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Octava sesión, 4 junio 2026, 10.06 horas

Eighth sitting, 4 June 2026, 10.06 a.m.

Huitième séance, 4 juin 2026, 10 h 06

Presidenta: Sra. López

Chairperson: Ms López

Présidente: M^{me} López

Discusión de los casos individuales (cont.)

Discussion of individual cases (cont.)

Discussion des cas individuels (suite)

Yemen (ratificación: 1976)

Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87)

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

Convention (nº 87) sur la liberté syndicale et la protection du droit syndical, 1948

Presidenta – Durante el día de hoy nuestras labores continuarán con la discusión de los casos individuales y en nuestra agenda tendremos el examen de los siguientes casos: Yemen, sobre la aplicación del Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87), Bosnia y Herzegovina, sobre la aplicación del Convenio sobre el servicio del empleo, 1948 (núm. 88), el Convenio sobre la política del empleo, 1964 (núm. 122)

y el Convenio sobre las agencias de empleo privadas, 1997 (núm. 181); Colombia, sobre el Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87); España, sobre la aplicación del Convenio sobre la consulta tripartita (normas internacionales del trabajo), 1976 (núm. 144) e Iraq, sobre la aplicación del Convenio sobre el servicio del empleo, 1948 (núm. 88) y el Convenio sobre la política del empleo, 1964 (núm. 122).

En lo que respecta la gestión del tiempo recuerdo a los delegados la importancia de que se inscriban en la lista de oradores con la debida antelación antes del examen de cada caso.

Asimismo, les recuerdo que los delegados no podrán inscribirse en la lista una vez iniciada la discusión del caso individual. También quisiera recordarles los tiempos máximos de intervención para la discusión de los casos individuales tal y como está previsto en la parte IX del documento D.1 sobre los métodos de trabajo en nuestra Comisión. Estos tiempos máximos de intervención son los siguientes: 15 minutos para los Gobiernos cuyo caso se examine; 10 minutos para los portavoces del Grupo de los Empleadores y del Grupo de los Trabajadores, 10 minutos para los miembros empleadores y trabajadores del país concernido respectivamente que se distribuirán entre los diferentes oradores de cada grupo; 7 minutos para los grupos gubernamentales, 5 minutos para los otros miembros; 15 minutos para las observaciones finales del Gobierno cuyo caso se examine y 10 minutos para las observaciones finales de los portavoces del Grupo de los Empleadores y del Grupo de los Trabajadores.

La presidencia en consulta con los demás miembros de la Mesa de la Comisión podrá reducir este tiempo a 3 minutos para los miembros que hablan a título individual en particular cuando haya más de 17 oradores inscritos en la lista. En tal caso la Oficina intentará informar a los delegados inscritos en la lista de oradores.

También les recuerdo que el Gobierno cuyo caso se esté examinando podrá decidir cómo distribuir los 30 minutos de tiempo que le hayan asignado de la forma que le resulte más conveniente entre su intervención individual y sus observaciones finales. Por lo tanto invito a los representantes gubernamentales de los casos examinados a que indiquen con antelación cómo desean distribuir su tiempo de intervención. Para facilitar la labor de los intérpretes no olviden enviar sus declaraciones con antelación por correo electrónico a la siguiente dirección: CAN-INTERPRET@ilo.org. Asimismo les agradeceríamos que pronuncien sus intervenciones a un ritmo razonable. También quiero informar a la Comisión que el proyecto de PV de la discusión del caso de Eritrea sobre el Convenio núm. 29 está disponible en la página web de nuestra Comisión. Los miembros de la Comisión pueden presentar enmiendas a sus propias intervenciones hasta el viernes 5 de junio del 2026 a las 18 horas.

Se ruega a los delegados que remitan sus enmiendas a la secretaría por vía electrónica con control de cambios a la siguiente dirección: CAN@ilo.org. Con el fin de hacer enmiendas con control de cambios los delegados están invitados a solicitar la versión word del proyecto de cada acta literal (*verbatim*) enviando un correo electrónico a esta misma dirección. Les invito a leer el anexo III del documento D.1 sobre el procedimiento de enmienda a los proyectos de actas literales.

Ahora vamos a comenzar con el examen del primer caso del día de hoy que se refiere a la aplicación del Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87) por parte del Yemen. Para la discusión de este caso contamos con 14 oradores inscritos en la lista.

Invito por tanto al representante gubernamental del Yemen el Sr. Yahya Arrafiq, Primer Secretario de La Misión Permanente de la República del Yemen ante la oficina de las Naciones Unidas en Ginebra a tomar la palabra.

Government representative (Mr YAHYA ARRIFIQ) – The Government of the Republic of Yemen reaffirms its firm commitment to the principles set out in the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), as a cornerstone of social dialogue and the promotion of decent work. We believe that the freedom of workers and employers to form and join organizations of their own choosing is the foundation of sustainable labour relations. Despite the extremely difficult security and economic challenges that Yemen has faced in recent years, we reaffirm our commitment to the principles and objectives of this Convention.

We remain open to cooperate and constructive engagement. The Government is committed to reviewing and improving the legislative framework relating to labour and trade union rights, and we continue to cooperate closely with the ILO in support of the effective implementation of international labour standards. We would also like to draw the Committee's attention to the fact that the current Government, under the leadership of Prime Minister Dr Shaya Al-Zindani, was formed in February 2026, only four months ago. We therefore respectfully invite the Committee to take this short timeframe into account and to support the new Government's efforts to advance labour reforms and strengthen compliance with international labour standards.

We extend our hand to the ILO and international partners and welcome technical assistance and capacity-building support to help us address the observations raised and continue our reform efforts, despite the exceptional circumstances and challenges that Yemen has endured over the past decade.

We firmly believe that cooperation, dialogue, and partnership with the Committee will help us overcome these challenges and achieve tangible progress in the implementation of international labour standards.

Presidenta – Doy ahora la palabra a la Sra. Nina Mjoberg, portavoz del Grupo de los Trabajadores, para que realice su declaración inicial.

Worker members – The Worker members regret the absence of accreditation for a Yemeni Workers Delegation at the Conference. This is symptomatic of the poor state of social dialogue in Yemen. The Worker members also deeply regret the repeated absence of reply from the Government of Yemen to the comments of the Committee of Experts on the application of Convention No. 87. The Committee of Experts has been requesting the Government of Yemen to respond to its comments repeated in substance since 2012. The Worker members acknowledge the complexity of the situation in Yemen due to the presence of armed conflicts in the country. However, this situation does not justify a repeated failure for more than ten years to comply with reporting obligations.

The Worker members recall that the obligation to report on the application of the Conventions constitutes a fundamental duty of Member States as provided for in the ILO Constitution. We therefore strongly urge the Government to comply with its obligations in the future and to provide thorough and detailed replies to the comments of the Committee of Experts.

The absence of a response is moreover particularly problematic as it concerns one of the ILO's fundamental Conventions and that the Committee of Experts reports numerous failures by Yemen to comply with its obligation under this Convention. We note with concern that the Government has ignored the repeated requests of the Committee of Experts to provide explanations regarding the reprisals suffered by workers exercising their rights to collective actions – attacks on union premises, dismissals, physical assaults, etc. We recall that effective

exercise of the fundamental right to collective action necessarily requires that this right be exercised without fear of any form of reprisal. We therefore call on the Yemeni Government to ensure the protection of workers exercising their right to collective action.

Convention No. 87 provides for the right of every worker to join an organization of his or her own choosing. For years the Committee of Experts has been requesting the Yemeni Government to clarify whether senior public officials also enjoy the right to join an organization of their own choosing, given their exclusion by virtue of the Law on Trade Unions of 2002. We recall the importance of ensuring that every worker regardless of their function or the sector in which they are employed – including the public sector workers and those holding senior positions in the hierarchy – enjoys the right enshrined in Convention No. 87.

The Government of Yemen has been working on a draft Labour Code in coordination with the ILO for several years. The Committee of Experts has for several years issued a number of requests to amend this draft, in particular with a view to ensuring that minors aged 16 to 18 may also join a workers' organization without parental authorization. We wish to recall that Convention No. 87 provides for no exceptions relating to the age of the worker. Young workers are moreover particularly vulnerable to abuse, making the protection afforded by a trade union especially necessary in their case.

The same reasoning applies to domestic workers who, like the magistracy or diplomatic corps, are not included within the scope or application of the draft Labour Code. Domestic workers constitute a particularly vulnerable category of workers. These workers are very often women, sometimes with a migratory background. They can easily find themselves in situations of abuse or violations at the hands of their employer, without access to judicial remedies. Support and assistance from a trade union are therefore crucial to ensuring that the rights of these workers are effectively upheld. It is therefore essential that the Yemeni legislation explicitly provide that these workers may benefit from the rights contained in Convention No. 87.

Convention No. 87 also enshrines the right of workers to join an organization of their own choosing. As noted by the Committee of Experts, the current version of the Law on Trade Unions makes explicit reference to the General Federation of Trade Unions of Yemen (GFTUY), thus restricting the possibility for workers to join another organization. We recall that the plurality of organizations and the possibility for all workers to establish such organizations constitutes an essential condition for ensuring the representation of all workers' interests. We therefore support the Committee of Experts' repeated request to amend the Law on Trade Unions and to delete the specific reference to the GFTUY.

The Committee of Experts also note that both the Law on Trade Unions and the draft Labour Code contain provisions that may be inconsistent with Convention No. 87 with regard to the right of workers' organizations to organize their activities. This right implies that organizations should not be subjected to authorization of a higher level organization in order to organize activities, as it is provided for in the Yemeni Law on Trade Unions. It also implies that the trade union must be able to determine freely the modalities of its collective actions. We therefore invite the Government, as requested by the Committee of Experts, to take the necessary measures to guarantee the effective rights of workers' organizations to organize their activity and to amend the labour law on trade unions and the draft Labour Code accordingly.

In its latest replies to the observations of the Committee of Experts, the Yemeni Government refers to the situation in the country to justify a number of delays in bringing its legislation into conformity with the Conventions.

We recognize that the humanitarian situation in Yemen is dramatic and we express our full support for the Yemeni population and for the workers who have for years been affected by endemic violence, economic collapse and climate-related shocks.

We wish here to refer to this year's General Survey published on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), which may be particularly relevant to the situation in Yemen. Yemen may be considered as facing a case of interlocking crisis. In the face of these crises, the humanitarian response aimed at meeting the essential needs of the population is, of course, a paramount important. However, Recommendation No. 205 and the General Survey remind us that an effective resolution on crises requires a phased and multi-tracked approach in order to move towards sustainable peace and recovery.

The Committee of Experts reminds us in the General Survey that freedom of association and the right to collective bargaining not only remain applicable in times of crisis but also play a vital role in promoting decent work and building resilient societies. The Committee further emphasized that the Freedom of Association Convention does not contain any provision permitting derogation from the obligation arising under the Convention or any suspension of their application based on a plea that an emergency exists.

The Worker members, therefore, urge the Government of Yemen to reply to the observations of the Committee of Experts and to take concrete and time-bound measures to ensure full compliance with Convention No. 87 both in law and in practice.

Presidenta – Paso ahora la palabra al Sr. Michael Congiu, portavoz del Grupo de Empleadores para que realice su declaración inicial.

Employer members – Let me begin by saying that we do not wish to minimize the ongoing security and economic complexities in Yemen with our comments today, but we believe it is important to further highlight these issues with the sincere aim of achieving some measure of progress.

The Employer members note that Yemen was included this year in the list of countries that have failed to provide information in response to the comments of the Committee of Experts and have not submitted reports on the application of ratified Conventions for two or more consecutive years.

In this regard, we wish to reiterate the importance of full compliance with reporting obligations under article 22 of the ILO Constitution, including the obligation to prepare reports and consultation with the most representative employers' and workers' organizations. Complete, accurate and timely reporting remains an essential element of the ILO supervisory system and is essential to enable effective supervision of the application of ratified Conventions and meaningful dialogue among governments and the social partners.

Furthermore, the Employer members take note of the recent International Court of Justice advisory opinion, which is of advisory nature. The Employer members respectfully acknowledge this advisory opinion, which does not entail any determination on the precise content, scope or conditions for the exercise of the right to strike. We maintain our view that the scope and conditions of this right are regulated at the national level. At the upcoming November session, the Governing Body will have an opportunity to carefully consider the opinion and its follow-up actions with full respect for differing perspectives and for the diversity of national legal and industrial relations systems. In light of this, the Employer members will not address the Committee of Experts' comments regarding the right to strike in addressing the case of Yemen.

Convention No. 87, as we all know, is a fundamental Convention. Yemen ratified Convention No. 87 some 50 years ago in 1976. This particular case touches on several articles within Convention No. 87.

Article 2, Articles 3 and 8 and Article 9. This case was discussed in this Committee in 1991 and then again in 1993. Since 1989, there have been 23 observations issued by the Committee of Experts, including eight repetitions. The latest of these observations occurred in 2018, 2022, 2023, 2024 and 2025. The Committee of Experts' most recent observations largely repeat concerns that have remained unresolved for a considerable period of time and which continue to relate primarily to legislative issues and the absence of updated information from the Government.

These observations have included by way of example – with regard to section 4 of the Law on Trade Unions, the Committee of Experts has noted its concern with the exclusion of employees of certain high-level public authorities and the Cabinets of Ministers and has asked the Government to clarify whether senior public officials also have the right to establish and join organizations of their own choosing. The Committee of Experts also requested the Government to take measures to help ensure that workers and their organizations are free to establish and join a federation of their own choosing consistent with Article 2 of Convention No. 87. The Committee of Experts further requested to ensure full compliance with Convention No. 87 that the Government consider the following in its draft Labour Code: (i) to indicate all legislative provisions that grant domestic workers, members of the judiciary and diplomatic and consular staff the right to establish and join workers' organizations of their own choosing and without previous authorization; and (ii) to revise section 173(2) of the draft Labour Code, so as to ensure that minors between the ages of 16 and 18 may join trade unions without parental authorization.

To be clear, the Employer members wish to stress their deep commitment towards the expression of Convention No. 87 in both law and practice. Our sincere hope is that these proceedings can facilitate meaningful development in Yemen on these critical issues. With that in mind, the Employer members wish to note that: (i) violence or coercion of any kind that inhibits workers' and employers' groups from expressing their rights and freedoms under Convention No. 87 cannot be tolerated; (ii) any law or practice that establishes a single and exclusionary trade union infringes on a cornerstone freedom under Convention No. 87 – that workers and employers' groups be independent and thus sufficiently free to respond to the needs of their members within Convention No. 87's strictures. We take the Yemeni Government's position that other workers' groups exist beyond the GFTUY, but share the Committee of Experts' concerns that the Law on Trade Unions may be read to discourage free and independent worker groups. We wish to obtain as an employer group more details on this issue to more fully consider the Committee's comments and to better define our own position on this issue.

Article 9, section 1 of Convention No. 87 expresses clear instructions that individuals working with the police or armed forces shall have guarantees within Convention No. 87 determined by national laws and regulations. It would appear that section 4 of the Law on Trade Unions and certain other provisions of the draft Labour Code might infringe upon the rights and freedoms of individuals working outside of the police or armed forces. The Employer members would thus welcome clarification as to whether employees of high-level public authorities and Cabinets of Ministers enjoy the right to establish and join organizations of their own choosing.

Although we take with due consideration the Committee of Experts' ongoing concerns about parental consent for minors of certain ages to join certain trade unions and although we can understand how this might inhibit certain rights and freedoms within Convention No. 87, we would like to better understand the Government's position on section 173(2) of the draft Labour Code and why certain minors cannot join certain workers' groups without parental consent. There may be a legitimate basis for this regulation, or at least more nuance to this issue, that the Employer members would appreciate the opportunity to more fully consider.

Again, we shall not minimize that the country of Yemen continues to experience a complex series of political, institutional and security difficulties. Nor shall we minimize that these difficulties can make the allegations reported here more difficult to respond to and even harder to investigate and then remediate, as applicable. Yet we can and must do more and the Employers' group prevails upon the Yemeni Government to take the following steps: to meaningfully and finally respond to the Committee's concerns and collaborate with this Committee, the ILO and civil society. The Employer members thus encourage the Government to respond to the long-standing comments of the Committee of Experts, submit the overdue reports and avail itself of the technical assistance of the Office. We call on the Yemeni Government to come to this process with humility and transparency and with its good faith efforts to achieve progress.

We look forward to hearing the views of other groups on this case.

Presidenta – Voy a pasar ahora el uso de la palabra al Sr. Kamal Khalifa Elhamali, representante gubernamental de Libia, quien hablará en nombre del grupo de países árabes.

Interpretation from Arabic: **Government member, Libya (Mr ELHAMALI) speaking on behalf of the Arab group** – We wish to begin by paying tribute to all of the efforts that have been made by the Government of Yemen.

Yemen is living through a period of very difficult circumstances, and we commend what has been done. We also appreciate the presence of the Government here with us and we fully understand the difficulties that that Government is grappling with as a result of the current political, social and humanitarian situation in Yemen. That situation is a difficult obstacle to overcome when it comes to compliance with international standards, but the Government is certainly making efforts. And we commend what it is doing in seeking to strengthen national institutions, to extend social protection and to take all necessary steps despite the obstacles that the Government is facing at present. The Government is ready to provide reports, which is a genuine commitment to cooperation with the ILO.

The Arab group also wishes to state that we recognize the importance of technical support and assistance being provided. This is vital in order to enable Yemen to further improve its cooperation with the ILO and that would be a step forward in terms of promoting all international labour standards. The Arab group wishes to conclude by reiterating its solidarity with Yemen and stands ready to provide support. We call upon the ILO to provide assistance to Yemen and to all countries living through difficult circumstances in order to ensure that everyone can enjoy a dignified life and decent work.

Presidenta – Voy a pasar ahora al uso de la palabra a la Sra. Alejandra Ortega Fuentes, quien habla en representación de los trabajadores de España.

Miembro trabajadora, España (Sra. ORTEGA FUENTES) – Mientras que en esta sala debatimos obligaciones jurídicas, la clase de trabajadora yemení continúa enfrentándose a una realidad cotidiana marcada por las dificultades económicas, la inseguridad, el desplazamiento y la incertidumbre.

Para muchos trabajadores y trabajadoras yemeníes la libertad sindical no es un principio abstracto, con frecuencia, constituye el único mecanismo disponible para defender sus intereses, buscar apoyo y hacer oír su voz. Años de conflicto en el Yemen han debilitado las instituciones y han alterado numerosos aspectos de la vida social y económica. Los trabajadores se encuentran entre quienes han pagado el precio más alto. En tales circunstancias la capacidad de la clase trabajadora para organizarse libremente adquiere una importancia aún mayor.

El Convenio núm. 87 reconoce que los trabajadores y trabajadoras tenemos el derecho de constituir organizaciones de nuestra propia elección, de afiliarnos a ellas y de defender colectivamente nuestros intereses. Estos derechos son fundamentales, y siguen siendo aplicables independientemente de las condiciones políticas o económicas. Cuando los trabajadores y trabajadoras no podemos organizarnos libremente perdemos un medio esencial para abordar las preocupaciones relacionadas con el trabajo, participar en el diálogo y contribuir a la búsqueda de soluciones.

Las organizaciones sindicales fuertes e independientes son especialmente importantes en periodos de crisis ya que proporcionan un canal a través del cual los trabajadores y trabajadoras podemos expresar nuestras preocupaciones y participar en los esfuerzos de recuperación. La situación en el Yemen nos demuestra por qué la libertad sindical no puede considerarse una cuestión secundaria.

Está directamente vinculada a la dignidad humana, a la participación y a la estabilidad social. Por ello debemos enviar un mensaje claro: los derechos de los trabajadores y trabajadoras no pueden posponerse hasta que mejoren las condiciones en el país. Por el contrario, el respeto de estos derechos es parte de la solución. Los trabajadores y trabajadoras del Yemen necesitan más que promesas, necesitan la posibilidad de organizarse libremente y defender colectivamente sus intereses. Instamos pues al Gobierno a garantizar la libertad sindical tanto en la legislación como en la práctica.

Presidenta – Pasa ahora el uso de la palabra al Sr. Tjalling Postma, quien habla en nombre de los trabajadores del Reino de los Países Bajos.

Worker member, Kingdom of the Netherlands (Mr POSTMA) – This case raises a question that goes to the heart of the International Labour Organization regarding who speaks on behalf of workers. The answer should be simple: workers must be represented by representatives chosen by the workers themselves.

The strength of the ILO lies in its tripartite structure. Governments represent governments, employers represent employers and workers represent workers. This balance is what gives legitimacy and credibility to the Organization's work. Convention No. 87 protects not only the right of workers to establish organizations but also the principle that these organizations must be able to function independently and represent workers without interference. When workers are not able to speak through their own representatives, tripartism becomes weakened.

Genuine social dialogue depends upon the existence of independent workers' organizations capable of expressing workers' views freely. This issue is particularly important in Yemen where workers face profound economic and social challenges. Their voices should not be marginalized precisely when they are needed most.

The Government should know that workers' representation must be independent and genuine. Workers must be able to participate through representatives who enjoy their confidence and who can defend their interests freely. The voice of workers must never be

replaced, substituted or spoken for by others. We urge the Government to ensure genuine and independent workers' representation in all tripartite processes.

Presidenta – Pasamos ahora la palabra a la Sra. Aesha Samir Nemer Hamoudda, quien hablará en nombre de los trabajadores del Estado de Palestina.

Interpretation from Arabic: **Worker member, State of Palestine (Ms HAMOUDDA)** – As far as Yemeni workers are concerned, the discussion on Convention No. 87 is not about legal theory. It is about whether they can exercise their rights in practice. Workers have been given several assurances, commitments. They have had heard declarations of support for labour rights and freedom of association. Yet many continue to face significant impediments in organizing freely and participating through independent organizations. The reality on the ground is that rights only have any meaning when they can be exercised effectively. Ratifying the Convention does not mean its implementation is guaranteed. It is implemented when workers can organize without obstacles or impediments, choose their representatives freely and participate in collective life without fear of pressure or interference. That is why implementation is what matters to us. Yemeni workers need more than assurances. They need tangible progress. They need confidence in the work of their organizations to work freely and that their voices are heard. Freedom of association is one of the foundations and a cornerstone of decent work.

It allows workers to address grievances collectively, defend their interests, and be part in shaping workplace policies. Without it, workers become increasingly vulnerable, excluded, and unable to participate in decision-making which affect their livelihoods. The challenges faced by Yemen at the moment makes these rights even more important. Economic hardship and stability and social pressures require stronger, not weaker mechanisms for workers' participation. Independent workers' organizations can contribute to stability, dialogue, and solutions that can help address tensions and provide a channel through which workers' concerns can be raised in a constructive way. What workers need now is not another round of discussions, but practical measures that will improve their ability to organize and participate freely.

The credibility of labour rights cannot be based on commitments alone but on real action. In spite of all previous discussions in the Committee of Experts and all discussions, workers in Yemen have not felt any change in the exercise of the rights in accordance with Convention No. 87. Workers in Yemen deserve a change that will have an impact on their daily life. We urge the Government to fulfil its commitment in taking measures within a set time frame, in accordance with Convention No. 87.

Presidenta – Pasamos el uso de la palabra al Sr. Younes Firachine, quien habla en representación de los trabajadores de Marruecos.

Membre travailleur, Maroc (M. FIRACHINE) – La situation du Yémen ne doit pas être considérée comme un simple cas de conformité technique à la convention n° 87. Elle concerne des travailleurs vivant dans un contexte de conflit, de difficultés économiques, de fragmentation institutionnelle et de profondes difficultés sociales. Personne ne conteste que le Yémen fait face à des circonstances exceptionnelles. Les travailleurs ont connu des années d'instabilité, de baisse du niveau de vie, d'insécurité, de déplacements de population et d'incertitude économique croissante. Beaucoup continuent de lutter pour subvenir à leurs besoins et à ceux de leurs familles.

Pourtant, c'est précisément dans de telles circonstances que la liberté syndicale devient la plus importante. Trop souvent, le conflit est présenté comme une raison pour laquelle les

droits ne peuvent être pleinement respectés. Cependant, les droits fondamentaux ne disparaissent pas en période de crise. La convention n° 87 ne s'applique pas uniquement lorsque les conditions sont favorables. Elle existe pour protéger les travailleurs lorsqu'ils sont les plus vulnérables et qu'ils ont le plus besoin d'une représentation collective.

Lorsque les institutions sont affaiblies, les travailleurs ont besoin d'organisations indépendantes capables de défendre leurs intérêts. Lorsque les pressions économiques s'intensifient, ils ont besoin d'une voix collective pour faire entendre leurs préoccupations et plaider pour des solutions. Lorsque l'incertitude domine la vie quotidienne, ils ont besoin d'organisations représentatives auxquelles ils font confiance et qui peuvent s'exprimer en leur nom. C'est pourquoi les syndicats indépendants demeurent essentiels au Yémen aujourd'hui. La liberté syndicale ne doit pas être considérée comme un objectif futur pouvant être reporté jusqu'au retour de la stabilité. Elle fait partie du processus permettant d'atteindre cette stabilité. Les travailleurs qui peuvent s'organiser librement sont mieux à même de participer au dialogue, de contribuer à la cohésion sociale et d'aider à relever les défis qui touchent leurs communautés et leurs lieux de travail.

Les droits syndicaux ne constituent pas un obstacle au relèvement: ils en sont l'un des fondements. Les travailleurs yéménites n'ont pas besoin de moins de droits en raison du conflit, mais de garanties plus solides que leurs droits seront respectés. La guerre ne peut justifier des restrictions à la liberté syndicale. Les difficultés économiques et les défis institutionnels ne peuvent justifier l'affaiblissement des organisations de travailleurs ni le refus d'accorder aux travailleurs une voix indépendante. Nous exhortons le gouvernement à garantir le plein respect de la liberté syndicale et à veiller à ce que les droits protégés par la convention n° 87 soient respectés en droit comme dans la pratique.

Presidenta – Pasamos ahora el uso de la palabra al Sr. Vissikou Senouvo, representante de los trabajadores del Togo.

Membre travailleur, Togo (M. SENOUVO) – Lorsque l'on évoque l'avenir du Yémen, l'attention se porte souvent sur la reprise économique, la reconstruction et le rétablissement des institutions. Ce sont là des objectifs importants. Toutefois, une reprise durable exige davantage que la reconstruction des infrastructures. Elle exige également la reconstruction de la confiance, de la participation et du dialogue.

Les travailleurs ont un rôle crucial à jouer dans l'avenir du Yémen. Ce sont eux qui assurent la continuité des services, soutiennent leurs familles, maintiennent les communautés locales et contribuent à l'activité économique dans des circonstances extrêmement difficiles. Leur expérience, leurs connaissances et leurs points de vue devraient donc faire partie intégrante de toute réflexion sur l'avenir du pays.

La liberté syndicale contribue à rendre cela possible. Elle permet aux travailleurs de s'organiser collectivement, d'exprimer leurs préoccupations et de participer aux décisions qui affectent leur vie et leurs moyens de subsistance. Les organisations indépendantes de travailleurs peuvent également contribuer à la stabilité sociale. Elles offrent des espaces de dialogue et contribuent à faire en sorte que les préoccupations liées au travail et à la société soient traitées par la discussion plutôt que par le conflit. Cela est particulièrement important dans les pays confrontés à une instabilité prolongée. La reprise est plus durable lorsque les travailleurs sont associés au processus et lorsque leurs organisations sont reconnues comme des partenaires légitimes du développement social et économique. Les travailleurs ne sont pas simplement les bénéficiaires des efforts de relèvement. Ils sont des acteurs à part entière de la reconstruction de leur pays. Leur contribution est renforcée lorsqu'ils peuvent s'organiser librement et participer par l'intermédiaire d'organisations représentatives.

L'avenir du Yémen doit donc être fondé sur l'inclusion, la participation et le respect des droits fondamentaux. Les travailleurs doivent pouvoir jouer pleinement leur rôle dans la construction de cet avenir. Garantir la liberté syndicale ne consiste pas seulement à protéger un droit. Il s'agit également de créer les conditions permettant aux travailleurs de contribuer à la reconstruction de leurs communautés et au renforcement de la cohésion sociale.

Il ne peut y avoir de reprise durable sans droits, dialogue et participation. Nous exhortons le gouvernement à reconstruire le dialogue social et à garantir la participation des travailleurs à la définition de l'avenir du Yémen.

Presidenta – Pasamos ahora al uso de la palabra al Sr. Mads Emil Juul Erritso Buur Heisel, quien hablará en representación de los trabajadores de Dinamarca.

Worker member, Denmark (Mr HEISEL) – I speak on behalf of the Nordic Trade Unions. Independent trade unions play a vital role in every society. They allow workers to organize collectively, defend their interests and contribute to social and economic progress. Convention No. 87 recognizes that workers' organizations must be free to govern themselves, determine their priorities, elect their representatives and carry out their activities independently.

This principle is essential because the effectiveness of a trade union depends upon its independence. Workers must have confidence that their organizations represent their interests and are accountable to their members. In Yemen, this issue is particularly important. Workers face difficult economic and social conditions and need organizations that can represent them effectively. Independent trade unions can help workers address workplace concerns, participate in dialogue and contribute to social stability.

However, trade unions can only perform this role if they are genuinely free to function independently. Interference in their activities, in their leadership or decision-making processes undermine their ability to represent workers and it weakens the confidence in collective representation. Let me remind everyone here that trade union autonomy is not a privilege. It is a fundamental element of the freedom of association. Workers should be able to determine who leads their own organizations.

They should be able to decide their priorities and activities. Their organizations should be able to function without external pressure or influence. Strong and independent unions do not threaten stability. On the contrary, they help create the conditions for dialogue, for participation and for peaceful resolution of disputes. For this reason, respect for trade union autonomy remains a central component of Convention No. 87 and a key requirement for ensuring that workers can exercise their rights effectively.

Workers deserve organizations that are free to defend their interests and represent their concerns. Independent trade unions are essential for democratic workplaces and stable societies. We, therefore, urge the Government to respect the autonomy of workers organizations and to cease interferences in their affairs.

Presidenta – Pasamos el uso de la palabra al Sr. Ali Belkhader, quien hablará en representación de la Confederación Sindical Internacional (CSI).

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC) (Mr BELKHADER)** – I greet you on behalf of the General Workers' Federation of Trade Unions of Yemen which is presently encountering difficulties to ensure that its rights are being respected. I'm taking the floor this morning not only to talk to you about the problems that we are facing but also because I feel a sense of responsibility that weighs heavily upon our shoulders. Today the economic crisis has deteriorated in such a way that economic survival has

become the priority for thousands of workers. We are talking about teachers who are not receiving their wages. We're talking about workers who are forcibly displaced, or who are finding themselves devoid of decent work and having to work free of charge to serve the Government.

Workers are working in the informal sector without any type of guarantees in the event that they should injure themselves. Children are leaving their education to join the labour market. Displaced women are finding themselves forced to join the informal labour market. That is the current situation in Yemen. Social protection has been reduced, and wages are also at risk.

Public institutions have been weakened. There are no labour inspections taking place and the informal sector seems to be growing exponentially. There are hundreds of thousands of workers affected by the situation at the moment. Institutional weakening requires trade union organizations to step in, and this is a necessity today. The lack of dialogue requires worker representation.

Peace and freedom of association are part of a lasting solution. This is part and parcel of peacekeeping efforts. We call upon the ILO not to treat the case of Yemen as merely a technical matter. We are talking about a genuine crisis facing the workers of Yemen. Convention No. 87 is a fundamental Convention.

Freedom of association must be an integral part of the solution. We cannot afford to postpone rights until the after-war period. This represents part and parcel of the solution. It is an essential part of resilience and survival for the workers of Yemen. We cannot speak about reconstruction without involving workers. We cannot talk about peace without social dialogue or social justice and workers' rights. We cannot talk about any type of recovery without a tripartite structure in place that fully respects workers' rights. For this reason, we call upon the ILO to pursue its efforts to cooperate with Yemen to ensure that the government fully cooperates and respects Convention No. 87. Trade unions have fallen victim to political pressure, and this has had a negative impact on all trade union activities as well as the recovery of workers' rights. This is a serious violation of workers' rights to join trade unions of their choosing.

What we are witnessing is merely a violation of workers' rights even beyond the scope of the ILO. We must not forget that the ILO is not a governmental organization, but comprises workers as well, in a tripartite structure. That is what characterizes the ILO, and this is why no government can speak on behalf of workers or on behalf of trade unions. For that, we need official forms of representation. The Government does not represent us. We need genuine representation. We cannot see any further weakening of workers' voices and trade union activity in the country.

As for who is speaking up for the workers of Yemen today, it is not the Government and it is not the political parties. It is the trade unions who are speaking up. They are the ones who are there speaking on behalf of workers. We require legitimate representation.

Presidenta – No veo más solicitudes de uso de palabra por lo cual invito al representante gubernamental del Yemen, el Sr. Yahya Arrafiq, a que formule sus conclusiones finales.

Interpretation from Arabic: **Government representative** – I wish to thank everyone who has participated in this discussion. I have taken due note of all that has been said and all of the points that have been raised. We will immediately convey all of these points to the Government of my country and they will consider all of the requests that have been put forward by those who have spoken and by this Committee.

We are going to respond to the ILO and to the Committee of Experts. We will keep you and them informed as to progress in tackling the points raised here today. We look forward to further cooperation between the ILO and Yemen, to technical cooperation being extended, and we would ask you to take into account the fact that the Government we have in Yemen is a very recent one. It took office only in April. So, I very much hope that that is something that can be taken into consideration within the general context of the country. But I can assure you that we will convey what has been said, and you will receive a response from the Government.

Presidenta – Muchas gracias por su participación en las labores de la Comisión y por la información suministrada. Ahora es el turno de palabra de los dos portavoces. Invito al Sr. Michael Coghiu, portavoz del Grupo de los Empleadores a que tome la palabra.

Employer members – The Employer members would like to thank all the speakers who have taken the floor. We also thank the Government of Yemen for the information it has provided and for its commitment to respond and for its stated openness today to obtaining the ILO's technical assistance. That openness is critical. It is a vital step. As this group knows quite well, Convention No. 87 is a cornerstone Convention and the Employer members remain committed to assisting Yemen and this Committee in any way.

The Employer members reiterate their support for continued measures aimed at bringing law and practice into conformity with Convention No. 87 in Yemen. The Employer members thus request the Government to: (i) ensure compliance with Conventions No. 87, rights and freedoms for workers and employers groups; (ii) cooperate with the ILO and independent social partners to ensure the full application of the Convention in law and practice; and (iii) provide information on concrete measures taken in this respect, including the development and reporting on progress. We trust that the Government will implement these recommendations in a timely manner.

Presidenta – Invito ahora a la portavoz del Grupo de los Trabajadores, la Sra. Nina Mjoberg a tomar la palabra.

Worker members – The Worker members thank the Government of Yemen for the information provided and for its engagement in the discussion. We also thank the other speakers for their contributions. We acknowledge that Yemen is confronted with a highly complex situation and a multitude of overlapping crises. We reaffirm our support for international initiatives aimed at ending the war in Yemen and call on the parties to the conflict to respond positively to the call and initiatives for dialogue, peace and a pathway out of the humanitarian emergency that exists in the country.

We particularly hope that Recommendation No. 205 on employment and decent work for peace and resilience and the General Survey prepared by the Committee of Experts will help guide the authorities in these times of crisis. The particularly challenging circumstances currently facing Yemen context does not, however, absolve the Government from respecting the obligations arising from fundamental Conventions. The discussions held today have enabled us to reaffirm the importance of Convention No. 87 on freedom of association. The continued silence of the Yemeni Government on the application of this convention is particularly regrettable. We reiterate the importance of the government transparency submitting its report in response to the observations of the Committee of Experts.

We also request that the Government provide explanations regarding the reprisals faced by workers who were peacefully exercising their rights to collective action. The report of the Committee of Experts is clear that on several points the current legislation governing freedom of association in Yemen is not in conformity with Convention No. 87. The Law on Trade Unions or the draft Labour Code does not include in their scope certain categories of workers including

certain categories of workers who are particularly at risk, such as domestic workers. We recall that with the exception of the police and armed forces Convention No. 87 applies to all workers without distinction. We reaffirm that the restrictions on the right of workers' organizations to organize their activities set out in this legislation currently in force in Yemen are incompatible with the Convention.

We encourage the Government to avail itself of ILO technical assistance and to continue, as needed with ILO support, the work on the draft Labour Code to bring it fully in line with the Convention. We also urge the government to take the necessary steps to amend the Law on Trade Unions and the draft Labour Code in line with the recommendations of the Committee of Experts.

Presidenta – Damos por concluida entonces la discusión de este caso. Agradezco la participación del representante gubernamental y también de todos los oradores que participaron en la discusión. Las conclusiones serán adoptadas por la Comisión en la tarde del miércoles 10 de junio.

Se interrumpe la sesión a las 11.06 horas.

The sitting was suspended at 11.06 a.m.

La séance est suspendue à 11 h 06.