follow-up to the conclusions of the Committee.

The President

We shall now proceed with the approval of the report of the Committee on the Application of Standards.

If there are no objections, may I take it that the Conference approves the report, as contained in Records of Proceedings Nos 4A and 4B?

(The report is approved.)

I would like to congratulate the Officers and members of the Committee and the Secretariat on the work accomplished this year. Let me emphasize that the work of the Committee on the Application of Standards is one of the cornerstones of the ILO. My warmest congratulations to them all.

Submission of article 26 complaints to the Conference

The President

I would like to inform you that the Office has received from delegates to this Conference two complaints under article 26 of the ILO Constitution. One complaint concerns Saudi Arabia and the other concerns Chile. These complaints have been noted by the Office and will be addressed according to the applicable procedures.

Is there any delegate that wishes to take the floor on this matter at this stage?



Ms Passchier**Chairperson of the Workers' group of the Conference**

Thank you for giving me the opportunity to make a brief statement on the article 26 complaint regarding Saudi Arabia.

As we conclude this session of the International Labour Conference, I unfortunately have to confront you with a distressing reality: the dire situation of migrant workers in Saudi Arabia. Thirteen million men and women – you heard it right – 13 million men and women, most of them from Asian and African countries, are enduring grave abuses under the *kafala* sponsorship system, and we cannot turn a blind eye.

At this session of the Conference, Workers' delegates from 36 countries, led by unions across Africa, Asia and the Pacific, Europe and the Americas, formally submitted an article 26 complaint to the ILO against Saudi Arabia. They demand that a commission of inquiry be established – a tool reserved for the most persistent and serious violations. They demand social justice for those millions of workers.

Why is this complaint necessary? The evidence is overwhelming: wage theft spanning decades; confiscation of passports; forced labour; recruitment scams; exposure to lethal heat; and horrific deaths on work sites, including confirmed fatalities connected to the 2034 World Cup infrastructure. Building and Wood Workers' International alone has documented over 21,000 cases of abuse of migrant workers, including unpaid wages from bankrupt companies and debts reaching hundreds of millions of dollars, leading in some cases to starvation and death.

These are not mere statistics; these are workers: fathers who cannot send wages home; mothers forced into domestic servitude; men crushed under debris; workers from African and Asian countries who travelled for employment opportunities but returned in coffins.

And still, any kind of genuine trade union is banned in Saudi Arabia. The *kafala* system remains. Women cannot freely work, associate or protest without threats of violence. Workers live and labour in inhumane, prison-like conditions.

Saudi Arabia's recent cooperation agreement with the ILO is hopefully the start of meaningful engagement on the ILO's fundamental principles and rights at work. But nice words are not enough. Without enforceable change on the ground, what is announced will amount to no more than superficial reform. Trade unions demand that the current complaint trigger a real commission of inquiry with full powers to investigate, report and secure binding recommendations.

Why now? Because Saudi Arabia is gearing up for the 2034 World Cup, an event that risks replicating the abuses we witnessed in Qatar's preparation for the World Cup in 2022. We cannot allow history to repeat itself. We cannot allow FIFA, governments, global businesses or civil society to stand by while exploitation gains the spotlight globally.

We therefore urgently need to address this serious situation and to establish a commission of inquiry. We need to move from rhetoric to concrete action, binding ILO oversight, compensation funds, the abolition of *kafala* systems, and respect for the right to freedom of association and collective bargaining for all workers, regardless of their migration or employment status.

Justice delayed is justice denied. Let us bring this complaint forward. Let the Governing Body, when discussing the case in the near future, establish a Commission of Inquiry. And let



us ensure that no worker trapped in forced labour is ever denied their right to freedom and decent work in Saudi Arabia, and a safe return home.

(The Conference continues its work in plenary.)





Advancing social justice, promoting decent work

The International Labour Organization is the United Nations agency for the world of work. We bring together governments, employers and workers to drive a human-centred approach to the future of work through employment creation, rights at work, social protection and social dialogue.

The Conference Committee on the Application of Standards, a standing tripartite body of the International Labour Conference and an essential component of the ILO's supervisory system, examines each year the report published by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).

Since 2007, with a view to improving the visibility of its work and in response to the wishes expressed by ILO constituents, a separate publication has been produced in a more attractive format bringing together the usual three parts of the proceedings of the Conference Committee. This year's publication is structured as follows:

- ▶ General Report of the Conference Committee on the Application of Standards.
- ▶ Discussion on the General Survey, on the report of the joint ILO-UNESCO Committee of Experts and on the situation concerning particular countries.
- ▶ Report of the Conference Committee on the Application of Standards: presentation, discussion and approval.

ilo.org

International Labour Office
Route des Morillons 4
1211 Geneva 22
Switzerland

International Labour Standards Department
T: +41 22 799 7249
F: +41 22 799 6771
E: normes@ilo.org
ilo.org/normes