International Labour Organization

Record of proceedings

International Labour Conference
114th Session, 2026

▶ Record of proceedings

International Labour Office, Geneva

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International Labour Organization

▶ ILC.114/Record No. 1A

▶ Record of Proceedings 1A

International Labour Conference – 114th Session, Geneva, 2026

Date: 4 June 2026

Reports on Credentials

First report of the Credentials Committee

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1. The Credentials Committee of the 114th Session of the International Labour Conference is composed as follows:

Chairperson:	Mr Shah Nazar Khan (Government substitute delegate, Pakistan)
Employer Vice-Chairperson:	Mr Fernando Yllanes Martínez (Employers' substitute delegate, Mexico)
Worker Vice-Chairperson:	Mr Magnús M. Norðdahl (Workers' delegate, Iceland)

Composition of the Conference

Status of accreditation of Member States

2. As of 3 June 2026, at 11:30 a.m., 174 of the 187 Member States of the International Labour Organization (ILO) have accredited a delegation, of which 114 deposited their credentials within the time limit set for their submission, 11 May 2026. The following 12 Member States [1] (15 in 2025) have not accredited a delegation:

Cook Islands	Nicaragua	Solomon Islands
Dominica	Palau	Tajikistan
Equatorial Guinea	Saint Kitts and Nevis	Tonga
Marshall Islands	Saint Vincent and the Grenadines	Tuvalu

3. Six Member States (three in 2025) have accredited incomplete delegations: five (Afghanistan, Belize, Bolivia (Plurinational State of), Vanuatu, Yemen) have accredited an exclusively governmental delegation and one (Maldives) has not accredited a Workers' delegate.

4. The Committee recalls that the Governing Body decided [2] that the present session of the Conference would be conducted in person, with the option for passive remote attendance (the Plenary sittings via live stream on the Conference website and the public sittings of Committees via links provided by committee coordinators upon request). In accordance with article 3(1) of the ILO Constitution, Member States were expected to send complete tripartite delegations to Geneva, with a minimum composition of two Government delegates, one Employers' delegate and one Workers' delegate.

5. The Committee notes a minor improvement from last year in the number of Member States in 2026 that have not accredited a delegation.

[1] Not counting Myanmar (see paragraphs 18–25 concerning the representation of Myanmar).

[2] GB.356/INS/2/2(Rev.1).

6. The Committee also notes with concern an increase in the number of incomplete delegations including those that are exclusively governmental. By not appointing a delegation, or by failing to accredit a fully tripartite delegation, the Government deprives the employers or workers of the country, as the case may be, of their right to be represented in person in the highest policymaking body of the ILO and to participate actively in its work.

7. The appointment of a full tripartite delegation is also essential in view of article 4(2) of the ILO Constitution, which provides that if a Member State fails to nominate one of the non-Government delegates, the other non-Government delegate who has been accredited loses the right to vote. The Committee can only emphasize again that, without the participation of Governments', Employers' and Workers' representatives, the Conference cannot function properly or attain its objectives.

Delegates and advisers

▶ Accredited and registered delegates and advisers

	Governments		Employers		Workers		Total	
	Accredited	Registered	Accredited	Registered	Accredited	Registered	Accredited	Registered
Delegates	342	291	169	133	168	139	**679**	**563**
Advisers including substitute delegates *	1 325	1 010	597	361	834	554	**2 756**	**1 925**
Total	**1 667**	**1 301**	**766**	**494**	**1 002**	**693**	**3 435**	**2 488**

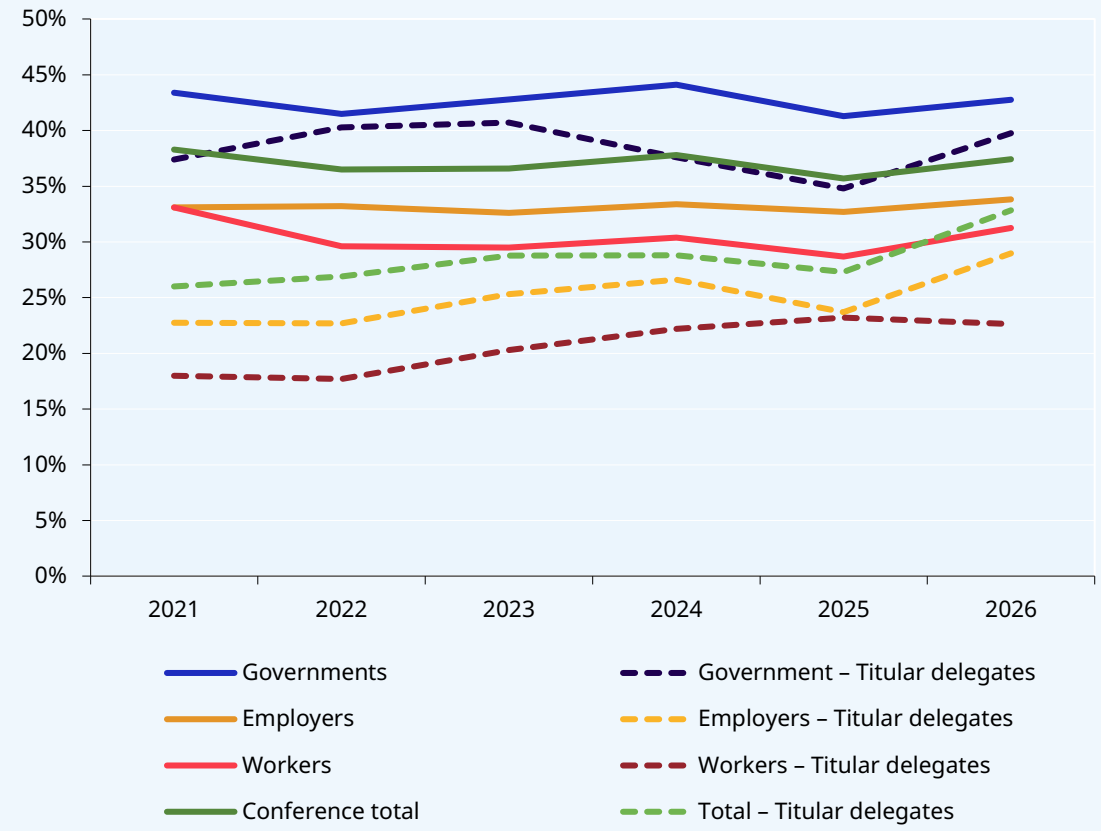
* Advisers who are permanently appointed as substitute delegates in the credentials.

8. Of the 3,435 accredited delegates, 2,488 have registered. [3]

9. Detailed information by Member State is provided in Appendices II and III. Information on the composition of the Conference is also available at Delegations to the 2026 International Labour Conference, which is regularly updated.

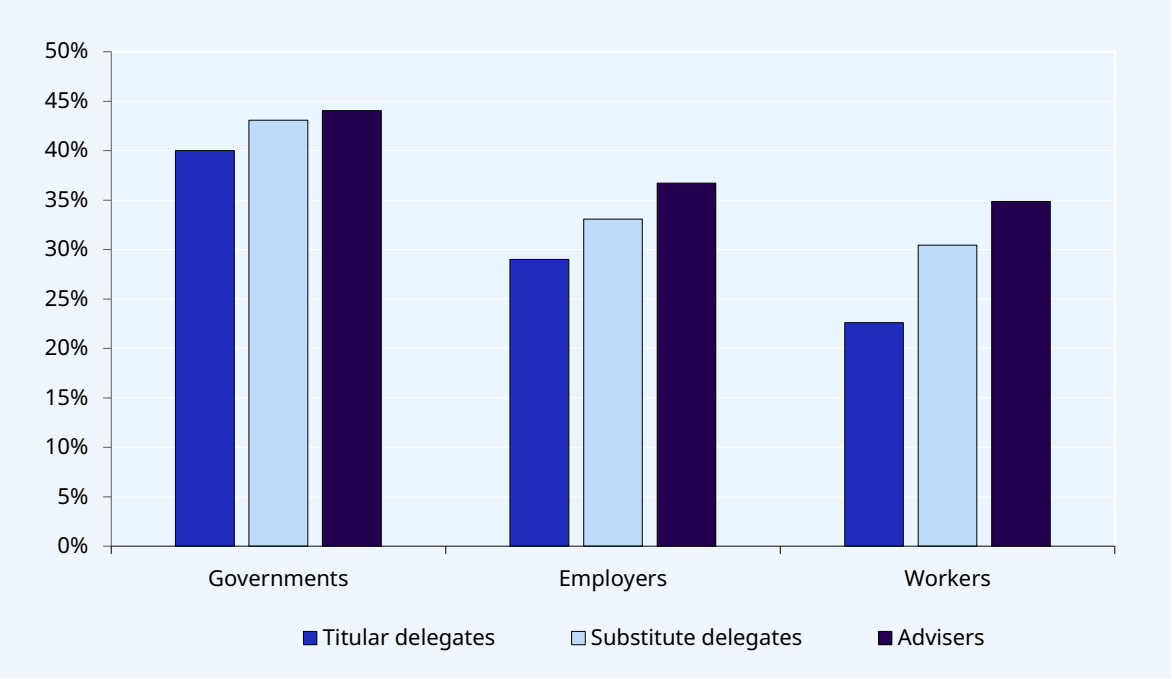
[3] Registered delegates are those who have been accredited and who have collected their badge for the 114th Session of the International Labour Conference.

Proportion of women accredited in delegations



10. The overall proportion of women delegates and advisers that have been accredited to this session of the Conference is 37.41 per cent, compared to 35.7 per cent in 2025. There are 42.77 per cent of women in Government delegations, 33.81 per cent of women in the Employers' delegations and 31.24 per cent of women in the Workers' delegations. The Committee notes that, as shown in the table above, there has been limited progress in recent years in terms of numbers of women accredited to the Conference.

Proportion of women by function and group



11. This year, the minimum target of 30 per cent of women's participation has been reached in all three groups. Nevertheless, the Committee notes that, as shown in the above table, titular delegates from across the Government, Employers' and Workers' groups are predominantly men: 60 per cent of Government titular delegates, 71 per cent of Employers titular delegates and 77.38 per cent of Workers titular delegates.

12. The Committee recalls that, in March 2023, [4] the Governing Body again urged all groups to aspire to achieve gender parity among their accredited delegates, advisers and observers to the Conference and regional meetings. In light of the figures shown in this report, the Committee echoes that call.

Quorum

13. The following 19 Member States are in arrears in their financial contributions to the Organization under the terms of article 13(4) of the ILO Constitution and therefore may not, at present, participate in the voting of the Conference, including in its committees:

Afghanistan	Cuba	Nigeria
Bolivia (Plurinational State of)	Dominica	Papua New Guinea
Burundi	Equatorial Guinea	Sao Tome and Principe
Cabo Verde	Gambia	Venezuela (Bolivarian Republic of)
Chad	Guinea-Bissau	Yemen
Comoros	Lebanon	
Congo	Marshall Islands	

[4] GB.347/LILS/2.

14. Therefore, delegates from among these Member States who have accredited a delegation are not taken into account in calculating the quorum.

15. In conformity with article 17(3) of the ILO Constitution and article 22 of the Standing Orders of the Conference, as at 3 June 2026 at 11:30 a.m., the necessary quorum to give a vote validity is 281. Regularly updated information regarding the composition of the Conference and the quorum for votes is available on the Conference website.

Other participants

16. A total of 163 Ministers or Vice-Ministers have been accredited.

17. The Conference is also being attended by the following observers: Holy See, State of Palestine, representatives of the United Nations and some of its bodies, as well as representatives from specialized agencies and other official international organizations, non-governmental international organizations with consultative status, and representatives of other non-governmental international organizations.

Representation of Myanmar

18. The Committee had before it two sets of communications containing credentials for two tripartite delegations of Myanmar designated respectively by the "National Unity Government" (NUG) and the military authorities. The first set of communications was received on 7 and 10 May 2026 from the Ministry for Social, Labour and Humanitarian Affairs of the NUG and the Permanent Mission of Myanmar in New York and included employers' representatives from the Myanmar Employers Federation (MEF) and the Myanmar Employers Organization (MEO), and workers' representatives from the Confederation of Trade Unions of Myanmar (CTUM), the Myanmar Industry Crafts and Services – Trade Unions Federation (MICS-TUsF), the We Generation Network (WGN), and the Agriculture and Farmers Federation of Myanmar (AFFM). The second set of communications was received on 8 May 2026 from the Permanent Mission of Myanmar in Geneva and included employers' representatives from the Chamber of Commerce and Industry (UMFCCI) and workers' representatives from the Confederation of Trade Unions Myanmar (CTUM), the Myanmar Seafarers Federation (MSF), and the Industrial Workers Federation of Myanmar (IWFM). The Permanent Mission of Myanmar in Geneva and the Deputy Minister for Labour requested, in light of the political developments in Myanmar, the full participation of its delegation.

19. *The Committee recalls that at the five previous sessions of the Conference, competing credentials had been received on behalf of the same two entities. Taking into account United Nations General Assembly resolution 396(V) of 14 December 1950 and the position adopted by the General Assembly and by other UN system organizations on this matter, the Committee previously decided that no delegates for Myanmar would be accredited (ILC.109/Records Nos 3B and 3E, ILC.110/Record No. 2A, ILC.111/Record No. 2A(Rev.1), ILC.112/Record No. 3A, ILC.113/Record No. 1A).*

20. *The Committee takes note of the developments that have taken place in the ILO concerning Myanmar since the closure of the last session of the Conference in June 2025, in particular, the Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar and the Governing Body discussions at its 355th (November 2025) and 356th (March 2026) Sessions on the follow-up to this resolution.*

21. *The Committee recalls once again that, according to United Nations General Assembly resolution 396(V) of 14 December 1950, whenever more than one authority claims to be the government entitled to represent a State, the attitude adopted by the General Assembly concerning any such question*

should be taken into account in other organs of the United Nations and in the specialized agencies. Consequently, a consistent line of precedents has it (see Dominican Republic (1965), Cambodia (1998), Libyan Arab Jamahiriya (2011), Myanmar (2021–25)) that the question of recognition of governments and their representation in the ILO is considered a political matter in relation to which the Organization should be guided by any position adopted by the United Nations General Assembly.

22. *The Committee notes that on 12 December 2025, the United Nations General Assembly approved the report of its Credentials Committee, in which it decided to postpone its consideration on the credentials of Myanmar. It is further noted that other organizations have similarly deferred consideration of the credentials of Myanmar and kept its seat vacant pending further guidance from the United Nations General Assembly, most recently, at the 79th Session of the World Health Assembly of the World Health Organization on 20 May 2026.*

23. *Noting that the situation has not evolved in the United Nations General Assembly and taking into account United Nations General Assembly resolution 396(V) of 14 December 1950, the Committee decides that no delegates for Myanmar will be accredited at the 114th Session of the Conference.*

24. *The Committee nonetheless reiterates its regret in relation to the continued ambiguity on the question of representation of Myanmar and notes that in the absence of guidance from the United Nations General Assembly, it may need to make its own determination in due course so as to enable the tripartite constituents of Myanmar to resume active participation in the work of the annual Conference.*

25. *In the meantime, the Committee welcomes the information that, as at its last Session, the Conference has requested its Officers and, through the respective committees, the Officers of the General Affairs Committee, should the Conference ask it to convene, and of the Committee on the Application of Standards to approve any request from an international employers' or workers' organization to make a statement through representatives of employers or workers of Myanmar, and permit the statement to be made under conditions analogous to those granted to Employers' or Workers' delegates or committee members, as the case may be. It stresses however that this does not replace the accreditation of a fully tripartite delegation.*

Monitoring cases, objections and communications

26. In addition to the five cases of monitoring (concerning the nomination of the Workers' delegations of Belarus, Djibouti, Mauritania and the Bolivarian Republic of Venezuela, and the Employers' delegation of Nicaragua), of which the Committee is seized in accordance with article 34 of the Standing Orders following decisions taken at the last session of the Conference, the Committee has before it several objections, complaints and communications. It has forthwith commenced their examination. The Committee believes that its work is facilitated when credentials reach the International Labour Office within the time limit set for their submission.

27. The Credentials Committee submits the present report to the Conference so that it may take note of its content.

Geneva, 3 June 2026

(Signed) Mr Shah Nazar Khan, Chairperson
Mr Fernando Yllanes Martínez
Mr Magnús M. Norðdahl

Appendix I

Incomplete delegations (2022–2026)

2022	2023	2024	2025	2026 (as of 3 June)
Yemen (exclusively governmental)	**Antigua and Barbuda** (exclusively governmental)	**Haiti** (exclusively governmental)	**Equatorial Guinea** (exclusively governmental)	**Afghanistan** (exclusively governmental)
Sudan (no Workers' delegate)	**Gambia** (exclusively governmental)	**Yemen** (exclusively governmental)	**El Salvador** (no Employers' delegate)	**Belize** (exclusively governmental)
	Sudan (exclusively governmental)	**Rwanda** (no Employers' delegate)	**Malaysia** (no Workers' delegate)	**Bolivia (Plurinational State of)** (exclusively governmental)
	Yemen (exclusively governmental)	**El Salvador** (no Employers' delegate)		**Vanuatu** (exclusively governmental)
	Armenia (no Employers' delegate)			**Yemen** (exclusively governmental)
	Suriname (no Employers' delegate)			**Maldives** (no Workers' delegate)

Appendix II

1) Government delegates
2) Employers' delegates
3) Workers' delegates
4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	-	-	1	-	-
Albania	2	1	1	-	1	3
Algeria	2	1	1	10	10	10
Angola	2	1	1	3	1	7
Antigua and Barbuda	2	1	1	-	-	-
Argentina	2	1	1	14	9	10
Armenia	2	1	1	3	3	2
Australia	2	1	1	13	1	3
Austria	2	1	1	8	2	6
Azerbaijan	2	1	1	8	8	7
Bahamas (the)	2	1	1	12	6	10
Bahrain	2	1	1	3	1	7
Bangladesh	2	1	1	14	8	10
Barbados	2	1	1	4	-	1
Belarus	2	1	1	3	2	10
Belgium	2	1	1	19	4	10
Belize	1	-	-	-	-	-
Benin	2	1	1	1	-	1
Bolivia (Plurinational State of)	1	-	-	-	-	-
Bosnia and Herzegovina	2	1	1	1	-	-
Botswana	2	1	1	15	1	10
Brazil	2	1	1	14	10	10
Brunei Darussalam	2	1	1	4	-	-
Bulgaria	2	1	1	3	3	2
Burkina Faso	2	1	1	18	2	9
Burundi	2	1	1	1	-	-
Cabo Verde	2	1	1	4	-	1
Cambodia	2	1	1	10	4	8
Cameroon	2	1	1	3	7	10
Canada	2	1	1	14	5	4
Central African Republic (the)	2	1	1	7	1	5
Chad	2	1	1	20	2	7
Chile	1	1	1	6	5	5
China	2	1	1	20	8	7
Colombia	1	1	1	7	10	10
Comoros (the)	2	1	1	-	-	-
Congo (the)	2	1	1	20	9	10
Cook Islands (the)	-	-	-	-	-	-
Costa Rica	2	1	1	2	2	2
Côte d'Ivoire	2	1	1	20	10	9
Croatia	2	1	1	5	1	2
Cuba	2	1	1	3	1	1
Cyprus	2	1	1	9	7	6
Czechia	2	1	1	7	3	3
Democratic Republic of the Congo (the)	2	1	1	16	10	9
Denmark	2	1	1	9	-	6
Djibouti	2	1	1	3	1	1
Dominica	-	-	-	-	-	-
Dominican Republic (the)	2	1	1	8	10	10
Ecuador	2	1	1	4	4	3
Egypt	2	1	1	10	7	10
El Salvador	2	1	1	8	2	9
Equatorial Guinea	-	-	-	-	-	-
Eritrea	2	1	1	1	-	1
Estonia	2	1	1	2	-	-
Eswatini	2	1	1	3	2	2
Ethiopia	2	1	1	5	10	10
Fiji	2	1	1	5	1	-
Finland	2	1	1	3	2	3
France	2	1	1	13	6	6
Gabon	2	1	1	17	10	10
Gambia (the)	2	1	1	4	-	4
Georgia	2	1	1	1	6	2
Germany	2	1	1	14	5	7
Ghana	2	1	1	15	8	7
Greece	2	1	1	13	6	7
Grenada	2	1	1	-	-	-
Guatemala	2	1	1	3	3	4
Guinea	2	1	1	20	10	10
Guinea-Bissau	2	1	1	4	-	1
Guyana	2	1	1	3	1	-
Haiti	2	1	1	6	-	2
Honduras	2	1	1	4	2	7
Hungary	2	1	1	6	4	4
Iceland	2	1	1	5	1	1
India	2	1	1	16	4	4
Indonesia	2	1	1	20	10	10
Iran (Islamic Republic of)	2	1	1	11	7	7
Iraq	2	1	1	4	6	8
Ireland	2	1	1	9	2	1
Israel	2	1	1	5	-	3
Italy	2	1	1	8	4	9
Jamaica	2	1	1	5	-	-
Japan	2	1	1	18	3	8
Jordan	2	1	1	11	-	8
Kazakhstan	2	1	1	1	9	9
Kenya	2	1	1	14	8	10
Kiribati	2	1	1	1	-	-
Kuwait	2	1	1	11	1	2
Kyrgyzstan	2	1	1	2	1	2
Lao People's Democratic Republic (the)	2	1	1	3	1	1
Latvia	2	1	1	4	-	1
Lebanon	2	1	1	5	5	8
Lesotho	2	1	1	7	-	-
Liberia	2	1	1	3	-	1
Libya	2	1	1	12	1	10
Lithuania	2	1	1	7	-	1
Luxembourg	2	1	1	8	4	7
Madagascar	2	1	1	1	-	-
Malawi	2	1	1	7	-	1
Malaysia	2	1	1	13	2	10
Maldives	2	1	-	3	10	-
Mali	2	1	1	14	10	10
Malta	2	1	1	8	5	5
Marshall Islands (the)	-	-	-	-	-	-
Mauritania	2	1	1	14	1	5
Mauritius	2	1	1	-	3	2
Mexico	2	1	1	9	10	10
Mongolia	1	1	1	2	1	1
Montenegro	2	1	1	5	1	1
Morocco	2	1	1	16	4	10
Mozambique	2	1	1	8	-	1
Namibia	2	1	1	6	1	1
Nepal	2	1	1	7	-	-
Netherlands (Kingdom of the)	2	1	1	19	5	10
New Zealand	2	1	1	-	1	-
Nicaragua	-	-	-	-	-	-
Niger (the)	2	1	1	15	7	6
Nigeria	2	1	1	20	10	9
North Macedonia	2	1	1	2	-	1
Norway	2	1	1	3	3	6
Oman	2	1	1	20	10	10
Pakistan	2	1	1	15	1	1
Palau	-	-	-	-	-	-
Panama	2	1	1	3	1	1
Papua New Guinea	2	1	1	5	1	1
Paraguay	2	1	1	5	1	9
Peru	2	1	1	5	6	10
Philippines (the)	2	1	1	6	3	3
Poland	2	1	1	9	4	5
Portugal	2	1	1	10	6	8
Qatar	2	1	1	4	2	1
Republic of Korea (the)	2	1	1	18	3	9
Republic of Moldova (the)	2	1	1	3	2	1
Romania	2	1	1	1	4	8
Russian Federation (the)	2	1	1	13	4	7
Rwanda	2	1	1	2	1	2
Saint Kitts and Nevis	-	-	-	-	-	-
Saint Lucia	2	1	1	-	-	-
Saint Vincent and the Grenadines	-	-	-	-	-	-
Samoa	2	1	1	1	-	-
San Marino	2	1	1	2	3	2
Sao Tome and Principe	2	1	1	-	-	-
Saudi Arabia	2	1	1	11	4	5
Senegal	2	1	1	12	5	10
Serbia	2	1	1	3	1	2
Seychelles	2	1	1	4	-	-
Sierra Leone	2	1	1	2	2	2
Singapore	2	1	1	18	6	10
Slovakia	2	1	1	2	3	3
Slovenia	2	1	1	6	1	1
Solomon Islands	-	-	-	-	-	-
Somalia	2	1	1	8	2	5
South Africa	2	1	1	9	5	9
South Sudan	2	1	1	6	1	2
Spain	2	1	1	7	8	9
Sri Lanka	2	1	1	5	-	3
Sudan (the)	2	1	1	6	1	5
Suriname	2	1	1	-	-	-
Sweden	2	1	1	6	3	3
Switzerland	2	1	1	14	4	8
Syrian Arab Republic (the)	2	1	1	5	5	3
Tajikistan	-	-	-	-	-	-
Thailand	2	1	1	20	10	10
Timor-Leste	2	1	1	2	-	-
Togo	2	1	1	16	7	10
Tonga	-	-	-	-	-	-
Trinidad and Tobago	2	1	1	2	6	10
Tunisia	2	1	1	3	2	1
Türkiye	2	1	1	15	8	10
Turkmenistan	2	1	1	4	-	4
Tuvalu	-	-	-	-	-	-
Uganda	2	1	1	10	10	10
Ukraine	2	1	1	3	1	6
United Arab Emirates (the)	2	1	1	9	4	4
United Kingdom of Great Britain and Northern Ireland (the)	2	1	1	19	4	7
United Republic of Tanzania (the)	2	1	1	14	3	10
United States of America (the)	2	1	1	15	10	2
Uruguay	2	1	1	7	3	3
Uzbekistan	2	1	1	5	3	1
Vanuatu	2	-	-	2	-	-
Venezuela (Bolivarian Republic of)	2	1	1	7	7	10
Viet Nam	2	1	1	1	-	6
Yemen	2	-	-	-	-	-
Zambia	2	1	1	16	10	9
Zimbabwe	2	1	1	18	8	10

	1)	2)	3)	4)	5)	6)
Total	**342**	**169**	**168**	**1325**	**597**	**834**

Appendix III

1) Government delegates
2) Employers' delegates
3) Workers' delegates
4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	-	-	-	-	-
Albania	2	-	-	-	-	-
Algeria	2	1	1	9	9	5
Angola	2	1	1	2	1	6
Antigua and Barbuda	-	-	-	-	-	-
Argentina	2	1	1	6	8	7
Armenia	2	1	1	3	3	2
Australia	2	1	1	4	1	3
Austria	1	-	1	8	2	3
Azerbaijan	2	1	1	7	7	6
Bahamas (the)	1	1	1	12	6	8
Bahrain	2	1	1	3	1	5
Bangladesh	2	1	1	10	4	2
Barbados	2	1	1	3	-	1
Belarus	2	1	1	3	2	4
Belgium	2	1	1	15	4	9
Belize	1	-	-	-	-	-
Benin	2	1	1	1	-	1
Bolivia (Plurinational State of)	-	-	-	-	-	-
Bosnia and Herzegovina	-	-	-	-	-	-
Botswana	2	1	1	11	1	9
Brazil	2	1	1	14	10	8
Brunei Darussalam	2	1	1	3	-	-
Bulgaria	2	1	1	3	2	2
Burkina Faso	2	1	1	18	2	7
Burundi	2	1	1	1	-	-
Cabo Verde	2	1	1	3	-	1
Cambodia	2	1	1	10	3	8
Cameroon	2	-	1	3	-	3
Canada	2	1	1	12	4	4
Central African Republic (the)	1	-	1	6	-	4
Chad	2	1	1	17	-	4
Chile	1	1	1	2	4	5
China	2	-	1	18	3	6
Colombia	1	1	1	3	7	7
Comoros (the)	-	-	-	-	-	-
Congo (the)	-	1	1	5	1	-
Cook Islands (the)	-	-	-	-	-	-
Costa Rica	2	1	1	2	2	2
Côte d'Ivoire	2	1	1	11	9	6
Croatia	1	1	1	1	-	1
Cuba	2	1	1	3	1	1
Cyprus	2	-	-	9	1	2
Czechia	1	-	1	6	1	3
Democratic Republic of the Congo (the)	1	1	1	8	3	2
Denmark	2	1	1	7	-	4
Djibouti	2	1	1	3	1	1
Dominica	-	-	-	-	-	-
Dominican Republic (the)	1	-	1	6	2	6
Ecuador	2	-	1	4	4	-
Egypt	2	1	1	10	7	10
El Salvador	2	1	1	7	2	9
Equatorial Guinea	-	-	-	-	-	-
Eritrea	-	-	-	-	-	-
Estonia	2	1	1	2	-	-
Eswatini	2	1	1	2	1	2
Ethiopia	2	1	1	5	3	10
Fiji	2	1	1	2	1	-
Finland	2	-	1	3	-	3
France	2	1	1	10	4	4
Gabon	2	-	1	11	-	3
Gambia (the)	2	1	-	4	-	-
Georgia	2	1	-	1	2	-
Germany	2	1	1	13	4	5
Ghana	2	1	1	15	4	6
Greece	2	-	1	9	2	7
Grenada	2	1	1	-	-	-
Guatemala	2	1	1	3	1	2
Guinea	-	1	1	1	3	1
Guinea-Bissau	-	-	-	-	-	-
Guyana	1	-	1	2	-	-
Haiti	2	-	1	5	-	-
Honduras	2	1	1	3	1	4
Hungary	1	1	-	2	-	2
Iceland	1	1	1	2	-	1
India	2	1	1	16	3	4
Indonesia	1	1	1	14	6	10
Iran (Islamic Republic of)	2	-	-	6	-	1
Iraq	2	1	1	2	5	7
Ireland	2	1	1	7	1	-
Israel	2	-	1	5	-	3
Italy	2	-	1	7	-	4
Jamaica	2	1	1	3	-	-
Japan	2	1	1	18	3	8
Jordan	2	1	1	10	-	5
Kazakhstan	2	1	1	1	8	9
Kenya	2	1	1	13	7	9
Kiribati	2	1	1	1	-	-
Kuwait	2	1	1	9	1	2
Kyrgyzstan	2	1	1	2	1	2
Lao People's Democratic Republic (the)	2	1	1	3	-	1
Latvia	2	-	1	2	-	-
Lebanon	2	1	1	5	3	3
Lesotho	2	1	1	7	-	-
Liberia	-	1	-	-	-	-
Libya	2	-	1	6	-	-
Lithuania	2	1	1	3	-	-
Luxembourg	1	-	1	5	1	4
Madagascar	1	1	1	1	-	-
Malawi	2	1	-	6	-	1
Malaysia	2	1	-	13	2	1
Maldives	2	1	-	2	5	-
Mali	2	1	1	12	2	5
Malta	2	1	1	6	1	4
Marshall Islands (the)	-	-	-	-	-	-
Mauritania	2	1	1	9	1	1
Mauritius	2	1	1	-	-	1
Mexico	2	1	-	9	10	9
Mongolia	1	1	1	2	1	1
Montenegro	2	1	1	4	1	1
Morocco	1	-	1	5	-	3
Mozambique	1	1	1	7	-	1
Namibia	2	1	1	6	1	1
Nepal	2	-	-	7	-	-
Netherlands (Kingdom of the)	2	1	1	16	5	5
New Zealand	2	1	1	-	-	-
Nicaragua	-	-	-	-	-	-
Niger (the)	2	1	-	8	2	3
Nigeria	2	1	1	8	6	2
North Macedonia	2	1	1	2	-	-
Norway	2	1	1	2	3	6
Oman	2	1	1	19	9	10
Pakistan	1	1	1	9	-	1
Palau	-	-	-	-	-	-
Panama	2	1	1	3	1	1
Papua New Guinea	-	-	-	-	-	-
Paraguay	2	1	1	5	-	4
Peru	2	1	1	3	5	8
Philippines (the)	2	1	1	6	3	3
Poland	2	-	-	9	3	3
Portugal	2	1	1	10	5	4
Qatar	2	1	1	4	2	1
Republic of Korea (the)	2	1	1	18	3	9
Republic of Moldova (the)	1	1	-	3	1	-
Romania	2	1	1	-	2	5
Russian Federation (the)	-	1	-	2	1	5
Rwanda	-	-	-	1	-	-
Saint Kitts and Nevis	-	-	-	-	-	-
Saint Lucia	2	1	1	-	-	-
Saint Vincent and the Grenadines	-	-	-	-	-	-
Samoa	2	1	1	1	-	-
San Marino	2	-	-	2	1	2
Sao Tome and Principe	1	1	1	-	-	-
Saudi Arabia	2	1	1	11	4	5
Senegal	1	1	1	7	4	6
Serbia	2	-	-	-	1	1
Seychelles	1	1	1	3	-	-
Sierra Leone	-	-	-	1	-	-
Singapore	2	1	1	17	6	10
Slovakia	2	1	1	2	3	3
Slovenia	2	1	1	2	1	1
Solomon Islands	-	-	-	-	-	-
Somalia	2	1	1	6	2	5
South Africa	2	1	1	9	4	9
South Sudan	-	-	-	-	-	-
Spain	2	-	1	6	2	9
Sri Lanka	2	1	1	5	-	3
Sudan (the)	1	1	1	5	-	4
Suriname	2	1	1	-	-	-
Sweden	2	1	1	5	3	3
Switzerland	2	1	1	11	4	8
Syrian Arab Republic (the)	2	1	1	5	3	3
Tajikistan	-	-	-	-	-	-
Thailand	2	1	1	20	10	10
Timor-Leste	2	1	1	2	-	-
Togo	2	1	1	13	6	9
Tonga	-	-	-	-	-	-
Trinidad and Tobago	2	1	1	2	1	-
Tunisia	2	1	1	3	1	1
Türkiye	2	1	1	15	8	10
Turkmenistan	2	1	1	4	-	4
Tuvalu	-	-	-	-	-	-
Uganda	2	1	1	3	1	6
Ukraine	1	1	1	2	1	4
United Arab Emirates (the)	2	1	-	9	4	4
United Kingdom of Great Britain and Northern Ireland (the)	2	1	1	13	3	6
United Republic of Tanzania (the)	2	1	1	14	2	8
United States of America (the)	-	1	-	12	8	1
Uruguay	2	1	1	7	2	3
Uzbekistan	2	-	1	4	-	1
Vanuatu	2	-	-	1	-	-
Venezuela (Bolivarian Republic of)	2	1	1	7	-	3
Viet Nam	2	1	-	1	-	-
Yemen	2	-	-	-	-	-
Zambia	2	1	1	13	10	6
Zimbabwe	2	1	1	18	8	8

	1)	2)	3)	4)	5)	6)
Total	291	133	139	1010	361	554

Appendix IV

Proportion of women accredited by delegation

	G	E	T	Tot
Afghanistan	-	-	-	-
Albania	50	-	50	37.5
Algeria	-	9.09	27.27	11.76
Angola	20	-	50	33.33
Antigua and Barbuda	100	100	-	75
Argentina	43.75	40	18.18	35.14
Armenia	80	25	33.33	50
Australia	66.67	50	75	66.67
Austria	60	66.67	42.86	55
Azerbaijan	20	44.44	62.5	40.74
Bahamas (the)	64.29	71.43	54.55	62.5
Bahrain	20	50	25	26.67
Bangladesh	6.25	11.11	27.27	13.89
Barbados	66.67	100	50	66.67
Belarus	40	-	45.45	36.84
Belgium	52.38	60	45.45	51.35
Belize	-	-	-	-
Benin	33.33	100	-	33.33
Bolivia (Plurinational State of)	-	-	-	-
Bosnia and Herzegovina	66.67	100	-	60
Botswana	58.82	100	18.18	46.67
Brazil	50	18.18	18.18	31.58
Brunei Darussalam	83.33	-	100	75
Bulgaria	60	75	-	50
Burkina Faso	40	33.33	10	30.3
Burundi	66.67	-	-	40
Cabo Verde	66.67	-	100	66.67
Cambodia	25	-	11.11	15.38
Cameroon	80	25	9.09	29.17
Canada	68.75	66.67	100	74.07
Central African Republic (the)	22.22	50	-	17.65
Chad	27.27	-	25	24.24
Chile	14.29	16.67	16.67	15.79
China	59.09	22.22	75	53.85
Colombia	12.5	27.27	36.36	26.67
Comoros (the)	100	100	-	75
Congo (the)	18.18	50	45.45	32.56
Costa Rica	50	66.67	66.67	60
Côte d'Ivoire	27.27	36.36	20	27.91
Croatia	85.71	100	100	91.67
Cuba	80	-	50	55.56
Cyprus	63.64	25	28.57	42.31
Czechia	33.33	75	50	47.06
Democratic Republic of the Congo (the)	22.22	18.18	-	15.38
Denmark	54.55	100	57.14	57.89
Djibouti	-	50	-	11.11
Dominican Republic (the)	60	36.36	36.36	43.75
Ecuador	33.33	40	-	26.67
Egypt	25	12.5	27.27	22.58
El Salvador	60	-	30	39.13
Eritrea	33.33	-	-	16.67
Estonia	75	100	100	83.33
Eswatini	40	33.33	33.33	36.36
Ethiopia	28.57	18.18	18.18	20.69
Fiji	14.29	-	-	10
Finland	60	33.33	50	50
France	46.67	85.71	57.14	58.62
Gabon	47.37	18.18	45.45	39.02
Gambia (the)	-	100	-	8.33
Georgia	33.33	14.29	33.33	23.08
Germany	43.75	33.33	62.5	46.67
Ghana	35.29	44.44	12.5	32.35
Greece	66.67	42.86	62.5	60
Grenada	100	100	-	75
Guatemala	40	25	-	21.43
Guinea	18.18	18.18	27.27	20.45
Guinea-Bissau	33.33	-	-	22.22
Guyana	60	100	-	62.5
Haiti	62.5	100	-	50
Honduras	-	66.67	37.5	29.41
Hungary	75	60	40	61.11
Iceland	57.14	50	50	54.55
India	22.22	20	20	21.43
Indonesia	22.73	36.36	9.09	22.73
Iran (Islamic Republic of)	46.15	12.5	12.5	27.59
Iraq	-	-	-	-
Ireland	63.64	33.33	50	56.25
Israel	42.86	-	50	41.67
Italy	70	40	40	52
Jamaica	42.86	100	-	44.44
Japan	30	50	33.33	33.33
Jordan	30.77	-	22.22	26.09
Kazakhstan	-	30	30	26.09
Kenya	43.75	44.44	27.27	38.89
Kiribati	66.67	-	100	60
Kuwait	30.77	-	-	22.22
Kyrgyzstan	25	50	33.33	33.33
Lao People's Democratic Republic (the)	20	50	-	22.22
Latvia	66.67	-	100	66.67
Lebanon	57.14	33.33	-	27.27
Lesotho	77.78	100	-	72.73
Liberia	20	-	-	12.5
Libya	28.57	-	18.18	22.22
Lithuania	66.67	100	50	66.67
Luxembourg	40	40	50	43.48
Madagascar	33.33	100	-	40
Malawi	44.44	-	-	33.33
Malaysia	73.33	-	27.27	48.28
Maldives	60	45.45	-	50
Mali	12.5	27.27	18.18	18.42
Malta	50	-	16.67	27.27
Mauritania	6.25	-	-	4.17
Mauritius	100	50	33.33	55.56
Mexico	45.45	36.36	18.18	33.33
Mongolia	100	50	-	57.14
Montenegro	71.43	-	50	54.55
Morocco	44.44	20	27.27	35.29
Mozambique	50	-	-	38.46
Namibia	62.5	50	50	58.33
Nepal	-	-	-	-
Netherlands (Kingdom of the)	57.14	50	81.82	63.16
New Zealand	50	50	100	60
Niger (the)	29.41	37.5	28.57	31.25
Nigeria	36.36	36.36	-	27.91
North Macedonia	25	100	-	28.57
Norway	100	75	42.86	68.75
Oman	18.18	27.27	9.09	18.18
Pakistan	-	-	-	-
Panama	60	-	-	33.33
Papua New Guinea	28.57	50	50	36.36
Paraguay	85.71	-	40	52.63
Peru	28.57	42.86	36.36	36
Philippines (the)	25	-	25	18.75
Poland	63.64	20	16.67	40.91
Portugal	75	28.57	33.33	50
Qatar	66.67	-	-	36.36
Republic of Korea (the)	60	50	50	55.88
Republic of Moldova (the)	40	33.33	-	30
Romania	33.33	60	33.33	41.18
Russian Federation (the)	46.67	20	12.5	32.14
Rwanda	25	100	-	33.33
Saint Lucia	100	-	-	50
Samoa	100	-	100	80
San Marino	50	50	33.33	45.45
Sao Tome and Principe	50	-	-	25
Saudi Arabia	38.46	40	-	29.17
Senegal	21.43	-	54.55	29.03
Serbia	40	50	66.67	50
Seychelles	50	100	100	62.5
Sierra Leone	-	33.33	66.67	30
Singapore	55	28.57	36.36	44.74
Slovakia	25	50	-	25
Slovenia	87.5	50	50	75
Somalia	40	-	-	21.05
South Africa	36.36	66.67	60	51.85
South Sudan	50	50	33.33	46.15
Spain	55.56	66.67	60	60.71
Sri Lanka	42.86	-	-	25
Sudan (the)	50	-	33.33	37.5
Suriname	50	-	100	50
Sweden	87.5	50	100	81.25
Switzerland	37.5	20	66.67	43.33
Syrian Arab Republic (the)	28.57	-	-	11.76
Thailand	63.64	54.55	36.36	54.55
Timor-Leste	50	-	-	33.33
Togo	22.22	25	27.27	24.32
Trinidad and Tobago	75	42.86	45.45	50
Tunisia	40	-	-	20
Türkiye	11.76	44.44	27.27	24.32
Turkmenistan	33.33	-	40	33.33
Uganda	33.33	27.27	45.45	35.29
Ukraine	20	-	28.57	21.43
United Arab Emirates (the)	63.64	40	20	47.62
United Kingdom of Great Britain and Northern Ireland (the)	61.9	40	62.5	58.82
United Republic of Tanzania (the)	37.5	50	18.18	32.26
United States of America (the)	52.94	63.64	66.67	58.06
Uruguay	66.67	-	25	41.18
Uzbekistan	57.14	25	-	38.46
Vanuatu	50	-	-	50
Venezuela (Bolivarian Republic of)	44.44	25	18.18	28.57
Viet Nam	66.67	-	28.57	36.36
Yemen	-	-	-	-
Zambia	33.33	18.18	10	23.08
Zimbabwe	50	33.33	36.36	42.5

	G	E	T	Tot
%	42.77	33.81	31.24	37.41

▶ Record of Proceedings 1B

International Labour Conference – 114th Session, Geneva, 2026

Date: 11 June 2026

Reports on Credentials

Second report of the Credentials Committee

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Composition of the Conference

1. Since 3 June 2026, when the Credentials Committee adopted its first report (ILC.114/Record No. 1A), there has been no change in the number of Member States (174) that have accredited a delegation.

2. There are altogether 7,368 persons accredited to the Conference (as compared to 6,830 in 2025) of whom 5,757 have registered (as compared to 5,407 in 2025). Among the persons accredited, there are 157 ministers and vice-ministers.

3. The overall proportion of women delegates and advisers is 37.42 per cent (as compared to 35.6 per cent in 2025). Appendix IV contains more details on the proportion of women accredited in delegations.

Monitoring

4. The Committee was seized of five monitoring cases, pursuant to article 34 of the Standing Orders of the International Labour Conference, by virtue of a decision of the Conference taken at its 113th Session (2025).

Belarus

5. At its 113th Session (2025), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring measures concerning the nomination of the Workers' delegation of Belarus (ILC.113/Record No. 1B, paragraph 11). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submits the credentials for the delegation of Belarus, a detailed report substantiated with relevant documentation:

(a) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with most representative workers' organizations, specifying the organizations consulted and according to which criteria; and

(b) on the concrete measures undertaken, in line with the recommendations of ILO supervisory bodies, to ensure that organizations consulted on the nomination of the Workers' delegate and advisers are genuine organizations of workers, free and independent from the Government.

6. The credentials of Belarus for the current session of the Conference were submitted on 5 May 2026. The Workers' delegate to this year's Conference was the President of the Federation of Trade Unions of Belarus (FPB), accompanied by one substitute delegate from within the ranks of the FPB, and nine advisers including three from the FPB. The Government submitted the report requested by the Conference on 11 May 2026, largely reiterating information provided in previous years concerning the national legal framework, the FPB's membership and activities, and the Government's position concerning the dissolved Belarusian Congress of Democratic Trade Unions (BKDP) and its former affiliated trade unions.

7. As regards the procedure followed for the nomination of the Workers' delegation, the Government once again indicated that the FPB, as the most representative workers' organization in the country, had determined independently and freely, without any interference from the Government, its representatives in the tripartite delegation. The Government indicated that the Ministry of Labour and Social Protection had consulted the FPB and sent it a request for the designation of the Workers' representatives, following which the

FPB conducted internal consultations and submitted the names of its representatives. The Government also provided a detailed overview of the national legal framework governing the status, rights, freedoms and guarantees for the activities of employers' associations and trade unions, which it considered to be in line with international obligations and to guarantee the free exercise by trade unions of their rights, their autonomy in decision-making and their independence from employers and their associations, economic entities, and State bodies or officials. The Government indicated that the FPB was the only association of trade unions operating throughout the territory, with a membership of around 4 million people from 15 national sectoral trade unions.

8. As regards the question of the representative nature of the FPB, the Government once again explained that the FPB carried out its activities independently, in accordance with its Charter and the Law on Trade Unions and was not financed or controlled by the Government. Its President was elected at the Ninth Extraordinary FPB Congress on 5 April 2024 and re-elected at the Tenth FPB Congress on 31 January 2025. The Government emphasized the role of the FPB and its member organizations in the high number of collective agreements providing social and labour guarantees for workers, including the General Agreement that was signed on behalf of workers by the Chair of the FPB. The Government stated that questions concerning the FPB's independence were based on unreliable information from biased individuals and organizations acting in the interests of countries wishing to discredit Belarus and escalate pressure on it. This included the BKDP, which the Government described as an illegitimate structure that was not an organization of workers, had no connection with the Republic of Belarus, and did not meet the ILO criteria of representativeness. The Government did not identify any new concrete measures undertaken in response to the recommendations of the ILO supervisory bodies.

9. *The Committee regrets that the Government limited its reply to reiterating information it has provided in previous years, once again without specifying any concrete measures undertaken in line with the recommendations of ILO supervisory bodies, to ensure that organizations consulted on the nomination of the Workers' delegate and advisers are genuine organizations of workers, free and independent from the Government. The Committee also notes that, once again, the credentials of the Workers' delegation are the subject of an objection lodged by the ITUC. The Committee considers that the nomination of the Workers' delegation of Belarus continues to raise fundamental questions of freedom of association which have been thoroughly considered by the Committee on Freedom of Association, including in its latest, 414th, Report (GB.356/INS/18/2). The Committee also takes note of the information set out in the document concerning the Follow-up to the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus as well as of the related Governing Body decision which, among other things, noted with growing concern that the Government had once again provided no new information on the measures taken to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies, drew the attention of the Credentials Committee at the 114th Session of the Conference to the information set out in that document and urged the Government to submit to the Director-General all information on concrete steps taken by 21 September 2026 for transmission to the Governing Body at its 358th Session (November 2026) (GB.356/INS/12(Rev.2), paragraph 23(e) and (f)).*

10. *In light of the foregoing, and in the absence of any progress in the situation pertaining to the nomination of the Workers' delegation of Belarus, the Committee considers that it is necessary to renew the monitoring measures. Consequently, it unanimously recommends to the Conference that it request the Government of Belarus, by virtue of articles 32(7) and 34 of the Conference Standing*

Orders, to submit for the next session of the Conference, at the same time that it submits the credentials for its delegation, a detailed report substantiated with relevant documentation:

(a) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with most representative workers' organizations, specifying the organizations consulted and according to which criteria; and

(b) on the concrete measures undertaken, in line with the recommendations of ILO supervisory bodies, to ensure that organizations consulted on the nomination of the Workers' delegate and advisers are genuine organizations of workers, free and independent from the Government.

Djibouti

11. At its 113th Session (2025), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders, upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation concerning the nomination of the Workers' delegation (ILC.113/Record No. 1B, paragraph 18). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant documentation:

(a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and

(b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations. Where more than one organization claims the same name, the report should also specify which organization was consulted and for which reasons.

12. The credentials of Djibouti for the current session of the Conference were submitted on 11 May 2026. In a brief report submitted on 1 June 2026, the Government once again reiterated information that it has provided to the Credentials Committee in previous years regarding the establishment of criteria for the independent representation of workers in the country, and the future submission of a draft decree on this topic to tripartite consultation. It indicated that pending the establishment of criteria, a system of rotation has been implemented since 2017 to nominate the representatives of the workers' organizations to the different functions in the delegation. Concretely, this year the two workers' organizations – the UDT and the UGTD – as well as the employers' organization had been invited to designate their representatives within the delegation. Through written communications, the UDT had designated its President, Mr Mohammed Youssouf Mohamed as titular delegate together with one substitute delegate and three advisers, while the UGTD had designated its Secretary-General Mr Said Yonis Waberi together with five other persons to participate in the delegation.

13. In a further written communication addressed to the Committee at its request, the Government explained that, concerning the draft decree regarding the establishment of criteria for the independent representation of workers in the country, it had not been possible to schedule it for tripartite discussion. In addition, the Government reiterated its request for technical assistance in order to improve social dialogue in the country and to facilitate the presentation of the draft decree. Finally, the Government recalled a recent meeting between

the Director of the ILO Country Office in Addis-Ababa and the tripartite constituents in Djibouti, and expressed its wish for a normalization of its relations with the ILO.

14. *The Committee notes that for the 23rd time, the credentials of the workers' delegation of Djibouti are the subject of an objection from the Intersyndicale UDT/UGTD, alleging violation of rules regarding the nomination of workers delegates and previous decisions of the Conference by nominating individuals that did not represent the real UDT or UGTD. The objecting organizations once again request the invalidation of the credentials of the workers' delegation (see paragraphs 49 to 53 below).*

15. *The Committee notes that, as the Government's report is largely similar to the report submitted in previous years, it still does not provide satisfactory replies to the questions raised by the Conference, including in relation to the establishment of criteria for the independent representation of workers in the country. The Committee once again notes also that the Government has not submitted its reports or responded to comments submitted by workers' organizations as requested by the Committee of Experts on the Application of Conventions and Recommendations (ILC.114/III(A)).*

16. *The Committee regrets that, for the second year in a row, it was not possible to receive clarifications in person by the Minister of Labour, in charge of Formalization and Social Protection. The Committee considers that the long-standing nature of the situation referred to the Committee calls for engagement of the Government at the highest level.*

17. *The Committee profoundly regrets that, once again, no steps have been taken to address the long-standing matters pending before the Committee and that, in general, there is a lack of cooperation from the Government in relation to the examination of the question of the establishment of objective criteria for the representativeness of workers' organizations and the free choice of their representatives at the Conference. It continues to deeply regret that the Government has in essence ignored the Committee's reports for many years and, given the lack of any meaningful information from the Government, finds itself unable to take a fully informed view on the pending matters. It once again strongly urges the Government to implement without delay the measures that it has called for, in order to put an end to a situation that started in 1997. The Committee calls upon the Office to furnish the technical assistance needed by the Government.*

18. *Therefore, taking into account the objection received concerning the nomination of the workers' delegation, the Committee considers that the situation justifies the renewal of its monitoring under terms similar to those decided by the Conference at its last session. Consequently, by virtue of articles 32(7) and 34 of the Conference Standing Orders, the Committee unanimously proposes that the Conference request the Government of Djibouti to submit for the next session of the Conference, at the same time that it submits the credentials for its delegation, a detailed report, substantiated with relevant information:*

(a) concerning the concrete measures undertaken with respect to the establishment of criteria for the independent representation of workers in the country, in conformity with freedom of association principles; and

(b) on the procedure followed for the nomination of the Workers' delegate and advisers, in consultation with representative workers' organizations, specifying the organizations consulted and according to which criteria, their numerical importance, the date and place of these consultations, the names of the individuals nominated by the organizations during these consultations and the positions they hold within those organizations. Where more than one organization claim the same name, the report should also specify which organization was consulted and for which reasons.

Mauritania

19. At its 113th Session (2025), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (ILC.113/Record No. 1B, paragraph 25), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant information:

(a) the progress made in relation to the organization of elections with a view to determine the representativeness of the workers' organizations;

(b) the trade union situation in the country, including the name(s) of the representative workers' organizations, their coverage, their numerical membership, and other objective and verifiable criteria; and

(c) the procedure utilized to nominate the Workers' delegation, specifically, the organizations that have been consulted on the matter and according to which criteria; the date of the consultations, and the names and titles of the representatives consulted; information as to the measures taken by the Government to facilitate an agreement among the representative workers' organizations; and the names of the individuals nominated by the organizations during these consultations.

20. According to the credentials deposited on 6 May 2026, the Workers' delegate for this year's Conference was the Secretary-General of the Union des Travailleurs de Mauritanie (UTM), accompanied by one substitute delegate (the Secretary-General of the Confédération générale des Travailleurs de Mauritanie (CGTM)) and four advisers (the Secretaries-General of the Confédération Libre des Travailleurs de Mauritanie (CLTM), of the Union générale pour le Travail et de la Santé en Mauritanie (UGTSM), of the Union Nationale des Syndicats autonomes (UNAS) and of the Confédération nationale des Travailleurs de Mauritanie (CNTM)).

21. In its report submitted on 25 May 2026 in response to the decision taken by the Conference at its last session, the Government announced that it had completed the process for the determination of the representativeness of trade unions that it had started in 2024. In this regard, a Decree had been issued on 19 June 2025 revising the rules and criteria for the determination of representativeness and a Ministerial Order of 12 August 2025 set out the calendar and process for elections. Once this process was completed, the Government had issued a Decree on 27 November 2025 listing the most representative organizations at the national level. The Government indicated that, since December 2025, social dialogue and collective bargaining had taken place in a less contentious environment.

22. Turning to the nomination of the workers' delegation for the Conference, the Government indicated that it had designated six representative organizations to participate in the Conference, which, when consulted, identified their respective Secretaries-General as participants.

23. *The Committee welcomes the information provided by the Government that the process to determine the representativeness of the workers' organizations, including the holding of elections, has, after over a decade of uncertainty, been completed. However, the Committee notes that the report submitted by the Government appears to indicate that no consultations took place prior to the designation of the delegation to this session of the Conference, but rather that the Government had designated a number of representative organizations to be included in the workers' delegation. According to the report, the organizations were consulted solely to identify their respective*

representatives. The Committee recalls that when several most representative organizations exist in one country, the Government must aim to effect an agreement among them.

24. *The Committee nevertheless notes that, for the fourth year in a row, the designation of the workers' delegation of Mauritania has not been the object of an objection. The Committee notes with satisfaction the positive developments that have taken place on the long-standing issue of the representativeness of trade unions in Mauritania.*

25. *In light of the information provided, the Committee trusts that in the future the nomination of the Workers' delegation of Mauritania will be effected in full conformity with article 3(5) of the ILO Constitution. It is to ensure that the nominated Workers' delegate truly represent the workers that their appointment must be done in agreement with the most representative workers' organizations in the country. In this context, the Committee therefore decides not to recommend to the Conference the renewal of the monitoring.*

Nicaragua

26. At its 113th Session (2025), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders, and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Employers' delegation (ILC.113/Record No. 1B, paragraph 28). Consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted the credentials for the delegation of Nicaragua, a detailed report substantiated with relevant documentation on:

(a) the representative employers' organizations operating in Nicaragua, specifying their membership and comparative importance, including with respect to any de facto organizations; and

(b) the procedure followed for the nomination of the Employers' delegate and advisers, in consultation with representative employers' organizations, specifying the organizations consulted and according to which criteria.

27. *The Committee recalls the communication dated 27 February 2025 from the Government of Nicaragua to the Director-General of the ILO, conveying its decision to withdraw from the Organization pursuant to article 1, paragraph 5, of the ILO Constitution and that this withdrawal will take effect on 28 February 2027, subject to the fulfilment of the conditions set out in the Constitution.*

28. *The Committee notes with concern that the Government failed to nominate a tripartite delegation to participate in the International Labour Conference for the second year in a row. In that context it finds itself unable to give effect to the decision of the Conference on monitoring the situation concerning the nomination of the Nicaraguan employers' representatives. Nonetheless, the Committee considers that the absence of a delegation does not affect the continued relevance of the concerns identified in the previous sessions of the Conference, nor does it relieve the Government from fulfilling the obligations under the ILO Constitution. Accordingly, the Committee regrets that the Government has not given effect to the decision of the Conference. Therefore, it considers that the situation justifies the renewal of the monitoring under analogous terms to those decided by the Conference at its previous session and urges the Government to ensure a nomination process for the next session of the Conference that is in full compliance with article 3(5) of the Constitution, should it still be a Member State of the ILO at that time.*

Bolivarian Republic of Venezuela

29. At its 113th Session (2025), the International Labour Conference decided, by virtue of articles 32(7) and 34 of the Conference Standing Orders and upon the unanimous recommendation of the Credentials Committee, to renew the monitoring of the situation raised in an objection concerning the nomination of the Workers' delegation (ILC.113/Record No. 1B, paragraph 36), and consequently, it requested the Government to submit for the next session of the Conference, at the same time that it submitted its credentials for its delegation, a detailed report, substantiated with relevant information on:

(a) steps taken by the Government to obtain objective evidence regarding the representativeness of all workers' organizations in the country; and

(b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.

30. The credentials of the Bolivarian Republic of Venezuela for the current session of the Conference were submitted on 11 May 2026. The Workers' delegate to this year's Conference was the President of the Central Bolivariana Socialista de Trabajadores y Trabajadoras de la Ciudad, el Campo y la Pesca (CBST-CCP), accompanied by one adviser and substitute delegate and three advisers from the same organization, as well as one adviser from each of the Central de Trabajadores y Trabajadoras Alianza Sindical Independiente de Venezuela (ASI-Venezuela), Confederación General de Trabajadores (CGT), Confederación de Sindicatos Autónomos (CODESA), Confederación de Trabajadores de Venezuela (CTV), Central Única de Trabajadores de Venezuela (CUTV) and Unión Nacional de Trabajadores (UNETE).

31. In its report, the Government reiterated information provided in previous years concerning the legal framework applicable to trade unions, the affiliation data available from the National Trade Union Registry (RNOS), the number of collective agreements signed, and its position that, on the basis of those figures, the CBST-CCP is the most representative workers' organization. It also highlighted steps taken in 2026 to broaden the social dialogue process relevant to the nomination of the Workers' delegation. It referred in particular to the fifth edition of the Social Dialogue Forum, held on 28 and 29 April 2026 with the participation and technical support of officials from the ILO Office for the Andean Countries, which, according to the Government, brought together the workers' and employers' organizations that had participated in the Forum since 2022, as well as three additional trade union centres that had not previously taken part. The Government stated that within the framework of the Forum, the organizations concerned were urged to engage in dialogue with a view to forming delegations characterized by plurality, breadth, inclusion and representativeness. It further indicated that, on 5 May 2026, it sent a written communication to the workers' organizations ASI-Venezuela, CBST-CCP, CGT, CODESA, CTV, CUTV and UNETE, inviting them to work towards the formation of a tripartite delegation in which all actors of the world of work in the country could be represented. The Government indicated that, following the information meeting held on 8 May 2026, it received proposals from CBST-CCP, CODESA, CTV, CUTV and UNETE. It stated that the proposal submitted by CBST-CCP reflected consensus reached among some trade union centres and included the representation of all workers' organizations that had participated in the fifth edition of the Social Dialogue Forum. The Government accredited the Workers' delegation on that basis.

32. *The Committee notes that the Government accredited the Workers' delegation to the present session of the Conference on the basis of the proposal received from CBST-CCP, which stated that the proposed delegation was the product of a consensus reached between CBST-CCP and six minority*

trade union centres. The Committee welcomes, in this regard, the reported participation in the fifth edition of the Social Dialogue Forum of three additional trade union centres that had not previously taken part in that process, as a positive step towards broader inclusion. The Committee notes, however, that the Government also received separate proposals from CODESA, CTV, CUTV and UNETE, and that UNETE specifically indicated in its proposal that it had not been invited to any in-person meeting aimed at reaching a consensus or ensuring plural, broad and inclusive participation in the selection of the Workers' delegation. In these circumstances, the information before the Committee does not permit it to conclude that the composition of the Workers' delegation resulted from an agreement among all the organizations concerned.

33. *The Committee recalls, once again, that where several representative organizations exist, Governments must take them all into consideration when proceeding to the nomination of a delegation and, ideally, obtain the agreement of all the most representative among them. However, while both the Government and the organizations concerned should strive to achieve such an agreement, and while a plurality of organizations may better represent the views of employers and workers in a country, such a plurality cannot be unilaterally imposed by the Government. Failing an agreement among most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization is the most representative.*

34. *The Committee welcomes the fact that a fifth edition of the Social Dialogue Forum was held and hopes that the continuation of that process, with the technical assistance of the ILO, will assist the Government in establishing objective and verifiable criteria for assessing the representativeness of workers' organizations. The Committee further hopes that such criteria will eventually enable the Government to nominate the Workers' delegates to the Conference in agreement with the most representative workers' organizations, in full conformity with the requirements of article 3(5) of the ILO Constitution.*

35. *In light of the foregoing, and pending such progress, the Committee considers it necessary to renew the monitoring measures for the time being. Consequently, it unanimously recommends to the Conference that it request the Government of the Bolivarian Republic of Venezuela, by virtue of articles 32(7) and 34 of the Conference Standing Orders, to submit for the next session of the Conference, at the same time that it submits the credentials for its delegation, a detailed report substantiated with relevant documentation on:*

(a) steps taken by the Government to obtain objective evidence regarding the representativeness of all workers' organizations in the country; and

(b) the procedure followed to attempt to reach an agreement among the most representative workers' organizations and, if such an agreement was not reached, the objective and verifiable criteria established for the nomination of the Workers' delegation.

Objections

36. The Committee has received and dealt with 15 objections. These relate both to the credentials of delegates and their advisers who were accredited to the Conference, as reflected in the provisional list of delegations published on 1 June 2026 as well as to incomplete delegations. The Committee has completed the examination of all objections, which are listed below in the French alphabetical order.

Objection concerning the nomination of the Workers' delegation of Belarus

37. The Credentials Committee had before it an objection submitted by the International Trade Union Confederation (ITUC), challenging the credentials of the Workers' delegation of Belarus. The ITUC reiterated the allegations it had made in its objections to the credentials submitted to the two previous sessions of the Conference (ILC.113/Record No. 1B, paragraphs 38–42, and ILC.112/Record No. 3B, paragraphs 35–45), namely that the nomination of the Workers' representatives from the Federation of Trade Unions of Belarus (FPB) did not ensure genuine and independent representation of Belarusian workers at the Conference. The ITUC also reiterated that, following the dissolution in 2022 of the Belarusian Congress of Democratic Trade Unions (BKDP) and other independent trade unions, and in the absence of freedom of association, genuine consultations with the most representative workers' organizations were not possible. It further alleged that developments in 2025 and 2026 confirmed the FPB's lack of independence, referring in particular to the continued appointment of persons with close links to State structures to leadership positions within the FPB and its affiliated trade unions, and to the FPB's continued alignment with official State policy.

38. In a written communication addressed to the Committee at its request, the Government reiterated the information provided in its monitoring report and rejected the objection as unfounded and politically motivated. It stated that the ITUC had provided no facts demonstrating that the FPB failed to meet the criteria of representativeness or independence. The Government disputed the relevance of the ITUC's references to the previous public functions of some FPB representatives and sectoral trade union leaders, stating that the posts concerned had been filled in accordance with the applicable statutes, either through election by the competent trade union bodies or, in one case, through appointment to a non-elective post within the FPB following recruitment by that organization. The Government also rejected the allegation that the FPB's support for certain State policies evidenced a lack of independence, stating that such support reflected its participation as an equal partner in social dialogue. It further reiterated that the BKDP and its former affiliates no longer existed as trade union organizations in Belarus and that persons acting in their name from abroad had no connection with Belarusian workers. The Government insisted that there were no grounds to question the representative character of the FPB and requested the Committee to reject the objection.

39. *The Committee notes that, as in the previous session of the Conference, the credentials of the Workers' delegation of Belarus are again subject to an objection by the ITUC. It further notes that, while the Government's reply addressed certain specific allegations raised in the objection, it essentially reiterated the information provided in its monitoring report and in previous years. The Committee regrets that the Government has not reported any concrete progress towards ensuring that the Workers' delegation to the Conference is nominated in agreement with the most representative, genuine and independent workers' organizations.*

40. *The Committee again reiterates that the fundamental questions of freedom of association raised by the nomination of the Workers' delegation of Belarus have been thoroughly considered by the Committee on Freedom of Association. It regrets that, despite the Governing Body decisions and supervisory body recommendations in this regard, the Government has failed to provide any new information on measures taken to implement the recommendations of the Commission of Inquiry. It notes that the Governing Body has again urged the Government to submit information on concrete steps taken in this regard by 21 September 2026 (GB.356/INS/12(Rev.2), paragraph 23(e)).*

41. *In the absence of any new information, the Committee continues to seriously doubt that the nomination of the Workers' delegation to the Conference has been made in accordance with*

article 3(5) of the ILO Constitution. In light of these considerations, the Committee reiterates its conclusions under the monitoring measures (see paragraphs 5–10 above) and once again considers that, in the absence of any progress in the situation pertaining to the nomination of the Workers' delegation of Belarus, the continuation of the monitoring measures remains warranted, with a view to ensuring that the Workers' delegation to the Conference is nominated in agreement with the most representative, genuine and independent workers' organizations in the country.

Objection concerning the failure to deposit credentials of an Employers' and Workers' delegate by the Government of Belize

42. The Credentials Committee received an objection presented by the International Organisation of Employers (IOE) concerning the failure to deposit credentials of a complete tripartite delegation by the Government of Belize. The IOE submitted that the Government had accredited only one Government representative and had failed to accredit the second Government delegate, the Employers' delegate and the Workers' delegate required under article 3(1) of the ILO Constitution. It requested the Committee to examine the matter.

43. In communications addressed to the Committee at its request, the Government stated that, due to the current global instability and uncertainty, Belize had decided to impose constraints on official travel. It further explained that the accreditation of a single Government delegate made through its Permanent Mission in Geneva had been intended as a placeholder and that the delegate had not participated in any formal sessions of the Conference. The Government added that, following instructions from the capital, the accreditation would subsequently be withdrawn.

44. *The Committee notes that, at the time that the objection was lodged, Belize had accredited an incomplete and exclusively governmental delegation to the present session of the Conference. The Committee further notes the information provided by the Government concerning travel constraints and the intended withdrawal of the accreditation concerned. The Committee must stress that governments, in accordance with article 3(1) of the ILO Constitution, remain under the obligation to nominate a tripartite delegation to the Conference. By sending a delegation that is exclusively governmental, or no delegation at all, the Government deprives the employers and workers of the country of their right to be represented in the highest policymaking body of the ILO and to participate in its work. Without the participation of Government, Employer and Worker representatives, the Conference cannot function properly or attain its objectives. The Committee therefore strongly urges the Government to make the necessary efforts to ensure that a fully tripartite delegation is accredited to future sessions of the Conference.*

Objection concerning the failure to deposit credentials of an Employers' delegate of the Plurinational State of Bolivia

45. The Credentials Committee received an objection submitted by the International Organisation of Employers (IOE) concerning the failure to deposit the credentials of a full tripartite delegation by the Government of the Plurinational State of Bolivia. It was submitted that, despite repeated requests made by the Confederation of Private Employers of Bolivia (CEPB) for accreditation, no response had been received from the Ministry of Labour, Employment and Social Security, and that the Government had therefore not fulfilled its obligation under article 3(1) of the Constitution. As a consequence, Bolivian employers had been deprived of any possibility of representation and participation in the debates and decisions of the Organization.

46. In a communication addressed to the Committee at its request, the Government stated that it had reached out to the CEPB to ensure the participation of employers' representatives in the Conference, that there were factors that had affected the usual transmission procedures and that they were currently being addressed, and that it had subsequently taken steps to submit the credentials of the person designated by the CEPB.

47. *The Committee notes that, since the objection was received, the Government has accredited an Employers' delegate. It further notes, however, that the Bolivian delegation is still not fully tripartite, as no Workers' representatives have been nominated. The Committee reminds the Government of its obligation under article 31(1) of the Conference Standing Orders to deposit credentials of its delegates and advisers and of all other members of its delegation with the Office at least 21 days before the date fixed for the opening of the session of the Conference. Respect of the obligation to accredit a full tripartite delegation in a timely manner enables the verification of the credential by all parties concerned and therefore allows the Committee to effectively exercise its mandate under the ILO Constitution and the Conference Standing Orders. The Committee recalls that all Member States have a constitutional obligation to not only designate a fully tripartite delegation but, once they do so, to assume their travel and subsistence expenses so as to ensure that employers and workers are duly represented at the Conference.*

48. *While welcoming the accreditation of the Employers' delegation, the Committee reminds the Government of its constitutional obligations to designate a fully tripartite delegation. Without the participation of Government, employers' and workers' representatives, the Conference cannot function properly or attain its objectives. By not sending a fully tripartite delegation to the Conference, the Government has breached article 3(1) of the ILO Constitution and deprived not only workers of their right to be represented in the highest policymaking body of the ILO and to participate in its work, but also compromised the tripartite integrity of the Conference and its decision-making processes by depriving the other social partner, in this case the Employers' delegation, of the right to vote in the Conference. The Committee expects that next year the Government will send a fully tripartite delegation in consultation with the most representative organizations of employers and workers and in a timely and informed manner.*

Objection concerning the nomination of the Workers' delegation of Djibouti

49. The Credentials Committee had before it an objection submitted by the Intersyndicale UDT/UGTD, challenging the credentials of the Workers' delegation of Djibouti. As noted in this Committee's monitoring of the nomination of the Workers' delegation of Djibouti (see paragraphs 11–18), the authors of the objection reiterated their previous allegations concerning the nomination by the Government of individuals that had usurped the names of the Union Djiboutienne du Travail (UDT) or Union Générale des Travailleurs Djiboutiens (UGTD), and who were not independent from the Government. In addition, the authors had requested from the Minister of Labour, in charge of Formalization and Social Protection their inclusion in the delegation of Djibouti, without receiving any reply. The authors requested the rejection of the Workers' delegation's credentials, and that action be taken against the Government for violation of its constitutional obligations as well as the non-observance of ratified Conventions.

50. In a written communication addressed to the Committee at its request, the Government once again reiterated the information provided in its monitoring report. It again indicated that there was no Intersyndicale UDT/UGTD and that the trade union mandate of the authors of the objection had long since expired. On the contrary, it considered that the UDT and the UGDT were the only two central trade unions in the country, having about 20 base trade unions affiliated to them. The Government again reiterated its wish for a normalization of its relations

with the ILO and its request for the ILO's technical assistance in implementing the necessary reforms concerning the question of social dialogue. Such technical assistance, to be carried out in coordination with other United Nations entities, should be made available to all tripartite stakeholders of Djibouti, without exclusion.

51. *The Committee is obliged to once again observe with concern that, notwithstanding its repeated and consistent conclusions and the monitoring measures renewed by the Conference at its previous sessions, an objection has been lodged against the Government of Djibouti by the UDT and the UGTD concerning the nomination of the Workers' delegation. The Committee reiterates that it considers that the lack of progress in this case is due, to a large extent, to the persistent failure on both sides to provide the Committee with sufficient relevant information and evidence to support their respective claims. As regards the objecting organizations, the Committee again regrets that the objection merely repeats, every year, the same allegations without clarifying the facts of the case. It once again recalls that it is in the interest of the objecting organizations to present specific allegations, supported by relevant documentation that are in line with the mandate of the Committee.*

52. *The Committee deeply regrets that the Government has once again, both in its monitoring report and its reply to the objection, not addressed the allegations repeated every year by the objecting organizations concerning the duplication ("cloning") of the UDT and UGTD and usurpation of their names, other than by stating flatly that the authors of the objection had no legitimate union mandate. With reference to the repeated statement of the Government according to which Mr Adan Mohamed Abdou previously held a political office with which a union mandate was incompatible, the Committee recalls once again that legislation which disqualifies persons from trade union office because of their political beliefs or affiliations is not in conformity with the right of trade unionists to elect their representatives in full freedom (ILC.103/Records No. 5C, paragraph 17). Nevertheless, the Committee notes the continued intention of the Government to submit its draft decree on representativeness for tripartite discussion, and its reliance on technical assistance from the Office to do so.*

53. *In the absence of any new information, the Committee can only once again express serious doubts as to the representative nature of the Workers' delegation to the present session of the Conference. In this regard, the Committee recalls that, in accordance with article 32, paragraph 4, of the Conference Standing Orders, it may propose the invalidation of the credentials of the Workers' delegation to the Conference. In light of these considerations, it reiterates its conclusions under the monitoring measures (see paragraph 18), considering that the situation pertaining to the nomination of the Workers' delegation of Djibouti warrants the continuation of the monitoring measures with a view to ensuring that relevant, effective and concrete actions would continue to be taken regarding the issue of trade union representativeness, and more generally social dialogue, in Djibouti. The Committee once again trusts that an assessment of the trade union movement will be made possible, in a climate of confidence and, in a framework that fully respects the capacity to act of the genuine workers' organizations in Djibouti, in total independence from the Government.*

Objection concerning the nomination of the Workers' delegation of Ecuador

54. The Credentials Committee received an objection presented by the Frente Unitario de Trabajadores (FUT) concerning the nomination of the Workers' delegation. The objecting organization alleged that the Government had accredited the Workers' delegation without conducting a transparent and genuine consultation process with the most representative workers' organizations in the country. It indicated that the FUT had requested the accreditation of its proposed representatives by communication dated 14 May 2026 but had received no formal response from the Ministry of Labour. According to the objecting organization, the

accredited delegation did not reflect the real, independent and plural representativeness of the Ecuadorian trade union movement. The FUT maintained that this was contrary to article 3(5) of the ILO Constitution and requested the Committee to review the legitimacy of the accredited Workers' delegation and the procedure followed for its nomination.

55. In a written communication addressed to the Committee at its request, the Government stated that the nomination of the Workers' delegation had been carried out through the Consejo Nacional de Trabajo y Salario (CNTS), a tripartite body established under national legislation. It indicated that the workers' representatives on the CNTS had been selected through a process conducted in 2025 to determine the most representative workers' organizations and that the FUT was not among the organizations elected to represent the workers in the CNTS for 2025–27. It further indicated that, in 2025, the regulatory framework governing the CNTS had been amended with a view to broadening the participation of workers' and employers' organizations not represented in that body, including through a procedure for the designation of additional representatives. The Government further stated that some organizations not represented in the CNTS, including some organizations affiliated with the FUT, had been invited to participate in the process for the designation of additional representatives to the CNTS but had not responded to those invitations. According to the Government, the nomination of the Workers' delegation to the Conference was discussed at a meeting of the CNTS held on 10 April 2026, following which the Federación Nacional de Trabajadores Públicos y Privados del Ecuador (FTPP) and the Central Unitaria de Trabajadores (CUT) submitted nominations that formed the basis for the designation of the accredited Workers' delegation. The Government maintained that the consultation process complied with the principles of consultation, representativeness and social dialogue and was consistent with article 3(5) of the ILO Constitution.

56. *The Committee notes that this is the fifth consecutive year in which it has been called upon to examine questions concerning the nomination of the Workers' delegation of Ecuador. It recalls that in previous years it had observed that the nomination of the Workers' delegation through the CNTS may not guarantee compliance with article 3(5) of the ILO Constitution where the process does not ensure that all the most representative workers' organizations are effectively consulted.*

57. *The Committee notes that, in reply to the present objection, the Government provided detailed information concerning the determination of representativeness within the CNTS, the election of workers' representatives to that body, the organizations consulted and the procedure followed for the nomination of the Workers' delegation to the Conference. It also notes the Government's indication that some organizations not represented within the CNTS, including some organizations affiliated with the FUT, were invited to participate in the process for the designation of additional representatives in that body but did not submit nominations.*

58. *While taking due note of the information provided by the Government, the Committee emphasizes that, where several most representative organizations exist in one country, the Government must, pursuant to article 3(5) of the ILO Constitution, aim to effect an agreement among them. Failing such an agreement, the Government must assess, on the basis of objective and verifiable criteria, which organization, or group of organizations having agreed on a common proposal, is the most representative. In this connection, the Committee notes that the Committee of Experts on the Application of Conventions and Recommendations, in its most recent report, also addressed the participation of the most representative employers' and workers' organizations in the CNTS in relation to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and recalled that representativeness must be determined on the basis of objective, pre-established and precise criteria (ILC.114/Report III(A), pages 805–807).*

59. *The Committee regrets that the information before it does not permit it to determine conclusively whether the procedures followed satisfied those requirements. The Committee recalls that, in its previous examinations of this matter, it indicated that persistent failure to comply with article 3(5) of the ILO Constitution could warrant monitoring under article 32(7) of the Standing Orders of the Conference. It urges the Government to continue its efforts to ensure that future nominations of the Workers' delegation are made in full compliance with article 3(5) of the ILO Constitution and the principles recalled above.*

Objection concerning the nomination of the Workers' delegation of the United States of America

60. The Credentials Committee had before it an objection challenging the credentials of the Workers' delegation of the United States of America submitted by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). The AFL-CIO submitted that, despite it being the most representative workers' organization in the country, with a long-standing history of representing American workers at the Conference, the Government had not nominated the Workers' delegation it had designated. The AFL-CIO alleged that this had followed its refusal to designate advisors from what it considered to be a non-governmental organization that promoted alternatives to unions. Referring to the Government's repeated refusal to extend credentials to the AFL-CIO and expressing the view that the Government was unlikely to comply with any decision arising from the examination by the Committee, the objecting organization requested the Credentials Committee to put the United States under monitoring under article 32(7) of the Standing Orders of the Conference.

61. The Committee also received additional information from the International Trade Union Confederation (ITUC), which associated itself with the objection of the AFL-CIO and stressed that the AFL-CIO was the most representative workers' organization in the country. The ITUC alleged that at the time of its communication, the only registered member of the Workers' delegation for the United States was the Executive Director of the Institute for Sound Public Policy which, according to its legal status, was not a labour organization and that does not claim to be membership-based workers' organization. The ITUC requested the Credentials Committee to refuse to admit this Workers' adviser and substitute delegate to the Conference.

62. In a communication addressed to the Committee at its request, the Government explained that it maintained an open dialogue with the representative workers' organizations in the United States, including the AFL-CIO, its affiliates, and other trade unions not affiliated with it, and emphasized that it was important to consider a variety of employer and worker voices. In preparing its tripartite delegation, the Government indicated that it had engaged with the relevant workers' and employers' organizations, including the AFL-CIO, to come to an agreement on the nomination of the Workers' delegate and advisers. In the absence of agreement, the Government prioritized nominating a tripartite delegation, the composition of which reflected feedback received in consultations with relevant organizations, including the AFL-CIO. The Government stated that it had nominated a representative from an AFL-CIO affiliate as the delegate and an adviser and substitute delegate from an organization representing rideshare workers that had been included on the list provided by AFL-CIO during the consultations. The Government remained committed to constructive engagement and continued dialogue with its social partners.

63. *The Committee notes that it has, for the second consecutive year, received an objection calling into question the designation of the Workers' delegation from the United States of America and alleging specifically that the Government had not nominated the Workers' delegation designated by the most*

representative workers' organization. Additionally, the legitimacy of a nominated Workers' substitute delegate and adviser has been called into question.

64. *The Committee notes that the Government indicated that it had undertaken efforts to reach an agreement between the objecting organization and other organizations not affiliated with it, to no avail. While the Committee notes that the Government once again appears to accept the representative nature of the objecting organization, it did not explain whether the other organizations with which it had attempted to reach agreement were most representative workers' organizations. The Committee recalls that, in the absence of agreement among most representative organizations, the existence and application of objective and verifiable criteria for determining the representativity of workers' organizations is critical when designating Workers' delegations.*

65. *The Committee notes the Government's indication that the composition of the delegation reflected feedback received in consultations with relevant organizations. The Committee further notes that the Government did not provide any information with regard to the criteria used in the selection. The Committee recalls that in its second report to the 113th Session of the Conference, it had drawn the Government's attention to the need to ensure that objective and verifiable criteria for the determination of representativeness in the country be established in time for the consultations on the nomination of the Workers' delegation to the 114th Session of the Conference (ILC.113/Record No. 1B, paragraph 68). In addition, the Committee noted that the Government nominated only a Workers' delegate and two advisers and substitute delegates in its Workers' delegation to the Conference and significantly larger Government and Employers' delegations. In this regard, the Committee notes that the status of the Workers' substitute delegate and adviser who was not affiliated to a membership-based organization has subsequently been changed to the status of other person attending the meeting. The Committee recalls that the Conference can only work properly if there are sufficient advisers present in the three groups of the Conference.*

66. *In light of the above, the Committee continues to be of the view that the AFL-CIO is among the most representative organizations in the country. Further, and in the absence of information demonstrating that the designation of the Workers' delegation was made in agreement with the most representative workers' organizations concerned, the Committee is unable to conclude that the requirements of article 3(5) were satisfied. The Committee recalls that governments must accept the nominations made by the most representative workers' and employers' organizations and that any refusal to do so is incompatible with the obligations under article 3(5) of the ILO Constitution. The Committee recalls that advisers affiliated to organizations that are not membership-based may be nominated, so long as that nomination is made in agreement with a most representative organization.*

67. *Noting the commitment from the Government to constructive engagement and social dialogue with its social partners, the Committee expects that the Government will ensure that the nomination of the Employers' and Workers' delegations at future sessions of the Conference will be in full compliance with the ILO Constitution. The Committee recalls that persistent failure to comply with article 3(5) of the ILO Constitution could in the future warrant monitoring under article 32(7) of the Standing Orders of the Conference. The Committee once again trusts that objective and verifiable criteria for the determination of representativeness in the country will have been established in time for the consultations on the nomination of the Workers' delegation to the next session of the Conference.*

Objection concerning the nomination of the Workers' delegation of India

68. The Credentials Committee received an objection presented by nine workers' organizations (AICCTU, AITUC, AIUTUC, CITU, HMS, INTUC, LPF, TUCC, UTUC), concerning the composition of

the Workers' delegation of India to the present session of the Conference. The authors of the objection submitted that since 2018, the Government had imposed restrictions on the nomination of workers' representatives to the International Labour Conference by limiting the number of times an individual may participate in the Conference. According to the objection, these restrictions were maintained for the present session, despite previous conclusions of the Credentials Committee, and interfered with the right of workers' organizations to nominate their representatives in full independence. The objecting organizations further alleged that representative workers' organizations, including the Indian National Trade Union Congress (INTUC), were once again excluded from the Workers' delegation, as well as, for the first time, the Centre of Indian Trade Unions (CITU). The objecting organizations contended that the nomination process was incompatible with articles 3(2), 3(4) and 3(5) of the ILO Constitution and requested the Committee to take appropriate measures in this regard. The Committee also received a separate objection from the CITU, supported by the World Federation of Trade Unions (WFTU), in relation to its exclusion from the Workers' delegation and alleging that it had not been consulted on its composition despite its representative status.

69. In a written communication addressed to the Committee at its request, the Government once again explained that the restrictions introduced in 2018, limiting the number of times an individual may be nominated as a delegate or adviser, were intended to promote broader participation and provide greater opportunities for new representatives to attend the Conference. The Government stated that the nomination of the Workers' delegation for 2026 had been carried out in accordance with the standard operating procedure adopted by the Ministry of Labour and Employment, the stated objective of which is to ensure the due representation of the most representative workers' organizations in the Indian delegation through an objective, transparent and inclusive process. The Government explained that, in view of prevailing security, travel and logistical concerns, it had taken an administrative decision to reduce the size of the tripartite delegation and consequently to limit the number of representatives from each constituent group. According to the Government, communications were issued on 4 May 2026 to workers' organizations inviting nominations for the Workers' delegation. The Government stated that the position of Workers' delegate was allocated to the Bharatiya Mazdoor Sangh (BMS), while the adviser positions were distributed among representative workers' organizations. It further indicated that INTUC had not been considered because of ongoing litigation concerning the leadership of the organization. As regards CITU, the Government stated that, having regard to the limited number of places available, preference had been accorded to organizations that had historically enjoyed less representation in the delegation, including the National Front of Indian Trade Unions-Dhanbad (NFITU-DHN), with a view to promoting broader participation among smaller organizations.

70. *Recalling that the Government's decision in 2018 to restrict the number of times that a person may be nominated as a Worker delegate or adviser to the International Labour Conference was not agreed to by the most representative trade union organizations, the Committee regrets that, notwithstanding its previous conclusions, the Government has continued to apply these restrictions in the nomination process for the present session of the Conference. The Committee emphasizes that governments must accept the nominations made by the most representative workers' and employers' organizations and that any refusal to do so is incompatible with the obligations under article 3(5) of the ILO Constitution. It therefore once again urges the Government to take the necessary steps to rescind these restrictions without delay and to ensure that future Workers' delegations are nominated in full conformity with the Constitution and in complete independence from government interference.*

71. *The Committee notes from the information provided by the Government that it had requested nominations for the Workers' delegation from the first 8 of the 13 workers' organizations identified in the latest membership verification exercise, with the exception of INTUC and CITU which respectively held the second and fifth places. In relation to INTUC, this is the sixth time that the Committee has been called upon to examine its exclusion from the Workers' delegation, the matter having risen from an internal conflict in the organization. While recalling its consistent line of jurisprudence that where a matter centres on an internal conflict within an organization, it lacks jurisdiction to examine the dispute, the Committee once again calls upon the Government to redouble its efforts and seek the factions' specific agreement on the designation of a common representative for inclusion in the Workers' delegation to future sessions of the Conference. As regards the exclusion of CITU from the Workers' delegation, the Committee notes that the Government does not dispute CITU's status as one of the representative central trade union organizations in the country, nor did it provide information demonstrating that consultations had been undertaken with CITU concerning the composition of the Workers' delegation. The Committee recalls that, where several representative organizations exist, the Government must seek to reach agreement among them and, failing such agreement, must rely on objective and verifiable criteria in determining representation. In the circumstances of the present case, the Committee is not persuaded that the exclusion of allegedly representative trade unions, according to the Government's last membership verification exercise, was consistent with the objective of ensuring the representation of the most representative workers' organizations. The Committee therefore urges the Government to ensure that future Workers' delegations are nominated in full conformity with article 3(5) of the Constitution and that all of the most representative workers' organizations are duly consulted in that process so as to achieve agreement on the nomination of the Workers' delegation.*

Objection concerning the nomination of the Workers' delegation of the Islamic Republic of Iran

72. The Credentials Committee has received an objection concerning the nomination of the Workers' delegation of the Islamic Republic of Iran. The objection was submitted by Ms Behnoosh Sabah on behalf of The Voice of Woman Life Freedom, a non-governmental organization (NGO) based in the United Kingdom of Great Britain and Northern Ireland. The author of the objection alleges that the Workers' delegate and advisers accredited by the Government do not represent independent workers' organizations, referring generally to allegations concerning restrictions on freedom of association and to the arrest and imprisonment of labour activists, teachers and trade unionists. The Committee is requested to examine the nomination process of the Workers' delegation and to challenge the credentials of the representatives concerned.

73. *The Committee notes that the objection was submitted by a non-governmental organization registered in the United Kingdom. With respect to the receivability of the objection, in particular whether it could be validly submitted by the objecting organization, the Committee notes that the Standing Orders do not specify any conditions as to the organizations or individuals that can lodge objections before the Committee. While objections can therefore emanate from a wide variety of juridical or physical persons, the Committee has in the past considered that they must be objections within the spirit of the Standing Orders, which come from members of delegations, from governments or from national or international employers' or workers' organizations. Such individuals or organizations should have a specific interest in the composition of a given delegation at a given session of the Conference. The Committee notes that such specific interest is lacking in the case of the objecting organization in the present case. It therefore finds that the objection is not receivable.*

Objection concerning the nomination of the Workers' delegation of Malaysia

74. The Credentials Committee received an objection submitted by the Secretary-General of the Malaysian Trade Union Congress (MTUC) concerning the nomination of the Workers' delegation of Malaysia. It was alleged that the Government had not fulfilled its obligation under article 3(5) of the ILO Constitution by not nominating the worker representatives designated by the MTUC. The MTUC stated that alternative workers' representatives had been nominated following its temporary dissolution pursuant to a notification issued by the Registrar of Societies on 7 May 2026. It was alleged that the temporary dissolution of the MTUC was based on a failure to provide financial statements and other information within what it considered to be an insufficient deadline, in relation to which a request for extension was not granted.

75. In a communication addressed to the Committee at its request, the Government stated that the temporary dissolution of the MTUC by the Registrar of Societies had been undertaken due to serious non-compliance with core requirements under national law, including the failure to submit financial statements and to disclose the receipt of foreign funds, that the time frame for these requirements was reasonable, and that MTUC's request for extension was not sufficiently justified. The MTUC had historically been recognized by the Government as the most representative union. In light of the MTUC's legal incapacity to operate under national law following its temporary dissolution, the Government was compelled to approach other workers representatives, namely the UNI Malaysia Labour Centre (UNI-MLC), as the second most representative workers' organization, to nominate representatives, in order to ensure the participation in the Conference of a fully tripartite delegation. The Government confirmed that the MTUC's temporary dissolution is currently being evaluated by the Ministry of Home Affairs.

76. *For a third consecutive year, the Committee has received an objection regarding the Workers' delegation of Malaysia submitted by the MTUC. Recalling that the Government had failed to name a Workers' delegate last year, the Committee recognizes that the Government has sent a full tripartite delegation to participate in the International Labour Conference this year. Nevertheless, the Committee recalls that, under article 3(5) of the ILO Constitution, the nomination of the Workers' delegation to the Conference must be carried out in agreement with the most representative workers' organizations, on the basis of established, objective and verifiable criteria concerning the representativeness of the organizations. While the Government confirms the MTUC as a most representative workers' organization, the Committee notes that due to the temporary dissolution of the MTUC, it only sought nominations from the second most representative workers' organization in the country. While noting the Government's reply that the MTUC was legally incapable of operating under national law and it therefore had to approach other workers representatives, the Committee recalls that the sole fact that an organization may have no legal recognition does not exempt a government from consulting it, as article 3(5) of the ILO Constitution refers simply to the existence of – not to the legal existence of – employers' and workers' organization. Noting that the appeal by the MTUC against the temporary dissolution is currently being evaluated by the Ministry of Home Affairs, the Committee expects the Government to take the necessary steps to ensure that the Workers' delegation to the next session of the Conference is designated by the most representative workers' organizations, in complete independence from government interference.*

Objection concerning the failure to deposit credentials of Workers' delegates by the Government of Maldives

77. The Credentials Committee received an objection submitted by the Maldives Trade Union Congress (MTUC) concerning the Government's failure to deposit the credentials of the Workers' delegates and advisers designated by the MTUC, as the most representative workers' organization. It was alleged that, after designating workers' representatives in response to a request from the Ministry of Higher Education, Labour and Skills Development, the MTUC had been informed that all travel arrangements relating to participation in the 114th Session of the International Labour Conference had been cancelled. These actions prevented the duly nominated workers' representatives from attending the International Labour Conference, in contravention of article 3 of the ILO Constitution.

78. In a communication addressed to the Committee at its request, the Government indicated that it had invited the MTUC to nominate its representatives, but that, after nominations had been finalized, due to a Government-wide travel suspension it had ultimately been unable to provide travel and subsistence expenses for the Maldivian delegation. As the MTUC had informed the Government of its decision not to participate in the Conference in the absence of Government funding, the Government had not accredited the MTUC-nominated delegates and advisers. The Government emphasized that the situation resulted from administrative and operational constraints, rather than any intention to exclude or prevent the participation of workers' representatives.

79. *The Committee notes that the Government accredited an incomplete delegation composed of Government representatives from the country's diplomatic mission in Geneva, and an Employer delegate and advisers. The Committee recalls that whereas a government has the ability to assure its representation through a diplomatic mission, the same cannot be assumed for workers' organizations or, for that matter, employers' organizations. While noting the explanation of the Government, the Committee reminds Member States of their constitutional obligations to designate a fully tripartite delegation. By not sending a fully tripartite delegation to the Conference, the Government has breached article 3(1) of the ILO Constitution and deprived the workers of the country of their right of being represented in the highest policymaking body of the ILO and to participate in its work. Without the participation of Government, employers' and workers' representatives, the Conference cannot function properly or attain its objectives. Accreditation of an incomplete delegation not only deprives workers of their right to be represented but also compromises the tripartite integrity of the Conference and its decision-making processes by depriving the other social partner, in this case the Employers' delegation of the Maldives, of the right to vote in the Conference. The Committee expects that next year the Government will send a fully tripartite delegation, whose travel and subsistence expenses it covers.*

Objection concerning the nomination of the Workers' delegation of Namibia

80. The Credentials Committee received an objection presented by the Trade Union Congress of Namibia (TUCNA), concerning the credentials of the Workers' delegation. The objecting organization alleged that the Government had again nominated the Workers' delegate and adviser exclusively from the National Union of Namibian Workers (NUNW) without genuine consultation with the TUCNA. It contended that the Government had failed to apply objective and verifiable criteria in determining representativeness, had not demonstrated that the NUNW was the most representative workers' organization in the country, and had continued to exclude the TUCNA from the nomination process despite repeated requests, including to participate in the delegation at its own expense. The objecting organization further alleged

that the composition of the Namibian delegation revealed a serious and manifest imbalance between the Government delegation and the Employers' and Workers' delegations, which it considered inconsistent with the principles of tripartism and meaningful social dialogue. It requested the Committee to find that the nomination process did not comply with article 3(5) of the ILO Constitution and to recommend that the Government establish transparent and non-discriminatory procedures for determining representativeness and selecting workers' delegates.

81. In a written communication addressed to the Committee at its request, the Government acknowledged that consultations with workers' representatives were less than adequate in that only the NUNW had been engaged. Following receipt of the objection, it had held further in person discussions with the TUCNA on 4 June 2026, during which the organization expressed its concerns regarding the consultation process and the composition of the Workers' delegation. The Government acknowledged these concerns and undertook to address them, upon its return to Namibia, through a structured and inclusive tripartite consultation process. The Government indicated that going forward, tripartite consultations for the composition of tripartite delegation to the Conference would be held to ensure compliance with article 3(5) of the ILO Constitution. Indicating that the short time frame had not permitted a detailed response to all aspects of the objection, the Government assured the Committee that the issues raised would be fully examined and addressed.

82. *The Committee notes that the objection raises concerns regarding the consultation process followed in the nomination of the Workers' delegation. The Committee further notes the Government's acknowledgement that consultations with workers' organizations were inadequate, its commitment to address the concerns raised through a structured and inclusive tripartite consultation process, and that it did not dispute the representative character of the TUCNA. Recognizing that the Government has undertaken to address these matters through future consultations, the Committee expects the Government to ensure that future nominations of Workers' delegates and advisers are made following genuine consultations with the representative workers' organizations concerned so as to ensure full compliance with article 3(5) of the ILO Constitution.*

83. *Turning to the allegation that there is a serious and manifest imbalance in the Namibian delegation, the Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. In alleged cases of serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation and the number of advisers appointed for the Government delegates, the Committee recalls that the financial means available for the participation of a tripartite delegation to the Conference should be distributed between the Government, the Employers' and the Workers' delegations at least in a proportion similar to that envisaged in the Constitution for the composition of delegations to the Conference. Recalling that its mandate is limited to reviewing the number of accredited advisers between the groups whose expenses have been covered in the delegation concerned, the Committee notes that the Conference can only work properly if there are sufficient advisers present in the three groups of the Conference. The Committee expects the Government to ensure that the composition of future delegations fully reflects the principles of tripartism and enables the effective participation of representative workers' and employers' organizations in the work of the Conference.*

Objection concerning the nomination of the Workers' delegate of Pakistan [1]

84. The Credentials Committee received an objection submitted by the General Secretary of the Pakistan Workers Federation (PWF) concerning the nomination of the Workers' delegate of Pakistan. It was submitted that the Government had not respected the nomination of the Workers' delegation proposed by the PWF, which included representatives from the National Labour Federation (NLF), the All Pakistan Federation of Trade Union (APFTU) and the PWF, the three most representative workers' organizations in the country. Instead, the Workers' delegate nominated by the Government was a Workers' Deputy member of the ILO Governing Body, who was from the Pakistan United Workers Federation (PUWF), the seventh most representative workers' organization in the country. In addition, the objecting organization alleged that the registration of the PUWF by the National Industrial Relation Commission (NIRC) was currently suspended after having been legally contested. The designation by the Government of the Workers' delegate was therefore allegedly in violation of article 3(5) of the ILO Constitution.

85. The Committee also received a communication by the All Pakistan Labour Federation (APFL) and the Pakistan Central Mines Labour Federation (PCMLF) concerning the nomination of the Workers' delegate of Pakistan. It was submitted that the PUWF was the seventh most representative organization in the country, whereas the most representative organization should have nominated the Workers' delegate.

86. In a communication addressed to the Committee at its request, the Government explained that the list of most representative workers' organizations in the country was maintained by the NIRC. Its last list dated from May 2025 and was in the process of being updated. According to the latest numbers, the PUWF had become the second most representative workers' organization due to an increase in affiliations. The Government indicated that it had received proposals for nomination from many organizations and that, taking into account the PWF's proposal, it had nominated the Secretary-General of the NLF, who had been included in the PWF's proposal, as Workers' adviser. The Government indicated that, in light of financial constraints, it had limited the Pakistani delegation to two persons per group. The Government had decided to nominate Mr Saad Muhammad as Workers' delegate, primarily based on his status as a member of the ILO Governing Body as well as his role as Secretary-General of the PUWF, which had a growing membership. The Government stated that it had consulted the most representative workers' organizations regarding the finalization of the nominations and considered that concerns regarding the nomination could have been raised earlier and addressed through consultation. Finally, the Government expressed doubt as to the legal capacity of the authors of the objection as office-bearers of the PWF, due to ongoing legal proceedings.

87. *The Committee notes that, for the third time since 2023, an objection has been filed regarding the designation of the Workers' delegation of Pakistan. While in previous years the objection challenged the capacity of individuals to represent the PWF, this year the objection calls into question the representativeness of the PUWF. In this regard, the Committee notes that conflicting information was provided to the Committee. According to the latest figures published by the NIRC, the PUWF was the seventh most representative workers' organization, while according to the Government, new figures showed it was the second most representative one. In light of the indication that the matter of the registration of the PUWF with the NIRC was pending with national courts, the Committee*

[1] The Chairperson of the Committee recused himself from the consideration of and adoption of the conclusions in this case, and was accordingly replaced by his substitute.

considers that it does not have the necessary elements to ascertain the representativeness of the PUWF under article 3(5) of the ILO Constitution. Insofar as the Government justified the designation of the Workers' delegate primarily by reference to his mandate as Worker deputy member of the ILO Governing Body, the Committee notes that those facts do not in themselves establish his representativeness as the Workers' delegate at this session of the Conference.

88. *The Committee recalls that several most representative organizations may exist in one country and that, in such cases, the Government must aim to effect an agreement among them. Failing an agreement among the most representative organizations, the Government must assess, based on objective and verifiable criteria, which organization (or group of organizations that have agreed on a common proposal) is the most representative. The Committee notes from the information provided by the Government that, while consultations have taken place, it appears that an agreement between the most representative workers' organizations was sought only to finalize the nomination decided by the Government rather than at an earlier stage. The Committee hopes that the question of the representativeness of the different workers' organizations will be settled in time for the Government to seek the agreement of or, failing that, to undertake the necessary consultations with, the most representative organizations recognized as such, regarding the nomination of the Workers' delegation at the next session of the Conference, in accordance with article 3(5) of the ILO Constitution.*

Objections concerning the nomination of the Workers' delegation of Panama

89. The Credentials Committee received two objections concerning the nomination of the Workers' delegation of Panama: one from the Confederación Nacional de Unidad Sindical Independiente (CONUSI), and the other jointly from the Confederación de Trabajadores de la República de Panamá (CTRP) and the Confederación de Trabajadores y Trabajadoras Convergencia Sindical (CS). CONUSI, which had objected at the 113th Session of the Conference to the nomination of a Workers' delegation composed solely of representatives from the Consejo Nacional de Trabajadores Organizados (CONATO), alleged that the Government had again failed to accredit its proposed representatives as part of the Workers' delegation, despite the role which, according to CONUSI, article 1066 of the Labour Code recognizes for representative trade union organizations in designating their representatives to international bodies, including the International Labour Conference. CONUSI maintained that this constituted undue interference in the right of workers' organizations to designate their representatives freely. CTRP and CS alleged that the Workers' delegate and adviser accredited by the Government had been designated by CONATO, which, according to them, no longer legitimately represented Panamanian workers following what they described as the takeover of its leadership in October 2025. They further alleged that independent and representative workers' organizations, including CTRP and CS, had been excluded from CONATO and from the nomination process. They maintained that the resulting nomination was contrary to article 3(5) of the ILO Constitution and requested the Committee to recommend the rejection of the credentials of the Workers' delegate and adviser.

90. In a communication addressed to the Committee at its request, the Government stated that the designation of the Workers' delegation had been carried out in accordance with article 3(5) of the ILO Constitution and the applicable national legislation. It indicated that the Workers' representatives had been designated by CONATO, which it considered to be the most representative workers' organization in the country on the basis of objective criteria, including its membership and organizational structure. The Government explained that it had consulted CONATO and accredited the representatives nominated by that organization, while refraining from interfering in the internal affairs of workers' organizations. It maintained that the

objection raised by CONUSI concerned the outcome of a process conducted by the workers' organizations themselves and that the consultation requirement had been fulfilled through consultation with the most representative organization. As regards the allegations made by CTRP and CS, the Government considered that they related to internal trade union disputes concerning the leadership and representativeness of CONATO, matters in which it could not intervene without infringing freedom of association. It added that CTRP and CS were registered as members of CONATO according to official records. The Government concluded that the nomination process had complied with the requirements of the Constitution and reiterated its commitment to freedom of association and tripartism.

91. *The Committee notes that this is the second consecutive year in which it has been seized of objections concerning the nomination of the Workers' delegation of Panama. It recalls that, where several representative workers' organizations exist in a country, the Government must, pursuant to article 3(5) of the ILO Constitution, seek to reach agreement among them through genuine consultation procedures. Only where such procedures do not result in agreement may the Government determine, in good faith and on the basis of objective and verifiable criteria, which organization should be regarded as the most representative.*

92. *The Committee notes the Government's position that it had consulted CONATO, and accredited the representatives that it had nominated, as it was the most representative workers' organization, and that the allegations raised by CTRP and CS concerned internal trade union disputes. The Committee further notes that, in its most recent observation concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Committee of Experts on the Application of Conventions and Recommendations observed that the tripartite committees in Panama had not been operating since April 2020 because of a "major disagreement among the trade unions regarding criteria for representativeness" and urged the Government, in consultation with the social partners, to seek "a prompt solution regarding the representativeness of the various trade union organizations which comprise them" (ILC.114/Report III (Part A), page 220).*

93. *In these circumstances, the Committee has again no basis on which to reach a conclusion in relation to Panama's compliance with article 3(5) of the ILO Constitution. The Committee expects that the Government will, in the future, resort to consultation procedures that ensure full and effective consultation with the most representative workers' organizations in the country, in accordance with the requirements of article 3(5) of the ILO Constitution.*

Objection concerning the nomination of the Workers' delegate of Somalia

94. The Credentials Committee received an objection presented by the Somali Congress of Trade Unions (SOCOTU), concerning the nomination of the Workers' delegate of Somalia for the second consecutive year. The objecting organization alleged that that the Ministry of Labour and Social Affairs once again failed to consult SOCOTU, a representative trade union centre in the country claiming to represent 250,000 workers, and engaged in interference, intimidation, and exclusion from national consultation processes. It further alleged that no objective and verifiable criteria were applied in the nomination process and that the Government had failed to implement the guidance provided by the Credentials Committee at its 113th Session concerning consultation with representative workers' organizations where more than one such organization exists. It requested the examination of the nomination process of the Workers' delegate and referral of the case to the Committee on Freedom of Association.

95. In a written communication addressed to the Committee at its request, the Government stated that the nomination of the Workers' delegate complied with article 3(5) of the ILO Constitution.

It indicated that constructive consultations had been conducted with the Federation of Somali Trade Unions (FESTU), which it considered to be the most representative workers' organization. The Government once again alleged that FESTU was the national trade union centre in Somalia, representing 206,840 workers through 12 affiliated trade unions, participating in the Somali National Tripartite Consultative Council and other national social dialogue mechanisms, and affiliated with the International Trade Union Confederation (ITUC) and the Organization of African Trade Union Unity (OATUU). It stated that SOCOTU had failed to provide any evidence in response to requests for information concerning the organization's structure, membership, affiliated unions and labour relations activities. The Government further contended that the SOCOTU leadership had only recently returned to reside in Somalia and had not demonstrated sustained engagement in national labour relations and social dialogue. As SOCOTU was not recognized as a representative workers' organization, the Government considered that it had no obligation to consult it.

96. *For a second consecutive year, the Committee has received an objection from SOCOTU concerning the nomination of the Workers' delegation of Somalia. The Committee notes that, once again, the Government refers only to consultation with FESTU and does not indicate that any other organizations, including SOCOTU, were consulted in the nomination of the Workers' delegation. The Committee further notes that neither the objecting organization nor the Government provided documentary evidence to substantiate claims concerning the identity of most representative workers' organizations in Somalia. In the absence of documentation, the Committee once again does not have sufficient information to draw conclusions as to the relative representative strength of the organizations concerned and so is not in a position to conclude that the nomination was not made in accordance with article 3(5) of the ILO Constitution. The Committee expects the Government to ensure that, where more than one representative organization exists, future nominations are made in agreement with them, based on objective and verifiable criteria. It trusts that the Government will ensure that the nomination of the Workers' delegation to future sessions of the Conference will be in full compliance with article 3(5) of the ILO Constitution.*

Complaints

97. The Committee also received three complaints, for non-payment of travel and subsistence expenses, in accordance with article 13(2)(a) of the ILO Constitution, which are listed below.

Complaint concerning the non-payment of travel and subsistence expenses of the Workers' adviser of Cabo Verde

98. The Credentials Committee received a complaint presented by the Secretary-General of the National Workers' Union of Cape Verde – Trade Union Confederation (UNTC-CS) concerning the partial payment of her travel and subsistence expenses as the Workers' adviser of Cabo Verde. She alleged that these expenses were limited to five days of the Conference. She also objected to the nomination of the Workers' delegation of Cabo Verde, alleging that her organization had not been consulted and that she had been accredited only as an adviser rather than as the delegate.

99. In a communication addressed to the Committee at its request, the Government stated that the matter fell under the competence of the Ministry of Family, Inclusion and Social Development, and that the Directorate General of Labour was not involved in the process of appointing or determining the composition of the delegation to the Conference.

100. *The Committee regrets that the Government has not responded to its request for information. Noting that such a lack of cooperation curtails its ability to discharge its mandate under article 8(2)(b) of the Conference Standing Orders, the Committee recalls that the absence of a reply does not preclude the Committee from examining the matter.*

101. *Noting that it has not received detailed information to substantiate a serious and manifest imbalance in the payment of travel expenses for the Cabo Verde delegation, the Committee recalls that article 13(2)(a) of the ILO Constitution imposes on its Members an obligation to pay the travel and subsistence expenses of the delegates and their advisers nominated to the Conference. The Committee recalls that the financial means available for the participation of a tripartite delegation to the Conference should be distributed between the Government, the Employers' and the Workers' delegations at least in a proportion similar to that envisaged in the Constitution for the composition of delegations to the Conference. The Committee expects the Government to ensure that the composition of future delegations fully reflects the principles of tripartism and enables the effective participation of representative workers' and employers' organizations in the work of the Conference.*

102. *In relation to the objection to the nomination of the Workers' delegation, the Committee recalls that article 32(1)(c) of the Conference Standing Orders provides that an objection shall not be receivable if the author of the objection was serving as adviser to the delegate to whose nomination objection was taken. Consequently, as this was the situation in this case, the Committee considers that the objection is not receivable.*

Complaints concerning the non-payment of travel and subsistence expenses of the Employers' and Workers' delegates and advisers of Nigeria

103. The Credentials Committee received two complaints, submitted respectively by the International Organisation of Employers (IOE) and the Nigeria Labour Congress (NLC), concerning the alleged non-payment by the Government of Nigeria of travel and subsistence expenses of the Employers' and Workers' delegates and advisers, under article 13(2)(a) of the ILO Constitution. The IOE alleged that the duly accredited Employers' delegate and advisers of the Nigeria Employers' Consultative Association (NECA) had not received the travel and subsistence support to which they were entitled and had therefore been required to assume these costs themselves in order to participate in the Conference. The NLC alleged that, despite the timely submission of nominations, the Government had persistently failed to sponsor the duly nominated Workers' delegates, including by withholding or delaying the release of funds necessary for travel, accommodation and participation, and requested that this year's payment be made as required. The IOE and NLC alleged that the situation reflected a recurring failure of the Government to meet its obligations, despite previous exchanges, reminders or assurances from the relevant authorities. They requested that the Committee call upon the Government to assume the expenses concerned for the present session and ensure full and timely compliance with its constitutional obligations at future sessions.

104. *The Committee regrets that the Government has not responded to its request for information. Noting that such a lack of cooperation curtails the Committee's ability to discharge its mandate under article 8(2)(b) of the Conference Standing Orders, the Committee recalls that the absence of a reply does not preclude it from examining the matter. The Committee notes that the complaints allege that the Government failed to pay the travel and subsistence expenses of the Employers' and Workers' delegates and advisers to the present session of the Conference. The Committee recalls that all Member States have a constitutional obligation not only to designate a fully tripartite delegation but, once they do so, to assume responsibility for the travel and subsistence expenses of non-governmental delegates and their advisers so as to ensure their effective participation in the work of the Conference. The Committee therefore urges the Government to take the necessary steps to*

ensure that it fulfils its constitutional obligations to assume responsibility for the travel and subsistence expenses of the Employers' and Workers' delegates and advisers at this and future sessions of the Conference.

Communications

105. The Committee also received the following communications.

Communication concerning the nomination of the Employers' delegation of the Bahamas

106. The Credentials Committee received a communication from the International Organisation of Employers (IOE) concerning the nomination of the Employers' delegation. The author of the communication indicates that the Bahamas Chamber of Commerce and Employers Confederation, the most representative employers' organization in the country, was not involved in the nomination of certain individuals accredited in the Employers' delegation, understanding that some may hold public functions.

107. *The Committee requests its Secretariat to follow up, considering that the communication calls for no further action on its part.*

Communication concerning the non-payment of travel and subsistence expenses of a Workers' delegate by the Government of Colombia

108. The Credentials Committee received a communication from Mr Jorge Mario Gomez Ariza, presented as a complaint concerning the alleged failure of the Government to cover travel or subsistence expenses of a delegate.

109. *The Committee notes that Mr Gomez Ariza was not accredited to the Conference as a Workers' delegate or adviser, but as "other person attending the Conference", and therefore does not meet the receivability requirements under article 33(3)(b) of the Conference Standing Orders. Consequently, the Committee considers that the communication, insofar as it concerns the alleged non-payment of travel and subsistence expenses, is not receivable.*

Communication concerning the composition of the delegation of the International Trade Union Confederation

110. The Credentials Committee received a communication from the President of the Federation of Trade Unions of Belarus (FPB), the Workers' delegate of Belarus. The author of the communication objected to the inclusion of five representatives of the Belarusian Congress of Democratic Trade Unions (BKDP) in the delegation of the International Trade Union Confederation (ITUC). The author alleged that the BKDP did not exist, and that the persons concerned had not been elected by the workers of Belarus, had no connection with enterprises or workers in Belarus and did not possess objective information on the situation in labour collectives. The author further alleged that, for several years, the ITUC had unlawfully presented these persons as workers of Belarus and that they used their participation in the Conference to make politically motivated statements against the interests of Belarusian workers, distort facts and call for measures restricting interaction with the Republic of Belarus. The author requested that the situation be rectified and prevented in future.

111. *The Committee recalls that it considered similar communications at the 113th Session of the Conference and concluded that they called for no action on its part (ILC.113/Record No. 1B, paragraphs 97–98). The Committee, therefore, notes again that under article 8(2) and article 32 of*

the Conference Standing Orders, objections may only relate to nominations of the delegates or advisers of the tripartite delegations of Member States which are alleged not to have been made in accordance with the provisions of article 3 of the ILO Constitution. The Constitution and the Standing Orders do not provide for a procedure to challenge the nomination of other participants to the Conference, such as representatives from non-governmental international organizations with which standing arrangements for their participation in the Conference have been made (article 2(2)(j) of the Standing Orders). As it is in the latter capacity that the ITUC participates in the Conference, the present communication calls for no action on the part of the Committee.

Communication concerning the composition of the delegation of the International Trade Union Confederation

112. The Credentials Committee had before it a Note verbale dated 2 June 2026, addressed to the Committee from the Permanent Mission of Myanmar in Geneva. The Permanent Mission objected to the participation in the Conference, within the delegation of the International Trade Union Confederation (ITUC), of members of the Confederation of Trade Union of Myanmar (CTUM), due to the latter's affiliation to the Committee Representing Pyidaungsu Hlutaw (CRPH) and the National Unity Government (NUG). Both the CRPH and the NUG had been declared unlawful organizations and terrorist groups by the State Administration Council of Myanmar.

113. *With respect to the author of the communications, the Committee recalls its conclusions on the question of the representation of Myanmar (ILC.114/Record No. 1A, paragraphs 18–25).*

114. *The Committee recalls once again, as it did when it received similar communications from the Government of Myanmar in 2001 and 2002 and from the military authorities between 2021 and 2023, that under articles 8(2) and 32 of the Conference Standing Orders, objections may only relate to nominations of the delegates or advisers of the tripartite delegations of Member States which are alleged not to have been made in accordance with the provisions of article 3 of the ILO Constitution. The Constitution and the Standing Orders do not provide for a procedure to challenge the nomination of other participants to the Conference, such as representatives from non-governmental international organizations with which standing arrangements for their participation in the Conference have been made (article 2(2)(j) of the Standing Orders). As it is in the latter capacity that the ITUC participates in the Conference, these communications call for no action on the part of the Committee.*

115. *The Committee regrets that, for the fourth time and despite the clear and repeated conclusions of the Committee, the author of the communications continues to transmit manifestly irreceivable objections to the Committee.*

Communication regarding the representation of Myanmar

116. The Credentials Committee received a communication from the Permanent Mission of the Republic of the Union of Myanmar in Geneva objecting to its conclusions in relation to the representation of Myanmar that were published in its first report and noted by the Conference (ILC.114/Record No. 1A, paragraphs 18–25).

117. *The Committee recalls that there is no basis in the ILO Constitution or in the Conference Standing Orders permitting conclusions of the Credentials Committee, duly noted by the Conference, to be challenged. Accordingly, this communication calls for no action on the part of the Committee.*

* * *

118. The Credentials Committee adopts this report unanimously. It submits it to the Conference in order that the Conference may take note of it and adopt the proposals contained in paragraphs 10 (Belarus), 18 (Djibouti), 28 (Nicaragua) and 35 (Bolivarian Republic of Venezuela).

Geneva, 10 June 2026

(Signed) Mr Shah Nazar Khan,
Chairperson

Mr Abdullah Bin Mahabub,
(Substitute Chairperson)

Mr Fernando Yllanes Martínez

Ms Miriam Pinto Lomeña,
(Substitute Employer Vice-Chairperson)

Mr Magnús M. Norðdahl

Appendix I

Incomplete delegations (2022-2026)

2022	2023	2024	2025	2026 (as of 10 June)
Yemen (exclusively governmental)	**Antigua and Barbuda** (exclusively governmental)	**Haiti** (exclusively governmental)	**Equatorial Guinea** (exclusively governmental)	**Afghanistan** (exclusively governmental)
Sudan (no Workers' delegate)	**Gambia** (exclusively governmental)	**Yemen** (exclusively governmental)	**El Salvador** (no Employers' delegate)	**Belize** (exclusively governmental)
	Sudan (exclusively governmental)	**Rwanda** (no Employers' delegate)	**Malaysia** (no Workers' delegate)	**Vanuatu** (exclusively governmental)
	Yemen (exclusively governmental)	**El Salvador** (no Employers' delegate)		**Yemen** (exclusively governmental)
	Armenia (no Employers' delegate)			**Bolivia (Plurinational State of)** (no Workers' delegate)
	Suriname (no Employers' delegate)			**Maldives** (no Workers' delegate)

Appendix II

1) Government delegates
2) Employers' delegates
3) Workers' delegates
4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	-	-	1	-	-
Albania	2	1	1	-	1	3
Algeria	2	1	1	10	10	10
Angola	2	1	1	3	1	7
Antigua and Barbuda	2	1	1	-	-	-
Argentina	2	1	1	14	10	10
Armenia	2	1	1	3	3	2
Australia	2	1	1	13	1	3
Austria	2	1	1	8	2	6
Azerbaijan	2	1	1	8	8	7
Bahamas (the)	2	1	1	12	6	10
Bahrain	2	1	1	3	1	7
Bangladesh	2	1	1	14	8	10
Barbados	2	1	1	4	-	1
Belarus	2	1	1	3	2	10
Belgium	2	1	1	19	4	10
Belize	1	-	-	-	-	-
Benin	2	1	1	1	-	1
Bolivia (Plurinational State of)	1	1	-	-	-	-
Bosnia and Herzegovina	2	1	1	1	-	-
Botswana	2	1	1	15	1	10
Brazil	2	1	1	14	10	10
Brunei Darussalam	2	1	1	4	-	-
Bulgaria	2	1	1	3	3	2
Burkina Faso	2	1	1	18	2	9
Burundi	2	1	1	1	-	-
Cabo Verde	2	1	1	4	-	1
Cambodia	2	1	1	10	4	8
Cameroon	2	1	1	3	7	10
Canada	2	1	1	14	5	4
Central African Republic (the)	2	1	1	7	1	5
Chad	2	1	1	20	2	7
Chile	2	1	1	5	5	5
China	2	1	1	20	8	7
Colombia	2	1	1	7	10	10
Comoros (the)	2	1	1	-	-	-
Congo (the)	2	1	1	20	9	10
Cook Islands (the)	-	-	-	-	-	-
Costa Rica	2	1	1	2	2	2
Côte d'Ivoire	2	1	1	20	10	9
Croatia	2	1	1	5	1	2
Cuba	2	1	1	3	1	1
Cyprus	2	1	1	9	7	6
Czechia	2	1	1	7	3	3
Democratic Republic of the Congo (the)	2	1	1	16	10	9
Denmark	2	1	1	9	-	6
Djibouti	2	1	1	3	1	1
Dominica	-	-	-	-	-	-
Dominican Republic (the)	2	1	1	8	10	10
Ecuador	2	1	1	4	4	3
Egypt	2	1	1	10	7	10
El Salvador	2	1	1	8	2	9
Equatorial Guinea	-	-	-	-	-	-
Eritrea	2	1	1	1	-	1
Estonia	2	1	1	2	-	-
Eswatini	2	1	1	3	2	2
Ethiopia	2	1	1	5	10	10
Fiji	2	1	1	7	1	-
Finland	2	1	1	3	2	3
France	2	1	1	13	6	6
Gabon	2	1	1	17	10	10
Gambia (the)	2	1	1	4	-	4
Georgia	2	1	1	1	6	2
Germany	2	1	1	14	5	7
Ghana	2	1	1	15	8	7
Greece	2	1	1	13	6	7
Grenada	2	1	1	-	-	-
Guatemala	2	1	1	3	3	4
Guinea	2	1	1	20	10	10
Guinea-Bissau	2	1	1	4	-	1
Guyana	2	1	1	3	1	-
Haiti	2	1	1	6	-	2
Honduras	2	1	1	4	2	7
Hungary	2	1	1	6	4	4
Iceland	2	1	1	5	1	1
India	2	1	1	16	4	4
Indonesia	2	1	1	20	10	10
Iran (Islamic Republic of)	2	1	1	11	7	7
Iraq	2	1	1	4	6	8
Ireland	2	1	1	9	2	1
Israel	2	1	1	5	-	3
Italy	2	1	1	8	4	9
Jamaica	2	1	1	5	-	-
Japan	2	1	1	18	3	8
Jordan	2	1	1	11	-	8
Kazakhstan	2	1	1	1	9	9
Kenya	2	1	1	14	8	10
Kiribati	2	1	1	1	-	-
Kuwait	2	1	1	11	1	2
Kyrgyzstan	2	1	1	2	1	2
Lao People's Democratic Republic (the)	2	1	1	3	1	1
Latvia	2	1	1	4	-	1
Lebanon	2	1	1	5	5	8
Lesotho	2	1	1	7	-	-
Liberia	2	1	1	3	-	1
Libya	2	1	1	12	1	10
Lithuania	2	1	1	7	-	1
Luxembourg	2	1	1	8	4	7
Madagascar	2	1	1	1	-	-
Malawi	2	1	1	7	-	1
Malaysia	2	1	1	13	2	10
Maldives	2	1	-	3	10	-
Mali	2	1	1	14	10	10
Malta	2	1	1	8	5	5
Marshall Islands (the)	-	-	-	-	-	-
Mauritania	2	1	1	14	1	5
Mauritius	2	1	1	-	3	2
Mexico	2	1	1	9	10	10
Mongolia	1	1	1	2	1	1
Montenegro	2	1	1	5	1	1
Morocco	2	1	1	16	4	10
Mozambique	2	1	1	8	-	1
Namibia	2	1	1	6	1	1
Nepal	2	1	1	7	-	-
Netherlands (Kingdom of the)	2	1	1	19	5	10
New Zealand	2	1	1	-	1	-
Nicaragua	-	-	-	-	-	-
Niger (the)	2	1	1	15	7	6
Nigeria	2	1	1	20	10	9
North Macedonia	2	1	1	2	-	1
Norway	2	1	1	3	3	6
Oman	2	1	1	20	10	10
Pakistan	2	1	1	15	1	1
Palau	-	-	-	-	-	-
Panama	2	1	1	3	1	1
Papua New Guinea	2	1	1	5	1	1
Paraguay	2	1	1	5	1	9
Peru	2	1	1	5	5	10
Philippines (the)	2	1	1	6	3	3
Poland	2	1	1	9	4	5
Portugal	2	1	1	11	6	8
Qatar	2	1	1	4	2	1
Republic of Korea (the)	2	1	1	18	3	9
Republic of Moldova (the)	2	1	1	3	2	1
Romania	2	1	1	1	4	8
Russian Federation (the)	2	1	1	13	4	7
Rwanda	2	1	1	2	1	2
Saint Kitts and Nevis	-	-	-	-	-	-
Saint Lucia	2	1	1	-	-	-
Saint Vincent and the Grenadines	-	-	-	-	-	-
Samoa	2	1	1	1	-	-
San Marino	2	1	1	2	3	2
Sao Tome and Principe	2	1	1	-	-	-
Saudi Arabia	2	1	1	11	4	5
Senegal	2	1	1	12	5	10
Serbia	2	1	1	3	1	2
Seychelles	2	1	1	5	-	-
Sierra Leone	2	1	1	1	2	2
Singapore	2	1	1	18	6	10
Slovakia	2	1	1	2	3	3
Slovenia	2	1	1	6	1	1
Solomon Islands	-	-	-	-	-	-
Somalia	2	1	1	8	2	5
South Africa	2	1	1	9	5	9
South Sudan	2	1	1	7	1	2
Spain	2	1	1	7	8	9
Sri Lanka	2	1	1	5	-	3
Sudan (the)	2	1	1	6	1	5
Suriname	2	1	1	-	-	-
Sweden	2	1	1	6	3	3
Switzerland	2	1	1	14	4	8
Syrian Arab Republic (the)	2	1	1	5	5	3
Tajikistan	-	-	-	-	-	-
Thailand	2	1	1	20	10	10
Timor-Leste	2	1	1	2	-	-
Togo	2	1	1	16	7	10
Tonga	-	-	-	-	-	-
Trinidad and Tobago	2	1	1	2	6	10
Tunisia	2	1	1	3	2	1
Türkiye	2	1	1	15	8	10
Turkmenistan	2	1	1	5	-	4
Tuvalu	-	-	-	-	-	-
Uganda	2	1	1	10	10	10
Ukraine	2	1	1	3	1	7
United Arab Emirates (the)	2	1	1	9	4	4
United Kingdom of Great Britain and Northern Ireland (the)	2	1	1	19	4	7
United Republic of Tanzania (the)	2	1	1	14	3	10
United States of America (the)	2	1	1	15	10	1
Uruguay	2	1	1	7	3	3
Uzbekistan	2	1	1	6	4	1
Vanuatu	2	-	-	2	-	-
Venezuela (Bolivarian Republic of)	2	1	1	7	7	10
Viet Nam	2	1	1	1	-	6
Yemen	2	-	-	-	-	-
Zambia	2	1	1	16	10	9
Zimbabwe	2	1	1	19	8	10

	1)	2)	3)	4)	5)	6)
Total	**344**	**170**	**168**	**1331**	**598**	**834**

Appendix III

1) Government delegates
2) Employers' delegates
3) Workers' delegates
4) Government advisers
5) Employers' advisers
6) Workers' advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	-	-	-	-	-
Albania	2	-	-	-	1	-
Algeria	2	1	1	9	9	5
Angola	2	1	1	3	1	6
Antigua and Barbuda	-	-	-	-	-	-
Argentina	2	1	1	6	10	9
Armenia	2	1	1	3	3	2
Australia	2	1	1	4	1	3
Austria	2	-	1	8	2	5
Azerbaijan	2	1	1	8	7	6
Bahamas (the)	2	1	1	12	6	10
Bahrain	2	1	1	3	1	5
Bangladesh	2	1	1	10	4	2
Barbados	2	1	1	3	-	1
Belarus	2	1	1	3	2	10
Belgium	2	1	1	16	4	9
Belize	1	-	-	-	-	-
Benin	2	1	1	1	-	1
Bolivia (Plurinational State of)	1	1	-	-	-	-
Bosnia and Herzegovina	2	1	1	1	-	-
Botswana	2	1	1	11	1	9
Brazil	2	1	1	14	10	9
Brunei Darussalam	2	1	1	4	-	-
Bulgaria	2	1	1	3	3	2
Burkina Faso	2	1	1	18	2	7
Burundi	2	1	1	1	-	-
Cabo Verde	2	1	1	3	-	1
Cambodia	2	1	1	10	3	8
Cameroon	2	1	1	3	3	5
Canada	2	1	1	12	5	4
Central African Republic (the)	1	1	1	7	-	5
Chad	2	1	1	19	2	6
Chile	2	1	1	3	5	5
China	2	1	1	20	8	7
Colombia	1	1	1	3	9	10
Comoros (the)	-	1	-	-	-	-
Congo (the)	-	1	1	13	1	1
Cook Islands (the)	-	-	-	-	-	-
Costa Rica	2	1	1	2	2	2
Côte d'Ivoire	2	1	1	18	10	8
Croatia	2	1	1	1	1	1
Cuba	2	1	1	3	1	1
Cyprus	2	1	1	9	3	6
Czechia	2	1	1	7	3	3
Democratic Republic of the Congo (the)	2	1	1	12	8	7
Denmark	2	1	1	7	-	6
Djibouti	2	1	1	3	1	1
Dominica	-	-	-	-	-	-
Dominican Republic (the)	2	1	1	7	4	7
Ecuador	2	-	1	4	4	-
Egypt	2	1	1	10	7	10
El Salvador	2	1	1	7	2	9
Equatorial Guinea	-	-	-	-	-	-
Eritrea	1	-	-	1	-	-
Estonia	2	1	1	2	-	-
Eswatini	2	1	1	3	1	2
Ethiopia	2	1	1	5	3	10
Fiji	2	1	1	4	1	-
Finland	2	1	1	3	2	3
France	2	1	1	11	5	6
Gabon	2	-	1	13	3	4
Gambia (the)	2	1	1	4	-	4
Georgia	2	1	1	1	2	2
Germany	2	1	1	13	5	6
Ghana	2	1	1	15	6	7
Greece	2	1	1	9	4	7
Grenada	2	1	1	-	-	-
Guatemala	2	1	1	3	2	2
Guinea	1	1	1	5	4	3
Guinea-Bissau	1	-	-	2	-	-
Guyana	2	1	1	2	-	-
Haiti	2	1	1	5	-	1
Honduras	2	1	1	4	1	5
Hungary	2	1	-	4	1	2
Iceland	2	1	1	2	-	1
India	2	1	1	16	4	4
Indonesia	2	1	1	19	9	10
Iran (Islamic Republic of)	2	-	-	6	-	1
Iraq	2	1	1	2	5	7
Ireland	2	1	1	8	2	1
Israel	2	-	1	5	-	3
Italy	2	1	1	8	1	7
Jamaica	2	1	1	3	-	-
Japan	2	1	1	18	3	8
Jordan	2	1	1	10	-	6
Kazakhstan	2	1	1	1	8	9
Kenya	2	1	1	14	7	9
Kiribati	2	1	1	1	-	-
Kuwait	2	1	1	9	1	2
Kyrgyzstan	2	1	1	2	1	2
Lao People's Democratic Republic (the)	2	1	1	3	-	1
Latvia	2	1	1	2	-	1
Lebanon	2	1	1	5	3	4
Lesotho	2	1	1	7	-	-
Liberia	-	1	-	-	-	-
Libya	2	-	1	9	-	2
Lithuania	2	1	1	3	-	1
Luxembourg	2	1	1	8	3	7
Madagascar	2	1	1	1	-	-
Malawi	2	1	1	6	-	1
Malaysia	2	1	1	13	2	10
Maldives	2	1	-	2	5	-
Mali	2	1	1	14	2	9
Malta	2	1	1	6	5	5
Marshall Islands (the)	-	-	-	-	-	-
Mauritania	2	1	1	9	1	1
Mauritius	2	1	1	-	-	1
Mexico	2	1	1	9	10	10
Mongolia	1	1	1	2	1	1
Montenegro	2	1	1	5	1	1
Morocco	2	1	1	13	4	9
Mozambique	2	1	1	8	-	1
Namibia	2	1	1	6	1	1
Nepal	2	1	1	7	-	-
Netherlands (Kingdom of the)	2	1	1	16	5	6
New Zealand	2	1	1	-	-	-
Nicaragua	-	-	-	-	-	-
Niger (the)	2	1	-	12	6	3
Nigeria	2	1	1	19	7	7
North Macedonia	2	1	1	2	-	1
Norway	2	1	1	3	3	6
Oman	2	1	1	19	9	10
Pakistan	2	1	1	10	1	1
Palau	-	-	-	-	-	-
Panama	2	1	1	3	1	1
Papua New Guinea	-	-	-	-	-	-
Paraguay	2	1	1	5	-	4
Peru	2	1	1	4	5	10
Philippines (the)	2	1	1	6	3	3
Poland	2	1	1	9	4	5
Portugal	2	1	1	11	6	7
Qatar	2	1	1	4	2	1
Republic of Korea (the)	2	1	1	18	3	9
Republic of Moldova (the)	2	1	1	3	2	1
Romania	2	1	1	1	2	7
Russian Federation (the)	1	1	-	6	3	5
Rwanda	1	-	1	2	-	1
Saint Kitts and Nevis	-	-	-	-	-	-
Saint Lucia	2	1	1	-	-	-
Saint Vincent and the Grenadines	-	-	-	-	-	-
Samoa	2	1	1	1	-	-
San Marino	2	1	1	2	2	2
Sao Tome and Principe	1	1	1	-	-	-
Saudi Arabia	2	1	1	11	4	5
Senegal	1	1	1	9	4	10
Serbia	2	1	1	2	1	2
Seychelles	2	1	1	5	-	-
Sierra Leone	2	1	1	1	-	1
Singapore	2	1	1	17	6	10
Slovakia	2	1	1	2	3	3
Slovenia	2	1	1	4	1	1
Solomon Islands	-	-	-	-	-	-
Somalia	2	1	1	6	2	5
South Africa	2	1	1	9	5	9
South Sudan	-	-	-	1	-	-
Spain	2	1	1	7	8	9
Sri Lanka	2	1	1	5	-	3
Sudan (the)	1	1	1	5	1	4
Suriname	2	1	1	-	-	-
Sweden	2	1	1	5	3	3
Switzerland	2	1	1	13	4	8
Syrian Arab Republic (the)	2	1	1	5	3	3
Tajikistan	-	-	-	-	-	-
Thailand	2	1	1	20	10	10
Timor-Leste	2	1	1	2	-	-
Togo	2	1	1	15	6	10
Tonga	-	-	-	-	-	-
Trinidad and Tobago	2	1	1	2	1	-
Tunisia	2	1	1	3	1	1
Türkiye	2	1	1	15	8	10
Turkmenistan	2	1	1	5	-	4
Tuvalu	-	-	-	-	-	-
Uganda	2	1	1	3	6	7
Ukraine	2	1	1	3	1	6
United Arab Emirates (the)	2	1	1	9	4	4
United Kingdom of Great Britain and Northern Ireland (the)	2	1	1	18	3	7
United Republic of Tanzania (the)	2	1	1	14	2	8
United States of America (the)	1	1	1	15	10	-
Uruguay	2	1	1	7	3	3
Uzbekistan	2	1	1	5	2	1
Vanuatu	2	-	-	1	-	-
Venezuela (Bolivarian Republic of)	2	1	1	7	5	7
Viet Nam	2	1	1	1	-	6
Yemen	2	-	-	-	-	-
Zambia	2	1	1	15	10	7
Zimbabwe	2	1	1	19	8	9

	1)	2)	3)	4)	5)	6)
Total	**321**	**157**	**156**	**1137**	**457**	**680**

Appendix IV

Proportion of women accredited by delegation

10.06.2026

	G	E	T	Tot
Afghanistan	-	-	-	-
Albania	50	-	50	37.5
Algeria	-	9.09	27.27	11.76
Angola	20	-	50	33.33
Antigua and Barbuda	100	100	-	75
Argentina	43.75	36.36	18.18	34.21
Armenia	80	25	33.33	50
Australia	66.67	50	75	66.67
Austria	60	66.67	42.86	55
Azerbaijan	20	44.44	62.5	40.74
Bahamas (the)	64.29	71.43	54.55	62.5
Bahrain	20	50	25	26.67
Bangladesh	6.25	11.11	27.27	13.89
Barbados	66.67	100	50	66.67
Belarus	40	-	45.45	36.84
Belgium	52.38	60	45.45	51.35
Belize	-	-	-	-
Benin	33.33	100	-	33.33
Bolivia (Plurinational State of)	-	-	-	-
Bosnia and Herzegovina	66.67	100	-	60
Botswana	58.82	100	18.18	46.67
Brazil	50	18.18	27.27	34.21
Brunei Darussalam	83.33	-	100	75
Bulgaria	60	75	-	50
Burkina Faso	40	33.33	10	30.3
Burundi	66.67	-	-	40
Cabo Verde	66.67	-	100	66.67
Cambodia	25	-	11.11	15.38
Cameroon	80	25	9.09	29.17
Canada	68.75	66.67	100	74.07
Central African Republic (the)	22.22	50	-	17.65
Chad	27.27	-	25	24.24
Chile	14.29	16.67	16.67	15.79
China	59.09	22.22	75	53.85
Colombia	11.11	27.27	36.36	25.81
Comoros (the)	100	100	-	75
Congo (the)	18.18	50	45.45	32.56
Costa Rica	50	66.67	66.67	60
Côte d'Ivoire	27.27	36.36	20	27.91
Croatia	85.71	100	100	91.67
Cuba	80	-	50	55.56
Cyprus	63.64	25	28.57	42.31
Czechia	33.33	75	50	47.06
Democratic Republic of the Congo (the)	22.22	18.18	-	15.38
Denmark	54.55	100	57.14	57.89
Djibouti	-	50	-	11.11
Dominican Republic (the)	60	36.36	36.36	43.75
Ecuador	33.33	40	-	26.67
Egypt	25	12.5	27.27	22.58
El Salvador	60	-	30	39.13
Eritrea	33.33	-	-	16.67
Estonia	75	100	100	83.33
Eswatini	40	33.33	33.33	36.36
Ethiopia	28.57	18.18	18.18	20.69
Fiji	11.11	-	-	8.33
Finland	60	33.33	50	50
France	46.67	85.71	57.14	58.62
Gabon	47.37	18.18	45.45	39.02
Gambia (the)	-	100	-	8.33
Georgia	33.33	14.29	33.33	23.08
Germany	43.75	33.33	62.5	46.67
Ghana	35.29	44.44	12.5	32.35
Greece	66.67	42.86	62.5	60
Grenada	100	100	-	75
Guatemala	40	25	-	21.43
Guinea	18.18	18.18	27.27	20.45
Guinea-Bissau	33.33	-	-	22.22
Guyana	60	100	-	62.5
Haiti	62.5	-	-	41.67
Honduras	-	66.67	37.5	29.41
Hungary	75	60	40	61.11
Iceland	57.14	50	50	54.55
India	22.22	20	20	21.43
Indonesia	22.73	36.36	9.09	22.73
Iran (Islamic Republic of)	46.15	12.5	12.5	27.59
Iraq	-	-	-	-
Ireland	63.64	33.33	50	56.25
Israel	42.86	-	50	41.67
Italy	70	40	40	52
Jamaica	42.86	100	-	44.44
Japan	30	50	33.33	33.33
Jordan	30.77	-	22.22	26.09
Kazakhstan	-	30	30	26.09
Kenya	43.75	44.44	27.27	38.89
Kiribati	66.67	-	100	60
Kuwait	30.77	-	-	22.22
Kyrgyzstan	25	50	33.33	33.33
Lao People's Democratic Republic (the)	20	50	-	22.22
Latvia	66.67	-	100	66.67
Lebanon	57.14	33.33	-	27.27
Lesotho	77.78	100	-	72.73
Liberia	20	-	-	12.5
Libya	28.57	-	18.18	22.22
Lithuania	66.67	100	50	66.67
Luxembourg	40	40	50	43.48
Madagascar	33.33	100	-	40
Malawi	44.44	-	-	33.33
Malaysia	73.33	-	27.27	48.28
Maldives	60	45.45	-	50
Mali	12.5	27.27	18.18	18.42
Malta	50	-	16.67	27.27
Mauritania	6.25	-	-	4.17
Mauritius	100	50	33.33	55.56
Mexico	45.45	36.36	18.18	33.33
Mongolia	100	50	-	57.14
Montenegro	71.43	-	50	54.55
Morocco	44.44	20	27.27	35.29
Mozambique	50	-	-	38.46
Namibia	62.5	50	50	58.33
Nepal	-	-	-	-
Netherlands (Kingdom of the)	57.14	50	81.82	63.16
New Zealand	50	50	100	60
Niger (the)	29.41	37.5	28.57	31.25
Nigeria	36.36	36.36	-	27.91
North Macedonia	25	100	-	28.57
Norway	100	75	42.86	68.75
Oman	18.18	27.27	9.09	18.18
Pakistan	-	-	-	-
Panama	60	-	-	33.33
Papua New Guinea	28.57	50	50	36.36
Paraguay	85.71	-	40	52.63
Peru	28.57	50	36.36	37.5
Philippines (the)	25	-	25	18.75
Poland	63.64	20	16.67	40.91
Portugal	76.92	28.57	33.33	51.72
Qatar	66.67	-	-	36.36
Republic of Korea (the)	60	50	50	55.88
Republic of Moldova (the)	40	33.33	-	30
Romania	33.33	60	33.33	41.18
Russian Federation (the)	46.67	20	12.5	32.14
Rwanda	25	100	-	33.33
Saint Lucia	100	-	-	50
Samoa	100	-	100	80
San Marino	50	50	33.33	45.45
Sao Tome and Principe	50	-	-	25
Saudi Arabia	38.46	40	-	29.17
Senegal	21.43	-	54.55	29.03
Serbia	40	50	66.67	50
Seychelles	57.14	100	100	66.67
Sierra Leone	-	33.33	66.67	33.33
Singapore	55	28.57	36.36	44.74
Slovakia	25	50	-	25
Slovenia	87.5	50	50	75
Somalia	40	-	-	21.05
South Africa	36.36	66.67	60	51.85
South Sudan	44.44	50	33.33	42.86
Spain	55.56	66.67	60	60.71
Sri Lanka	42.86	-	-	25
Sudan (the)	50	-	33.33	37.5
Suriname	50	-	100	50
Sweden	87.5	50	100	81.25
Switzerland	37.5	20	66.67	43.33
Syrian Arab Republic (the)	28.57	-	-	11.76
Thailand	63.64	54.55	36.36	54.55
Timor-Leste	50	-	-	33.33
Togo	22.22	25	27.27	24.32
Trinidad and Tobago	75	42.86	45.45	50
Tunisia	40	-	-	20
Türkiye	11.76	44.44	27.27	24.32
Turkmenistan	42.86	-	40	38.46
Uganda	33.33	27.27	45.45	35.29
Ukraine	20	-	25	20
United Arab Emirates (the)	63.64	40	20	47.62
United Kingdom of Great Britain and Northern Ireland (the)	61.9	40	62.5	58.82
United Republic of Tanzania (the)	37.5	50	18.18	32.26
United States of America (the)	52.94	63.64	100	60
Uruguay	66.67	-	25	41.18
Uzbekistan	50	40	-	40
Vanuatu	50	-	-	50
Venezuela (Bolivarian Republic of)	44.44	25	18.18	28.57
Viet Nam	66.67	-	28.57	36.36
Yemen	-	-	-	-
Zambia	33.33	18.18	10	23.08
Zimbabwe	47.62	33.33	36.36	41.46

	G	E	T	Tot
%	42.75	33.72	31.34	37.42

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International Labour Conference – 114th Session, Geneva, 2026

Date: 5 June 2026

Second item on the agenda: Information concerning the programme and budget and other questions

Report of the Finance Committee

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Appendix

Income budget for 2026–27: Statement of contributions due from Member States for 2027 (in Swiss francs) 6

1. The Finance Committee met on 4 June 2026. H.E. Ambassador Olympia Neocleous (Cyprus) was elected Chairperson and Reporter, and Ms Angélique Salomé Mbouzie Ahanda (Cameroon) was elected Vice-Chairperson. The Chairperson welcomed to the meeting Mr Matthey and Ms Passchier as observers for the Employers' and Workers' groups of the Governing Body, respectively.

1. Request for permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the ILO

(The Committee did not receive any such requests.)

2. Financial report and audited consolidated financial statements for the year ended 31 December 2025

2. The Committee had before it the *Financial report and audited consolidated financial statements for the year ended 31 December 2025 and Report of the External Auditor* (ILC.114/FIN); document CF/D.2, which referred to the proposal put forward on the item by the Governing Body at its 356th *bis* Session (1 June 2026); and paragraphs 4 and 5 of Report II, *Information concerning the programme and budget and other questions* (ILC.114/Report II), which referred to the item.

3. **A Government representative of Indonesia** took note of the financial report and audited consolidated financial statements for the year ended 31 December 2025, and the recommendations before the Committee. Commending the Office's efforts to maintain financial stability in an increasingly challenging global environment, he said that the financial pressures facing the Organization underscored the need for prudent financial management and forward-looking institutional reforms. In that regard, Indonesia supported measures to strengthen the ILO's financial resilience, including initiatives to enhance liquidity, improve efficiency and ensure the Organization's long-term sustainability. While reform and reprioritization were essential to ensure that the ILO remained fit for purpose and responsive to the changing world of work, a balanced approach was required. That approach must ensure that the ILO's constitutional mandate was preserved and ensure that efficiency gains did not come at the expense of technical cooperation, capacity-building and field-level support, which remained critical for many developing countries and countries in crisis. For countries of the global South, continued ILO technical support in areas such as skills development, labour inspection, social protection, occupational safety and health, and just transition was essential to advancing decent work and national development priorities. In that context, it was important to maintain a geographically balanced allocation of resources. It was also important to continue efforts to diversify the Organization's funding base and strengthen sustainable financing arrangements, guided by the principle of equitable burden-sharing. The reform should take into account the needs, priorities and capacities of developing countries and ensure that the benefits of a stronger and more efficient ILO were shared equitably across all regions.

4. **A Government representative of the United States of America** said that the United States noted the External Auditor's unqualified audit opinion and the Office's continued adherence to the International Public Sector Accounting Standards and accepted financial reporting practices. It was deeply alarmed by the continued growth of long-term employee benefit liabilities, which now totalled approximately US$2.02 billion, including US$1.91 billion in after-service health insurance obligations. It was further troubled by the increase in total expenses to approximately US$1.05 billion, driven largely by escalating personnel and employee benefit costs, which accounted for 58 per cent of total expenses. In the current fiscal environment,

those continued cost increases were unacceptable and raised significant concerns regarding fiscal discipline. Member States should not be expected to absorb the financial consequences of inadequately managed employee benefit obligations. The ILO must take immediate and meaningful cost-containment actions and provide Member States with clear, detailed and forward-looking plans to address those escalating liabilities and expenditures.

5. **The Committee decided to recommend that the Conference adopt the audited consolidated financial statements for the year ended 31 December 2025, and accordingly that it adopt the following resolution:**

The General Conference of the International Labour Organization,

Decides, in accordance with article 29 of the Financial Regulations, to adopt the audited consolidated financial statements for the year ended 31 December 2025.

3. Treatment of the net premium for 2024–25

6. The Committee had before it a draft resolution proposed by the Governing Body at its 356th Session (March–April 2026) concerning the treatment of the net premium for 2024–25, which was contained in paragraph 6 of Report II.

7. **The Government representative of the United States** said that, while the United States recognized the importance of maintaining adequate reserves, the significant net premium generated in 2024–25 should be returned to Member States, as the rightful owners of those funds. That approach honoured the Financial Regulations, respected Member State contributions and maintained the trust and accountability essential to effective multilateral cooperation.

8. The United States did not concur with the recommendation to adopt the resolution, but it would not block consensus.

9. **The Committee decided to recommend that the Conference adopt the following resolution:**

The General Conference of the International Labour Organization,

Noting that the operation of the Swiss franc assessment system resulted in a net premium of CHF19,032,213 in the 2024–25 biennium,

Decides, in derogation of article 11(5) of the Financial Regulations, to transfer 50 per cent of the net premium as per article 11(7), earned of CHF19,032,213 to the Working Capital Fund, thus bringing its level to CHF44,516,106.

4. Composition of the Administrative Tribunal of the International Labour Organization

10. The Committee had before it a draft resolution proposed by the Governing Body at its 356th Session (March–April 2026) concerning the composition of the Administrative Tribunal of the International Labour Organization, which was contained in paragraph 8 of Report II.

11. **The Committee decided to recommend that the Conference adopt the following resolution:**

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointments of Ms Rosanna De Nictolis

(Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for one further non-renewable term of five years.

5. Other questions

(There was no discussion under this item.)

Geneva, 5 June 2026

(Signed) Olympia Neocleous
Chairperson and Reporter

Appendix

Income budget for 2026–27

Statement of contributions due from Member States for 2027 (in Swiss francs)

	Member States	Assessed Contribution 1 Jan.-27 Feb. 2027 (1) %	Assessed Contribution 1 Jan.-27 Feb. 2027 (1) Amount	Assessed Contribution 28 Feb.-31 Dec. 2027 (1) %	Assessed Contribution 28 Feb.-31 Dec. 2027 (1) Amount	Total Assessed Contribution 2027	Earned Credits Distributed in Respect of : 2025 Incentive Scheme	Total Credits	Net Contribution for 2027
1	Afghanistan	0.005	3 031	0.005	16 044	19 075	-	-	19 075
2	Albania	0.010	6 062	0.010	32 088	38 150	1 723	1 723	36 427
3	Algeria	0.087	52 742	0.087	279 168	331 910	22 009	22 009	309 901
4	Angola	0.010	6 062	0.010	32 088	38 150	969	969	37 181
5	Antigua and Barbuda	0.002	1 212	0.002	6 418	7 630	-	-	7 630
6	Argentina	0.490	297 051	0.490	1 572 323	1 869 374	-	-	1 869 374
7	Armenia	0.007	4 244	0.007	22 462	26 706	1 507	1 507	25 199
8	Australia	2.041	1 237 310	2.041	6 549 207	7 786 517	455 254	455 254	7 331 263
9	Austria	0.626	379 498	0.626	2 008 723	2 388 221	144 009	144 009	2 244 212
10	Azerbaijan	0.034	20 612	0.034	109 100	129 712	6 299	6 299	123 413
11	Bahamas	0.015	9 093	0.015	48 132	57 225	1 972	1 972	55 253
12	Bahrain	0.050	30 311	0.050	160 441	190 752	10 867	10 867	179 885
13	Bangladesh	0.010	6 062	0.010	32 088	38 150	2 130	2 130	36 020
14	Barbados	0.007	4 244	0.007	22 462	26 706	1 567	1 567	25 139
15	Belarus	0.043	26 068	0.043	137 979	164 047	-	-	164 047
16	Belgium	0.773	468 614	0.774	2 483 629	2 952 243	178 505	178 505	2 773 738
17	Belize	0.001	606	0.001	3 209	3 815	143	143	3 672
18	Benin	0.005	3 031	0.005	16 044	19 075	532	532	18 543
19	Bolivia (Plurinational State of)	0.018	10 912	0.018	57 759	68 671	-	-	68 671
20	Bosnia and Herzegovina	0.014	8 487	0.014	44 923	53 410	1 651	1 651	51 759
21	Botswana	0.013	7 881	0.013	41 715	49 596	1 453	1 453	48 143
22	Brazil	1.412	855 993	1.412	4 530 858	5 386 851	418 312	418 312	4 968 539
23	Brunei Darussalam	0.019	11 518	0.019	60 968	72 486	4 523	4 523	67 963
24	Bulgaria	0.071	43 042	0.071	227 826	270 868	12 062	12 062	258 806
25	Burkina Faso	0.005	3 031	0.005	16 044	19 075	872	872	18 203
26	Burundi	0.001	606	0.001	3 209	3 815	-	-	3 815
27	Cabo Verde	0.001	606	0.001	3 209	3 815	-	-	3 815
28	Cambodia	0.008	4 850	0.008	25 671	30 521	1 439	1 439	29 082
29	Cameroon	0.014	8 487	0.014	44 923	53 410	-	-	53 410
30	Canada	2.544	1 542 242	2.544	8 163 245	9 705 487	566 724	566 724	9 138 763
31	Central African Republic	0.001	606	0.001	3 209	3 815	-	-	3 815
32	Chad	0.005	3 031	0.005	16 044	19 075	-	-	19 075
33	Chile	0.374	226 729	0.374	1 200 100	1 426 829	-	-	1 426 829
34	China	20.012	12 131 817	20.013	64 218 172	76 349 989	822 444	822 444	75 527 545
35	Colombia	0.197	119 427	0.197	632 138	751 565	43 817	43 817	707 748
36	Comoros	0.001	606	0.001	3 209	3 815	-	-	3 815
37	Congo	0.005	3 031	0.005	16 044	19 075	-	-	19 075
38	Cook Islands	0.001	606	0.001	3 209	3 815	66	66	3 749
39	Costa Rica	0.063	38 192	0.063	202 156	240 348	6 448	6 448	233 900
40	Côte d'Ivoire	0.024	14 550	0.024	77 012	91 562	1 509	1 509	90 053
41	Croatia	0.088	53 348	0.088	282 376	335 724	19 600	19 600	316 124
42	Cuba	0.122	73 960	0.122	391 476	465 436	-	-	465 436
43	Cyprus	0.035	21 218	0.035	112 309	133 527	7 608	7 608	125 919
44	Czechia	0.344	208 542	0.344	1 103 835	1 312 377	73 286	73 286	1 239 091
45	Democratic Republic of the Congo	0.010	6 062	0.010	32 088	38 150	969	969	37 181
46	Denmark	0.531	321 907	0.531	1 703 885	2 025 792	118 509	118 509	1 907 283
47	Djibouti	0.002	1 212	0.002	6 418	7 630	-	-	7 630
48	Dominica	0.001	606	0.001	3 209	3 815	-	-	3 815
49	Dominican Republic	0.069	41 830	0.069	221 409	263 239	7 168	7 168	256 071
50	Ecuador	0.065	39 405	0.065	208 573	247 978	-	-	247 978
51	Egypt	0.182	110 333	0.182	584 006	694 339	29 731	29 731	664 608
52	El Salvador	0.013	7 881	0.013	41 715	49 596	-	-	49 596
53	Equatorial Guinea	0.008	4 850	0.008	25 671	30 521	-	-	30 521
54	Eritrea	0.001	606	0.001	3 209	3 815	115	115	3 700
55	Estonia	0.045	27 280	0.045	144 397	171 677	9 462	9 462	162 215
56	Eswatini	0.002	1 212	0.002	6 418	7 630	430	430	7 200
57	Ethiopia	0.010	6 062	0.010	32 088	38 150	-	-	38 150

	Member States	Assessed Contribution 1 Jan.-27 Feb. 2027 [1] %	Assessed Contribution 1 Jan.-27 Feb. 2027 [1] Amount	Assessed Contribution 28 Feb.-31 Dec. 2027 [1] %	Assessed Contribution 28 Feb.-31 Dec. 2027 [1] Amount	Total Assessed Contribution 2027	Earned Credits Distributed in Respect of : 2025 Incentive Scheme	Total Credits	Net Contribution for 2027
58	Fiji	0.003	1 819	0.003	9 626	11 445	506	506	10 939
59	Finland	0.386	234 004	0.386	1 238 606	1 472 610	88 421	88 421	1 384 189
60	France	3.860	2 340 037	3.860	12 386 056	14 726 093	867 638	867 638	13 858 455
61	Gabon	0.011	6 669	0.011	35 297	41 966	-	-	41 966
62	Gambia	0.001	606	0.001	3 209	3 815	-	-	3 815
63	Georgia	0.009	5 456	0.009	28 879	34 335	341	341	33 994
64	Germany	5.694	3 451 857	5.695	18 274 246	21 726 103	836 338	836 338	20 889 765
65	Ghana	0.025	15 156	0.025	80 221	95 377	2 751	2 751	92 626
66	Greece	0.280	169 744	0.280	898 470	1 068 214	59 064	59 064	1 009 150
67	Grenada	0.001	606	0.001	3 209	3 815	216	216	3 599
68	Guatemala	0.046	27 887	0.046	147 606	175 493	3 713	3 713	171 780
69	Guinea	0.004	2 425	0.004	12 835	15 260	-	-	15 260
70	Guinea-Bissau	0.001	606	0.001	3 209	3 815	-	-	3 815
71	Guyana	0.011	6 669	0.011	35 297	41 966	862	862	41 104
72	Haiti	0.006	3 637	0.006	19 253	22 890	1 293	1 293	21 597
73	Honduras	0.010	6 062	0.010	32 088	38 150	-	-	38 150
74	Hungary	0.223	135 189	0.223	715 567	850 756	7 725	7 725	843 031
75	Iceland	0.035	21 218	0.035	112 309	133 527	7 708	7 708	125 819
76	India	1.107	671 093	1.107	3 552 167	4 223 260	224 996	224 996	3 998 264
77	Indonesia	0.579	351 006	0.579	1 857 908	2 208 914	11 717	11 717	2 197 197
78	Iran (Islamic Republic of)	0.386	234 004	0.386	1 238 606	1 472 610	-	-	1 472 610
79	Iraq	0.131	79 416	0.131	420 356	499 772	11 547	11 547	488 225
80	Ireland	0.472	286 139	0.472	1 514 564	1 800 703	91 579	91 579	1 709 124
81	Israel	0.609	369 192	0.609	1 954 173	2 323 365	15 896	15 896	2 307 469
82	Italy	2.814	1 705 923	2.814	9 029 628	10 735 551	190 449	190 449	10 545 102
83	Jamaica	0.007	4 244	0.007	22 462	26 706	1 723	1 723	24 983
84	Japan	6.933	4 202 973	6.933	22 246 769	26 449 742	1 438 016	1 438 016	25 011 726
85	Jordan	0.021	12 731	0.021	67 385	80 116	643	643	79 473
86	Kazakhstan	0.131	79 416	0.131	420 356	499 772	28 647	28 647	471 125
87	Kenya	0.037	22 430	0.037	118 726	141 156	4 825	4 825	136 331
88	Kiribati	0.001	606	0.001	3 209	3 815	-	-	3 815
89	Kuwait	0.222	134 582	0.222	712 359	846 941	-	-	846 941
90	Kyrgyzstan	0.003	1 819	0.003	9 626	11 445	74	74	11 371
91	Lao People's Democratic Republic	0.006	3 637	0.006	19 253	22 890	613	613	22 277
92	Latvia	0.050	30 311	0.050	160 441	190 752	10 072	10 072	180 680
93	Lebanon	0.022	13 337	0.022	70 594	83 931	-	-	83 931
94	Lesotho	0.001	606	0.001	3 209	3 815	97	97	3 718
95	Liberia	0.001	606	0.001	3 209	3 815	136	136	3 679
96	Libya	0.040	24 249	0.040	128 353	152 602	-	-	152 602
97	Lithuania	0.081	49 104	0.081	259 915	309 019	16 615	16 615	292 404
98	Luxembourg	0.073	44 255	0.073	234 244	278 499	7 850	7 850	270 649
99	Madagascar	0.004	2 425	0.004	12 835	15 260	-	-	15 260
100	Malawi	0.003	1 819	0.003	9 626	11 445	-	-	11 445
101	Malaysia	0.326	197 630	0.326	1 046 076	1 243 706	73 972	73 972	1 169 734
102	Maldives	0.004	2 425	0.004	12 835	15 260	743	743	14 517
103	Mali	0.005	3 031	0.005	16 044	19 075	1 077	1 077	17 998
104	Malta	0.020	12 125	0.020	64 176	76 301	3 972	3 972	72 329
105	Marshall Islands	0.001	606	0.001	3 209	3 815	-	-	3 815
106	Mauritania	0.003	1 819	0.003	9 626	11 445	56	56	11 389
107	Mauritius	0.010	6 062	0.010	32 088	38 150	4 053	4 053	34 097
108	Mexico	1.138	689 887	1.138	3 651 640	4 341 527	-	-	4 341 527
109	Mongolia	0.004	2 425	0.004	12 835	15 260	31	31	15 229
110	Montenegro	0.004	2 425	0.004	12 835	15 260	862	862	14 398
111	Morocco	0.059	35 767	0.059	189 321	225 088	11 099	11 099	213 989
112	Mozambique	0.002	1 212	0.002	6 418	7 630	336	336	7 294
113	Myanmar	0.010	6 062	0.010	32 088	38 150	-	-	38 150
114	Namibia	0.007	4 244	0.007	22 462	26 706	838	838	25 868
115	Nepal	0.010	6 062	0.010	32 088	38 150	-	-	38 150
116	Netherlands (Kingdom of the)	1.299	787 489	1.299	4 168 261	4 955 750	150 957	150 957	4 804 793
117	New Zealand	0.302	183 081	0.302	969 064	1 152 145	65 892	65 892	1 086 253
118	Nicaragua [1]	0.004	2 425	0.000	-	2 425	442	442	1 983
119	Niger	0.004	2 425	0.004	12 835	15 260	-	-	15 260
120	Nigeria	0.150	90 934	0.150	481 323	572 257	-	-	572 257
121	North Macedonia	0.008	4 850	0.008	25 671	30 521	1 507	1 507	29 014
122	Norway	0.653	395 866	0.653	2 095 361	2 491 227	144 279	144 279	2 346 948

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123	Oman	0.115	69 716	0.115	369 015	438 731	21 607	21 607	417 124
124	Pakistan	0.123	74 566	0.123	394 685	469 251	8 676	8 676	460 575
125	Palau	0.001	606	0.001	3 209	3 815	21	21	3 794
126	Panama	0.086	52 136	0.086	275 959	328 095	-	-	328 095
127	Papua New Guinea	0.009	5 456	0.009	28 879	34 335	-	-	34 335
128	Paraguay	0.023	13 943	0.023	73 803	87 746	4 605	4 605	83 141
129	Peru	0.145	87 903	0.145	465 279	553 182	-	-	553 182
130	Philippines	0.198	120 033	0.198	635 347	755 380	42 015	42 015	713 365
131	Poland	0.832	504 381	0.832	2 669 741	3 174 122	180 605	180 605	2 993 517
132	Portugal	0.328	198 843	0.328	1 052 494	1 251 337	76 087	76 087	1 175 250
133	Qatar	0.245	148 526	0.245	786 162	934 688	56 517	56 517	878 171
134	Republic of Korea	2.350	1 424 634	2.350	7 540 734	8 965 368	-	-	8 965 368
135	Republic of Moldova	0.006	3 637	0.006	19 253	22 890	1 048	1 048	21 842
136	Romania	0.358	217 029	0.358	1 148 759	1 365 788	55 384	55 384	1 310 404
137	Russian Federation	2.095	1 270 046	2.095	6 722 484	7 992 530	78 650	78 650	7 913 880
138	Rwanda	0.003	1 819	0.003	9 626	11 445	104	104	11 341
139	Saint Kitts and Nevis	0.001	606	0.001	3 209	3 815	-	-	3 815
140	Saint Lucia	0.002	1 212	0.002	6 418	7 630	212	212	7 418
141	Saint Vincent and the Grenadines	0.001	606	0.001	3 209	3 815	3	3	3 812
142	Samoa	0.001	606	0.001	3 209	3 815	214	214	3 601
143	San Marino	0.002	1 212	0.002	6 418	7 630	254	254	7 376
144	Sao Tome and Principe	0.001	606	0.001	3 209	3 815	-	-	3 815
145	Saudi Arabia	1.218	738 385	1.218	3 908 346	4 646 731	255 430	255 430	4 391 301
146	Senegal	0.007	4 244	0.007	22 462	26 706	-	-	26 706
147	Serbia	0.040	24 249	0.040	128 353	152 602	6 078	6 078	146 524
148	Seychelles	0.002	1 212	0.002	6 418	7 630	430	430	7 200
149	Sierra Leone	0.001	606	0.001	3 209	3 815	13	13	3 802
150	Singapore	0.479	290 383	0.479	1 537 026	1 827 409	107 562	107 562	1 719 847
151	Slovakia	0.149	90 328	0.149	478 115	568 443	31 622	31 622	536 821
152	Slovenia	0.077	46 680	0.077	247 079	293 759	16 829	16 829	276 930
153	Solomon Islands	0.001	606	0.001	3 209	3 815	-	-	3 815
154	Somalia	0.002	1 212	0.002	6 418	7 630	-	-	7 630
155	South Africa	0.251	152 163	0.251	805 415	957 578	52 585	52 585	904 993
156	South Sudan	0.005	3 031	0.005	16 044	19 075	430	430	18 645
157	Spain	1.896	1 149 407	1.896	6 083 928	7 233 335	460 213	460 213	6 773 122
158	Sri Lanka	0.038	23 037	0.038	121 935	144 972	7 652	7 652	137 320
159	Sudan	0.008	4 850	0.008	25 671	30 521	-	-	30 521
160	Suriname	0.002	1 212	0.002	6 418	7 630	-	-	7 630
161	Sweden	0.823	498 925	0.823	2 640 861	3 139 786	102 872	102 872	3 036 914
162	Switzerland	1.030	624 414	1.030	3 305 088	3 929 502	243 441	243 441	3 686 061
163	Syrian Arab Republic	0.006	3 637	0.006	19 253	22 890	-	-	22 890
164	Tajikistan	0.003	1 819	0.003	9 626	11 445	79	79	11 366
165	Thailand	0.341	206 724	0.341	1 094 209	1 300 933	77 663	77 663	1 223 270
166	Timor-Leste	0.001	606	0.001	3 209	3 815	-	-	3 815
167	Togo	0.002	1 212	0.002	6 418	7 630	34	34	7 596
168	Tonga	0.001	606	0.001	3 209	3 815	123	123	3 692
169	Trinidad and Tobago	0.033	20 006	0.033	105 891	125 897	6 532	6 532	119 365
170	Tunisia	0.018	10 912	0.018	57 759	68 671	3 467	3 467	65 204
171	Türkiye	0.685	415 266	0.686	2 201 252	2 616 518	154 188	154 188	2 462 330
172	Turkmenistan	0.036	21 824	0.036	115 518	137 342	1 238	1 238	136 104
173	Tuvalu	0.001	606	0.001	3 209	3 815	-	-	3 815
174	Uganda	0.010	6 062	0.010	32 088	38 150	-	-	38 150
175	Ukraine	0.074	44 861	0.074	237 453	282 314	12 062	12 062	270 252
176	United Arab Emirates	0.574	347 974	0.574	1 841 864	2 189 838	131 445	131 445	2 058 393
177	United Kingdom	3.993	2 420 665	3.993	12 812 830	15 233 495	924 652	924 652	14 308 843
178	United Republic of Tanzania	0.010	6 062	0.010	32 088	38 150	2 030	2 030	36 120
179	United States	22.000	13 336 997	22.000	70 594 103	83 931 100	-	-	83 931 100
180	Uruguay	0.079	47 892	0.079	253 497	301 389	2 179	2 179	299 210
181	Uzbekistan	0.024	14 550	0.024	77 012	91 562	5 330	5 330	86 232
182	Vanuatu	0.001	606	0.001	3 209	3 815	-	-	3 815
183	Venezuela (Bolivarian Republic of)	0.069	41 830	0.069	221 409	263 239	-	-	263 239
184	Viet Nam	0.159	96 390	0.159	510 203	606 593	8 279	8 279	598 314
185	Yemen	0.003	1 819	0.003	9 626	11 445	-	-	11 445
186	Zambia	0.006	3 637	0.006	19 253	22 890	-	-	22 890
187	Zimbabwe	0.007	4 244	0.007	22 462	26 706	-	-	26 706
	TOTAL	100.000	60 622 712	100.000	320 882 288	381 505 000	10 508 331	10 508 331	370 996 669

[1] Includes Nicaragua for its membership from 1 January to 27 February 2027 and excludes it from 28 February 2027 onward, following its withdrawal from the ILO.

International Labour Organization

▶ ILC.114/Record No. 3A/P.I

▶ Record of Proceedings 3A

International Labour Conference – 114th Session, Geneva, 2026

Date: 12 June 2026

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 **150** members (**135** Government members, **8** Employer members and **7** Worker members). It also included **11** Government deputy members, **78** Employer deputy members and **245** Worker deputy members. In addition, **79** international non-governmental organizations were represented by observers.

2. The Committee elected its Officers as follows:

Chairperson:	Ms Verónica López Benítez (Government member, Paraguay)
Vice-Chairpersons:	Mr Kaizer Moyane (Employer member, South Africa) and Mrs Ann Vermorgen (Worker member, Belgium)
Reporter:	Mr G.M. Iftekhar (Government member, Bangladesh)

3. The Committee held **24** sittings.

4. In accordance with its terms of reference, the Committee considered information reflected in the annual report of the Committee of Experts on the Application of Conventions and Recommendations [1] 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 Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205); 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.

Work of the Committee

5. During its opening sitting, the Committee adopted document D.1, which sets out the manner in which the work of the Committee is carried out. [2]

6. The Committee also adopted, during the course of the opening sitting, the list of individual cases to be discussed (document D.2). [3]

7. 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.

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[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, *Employment and Decent Work for Peace and Resilience*.

[2] Work of the Committee on the Application of Standards, International Labour Conference, 114th Session, CAN/D.1 (see Appendix 1).

[3] International Labour Conference, 114th Session, Committee on the Application of Standards, CAN/D.2.

8. This year, a segment of the general discussion was set aside to mark the Committee's centenary. This dedicated segment provided an opportunity for the constituents to reaffirm their commitment to the Committee and to reflect on the progress made in the context of its work. A summary of the discussions on the centenary is found under relevant headings in section B of this Part (Part One) of the present report.

9. The final part of the general discussion focused on the General Survey entitled *Employment and decent work for peace and resilience*. 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.

10. 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.

11. The Committee held two special sittings. The first on Belarus for the purpose of discussing 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), as decided at the 111th Session of the International Labour Conference [4], with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance of these two Conventions by Belarus. The second special sitting concerned Myanmar for the purpose of discussing the application of Convention No. 87 and the right to organize, and the Forced Labour Convention, 1930 (No. 29), as decided at the 113th 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 Myanmar. The record of these discussions 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.

12. The Committee then considered **23** 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.

13. The general conclusions of the Committee, as well as the adoption of the report and the closing remarks are contained in section G of Part One of this report.

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

[5] Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, 113th Session, International Labour Conference, Geneva, June 2025.

Opening remarks

14. **Chairperson:** It is a great honour for me and for the Republic of Paraguay to chair the work of the Committee, particularly as this year we are celebrating its centenary. I look forward to working with each of you with great enthusiasm and commitment with a view to carrying out our work in a constructive spirit, based on the dialogue and mutual respect that have always characterized this Committee.

15. I would like to congratulate the Vice-Chairpersons, Mr Kaizer Moyane and Ms Ann Vermorgen, as well as the Reporter, Mr Iftekhar, for their election as Officers of the Committee. I trust that over the coming two weeks we will work in close collaboration. I am sure that I will be able to count on their cooperation, experience and wisdom to support me in chairing this Committee. I take this opportunity to welcome Judge Alain Lacabarats, Chairperson of the Committee of Experts, who will address our Committee in a few moments. We appreciate his participation in our work as a means of continuing to strengthen the relations and dialogue between our two Committees. I also welcome the presence of Professor Evance Kalula, Chairperson of the Committee on Freedom of Association (CFA), who will update us on the work of this important body of the ILO supervisory system.

16. Our Committee has always been the cornerstone of the ILO regular supervisory system. It is the tripartite forum through which, since 1926, the Organization has taken action for the respect and implementation of the rights set out in international labour standards. The conclusions adopted by our Committee, based on the technical and impartial examination undertaken by the Committee of Experts, are essential tools to help Member States comply with the obligations deriving from international labour standards.

17. In this context, I would like to both share and express my gratitude for the experience my country has had with the ILO supervisory bodies, which has enabled us to take the most appropriate decisions in the cases with which we have been involved, and for the opportunity to report on progress made, and in many cases to benefit from technical assistance by the Office.

18. The work of our Committee will include the statement by the Representative of the Secretary-General, who will provide the Committee with general information, as well as the opening statements by the two Vice-Chairpersons. Document D.1 on the working methods of the Committee will then be adopted, followed by the adoption of the list of individual cases, as set out in document D.2. I will then give the floor to the Chairperson of the Committee of Experts, who will address our Committee on behalf of that body, and then the Chairperson of the CFA.

19. **Employer members:** I would like to thank my group for, once again this year, entrusting me with the role of Vice-Chairperson of this very important Committee. Let me also congratulate the Chairperson and the Reporter, as well as my new colleague from the Worker members, Ann Vermorgen, on their respective appointments. I look forward to working with you all in a constructive and pragmatic spirit over the coming weeks.

20. Before turning fully to our substantive work, the Employer members wish to pay tribute to Mr Alfred Wisskirchen, whose passing this year we mourn with deep respect. Mr Wisskirchen served with distinction as the Employer spokesperson for the Committee for 22 of the 35 years he participated in the Conference, from 1983 to 2004. Over two decades of service in this Committee, he provided exceptional leadership during complex and often sensitive discussions. His commitment to tripartism and his ability to foster dialogue across differences made an enduring contribution to the work of the ILO supervisory system as a whole. We will

remember him with great respect and his example will continue to inspire those representing employers in this Committee.

21. Turning now to substantive work, we will first talk about the global context. The Committee meets this year in a global environment that remains deeply complex and uncertain. While uncertainty is not new, its scale, interconnection and persistence continue to grow. Increasingly the volatile economic, technological and geopolitical tensions, as well as armed conflicts and humanitarian crises, continue to exert immense social and economic pressure with serious spillover effects on labour markets, enterprises and workers across regions. These realities underline the importance of grounding our work in practical and realistic assessments of national circumstances, while ensuring that the conclusions adopted by this Committee are balanced, effective and capable of implementation. At the same time, we echo our concerns from previous sessions about the ongoing and troubling erosion of democratic institutions, civic space and respect for the rule of law taking place in different contexts.

22. The weakening of social dialogue in some Member States undermines trust, stability and compliance with international commitments, including those relating to fundamental principles and rights at work. Global economic growth continues to be challenged by trade fragmentation, disruptions across supply chains, resource shortages and shifting investment patterns. These trends weigh heavily on productivity, enterprise sustainability and job creation, particularly for small and medium-sized enterprise (SMEs), which remain the backbone of a prosperous global economy. Against this backdrop, confidence in multilateral institutions is under strain, affecting the implementation and supervision of ILO standards. In line with the ILO's mission to promote social justice for lasting peace, greater attention must be paid to the current realities shaping labour markets. More than ever, the ILO must continue reinforcing Member States' confidence by demonstrating that its work can deliver tangible and impactful outcomes.

23. Regarding the ILO's role, the Employer members welcome the ILO's efforts to respond to the unstable and complex environment. At the same time, we emphasize the importance of the Organization remaining firmly in its core mandate and ensuring that its actions are aligned with the scope of the Conventions as agreed by Members.

24. The ILO's comparative advantage lies in its tripartite structure which encourages dialogue and active participation of governments and social partners, its use of normative and non-normative tools and its technical expertise. These strengths enable the ILO to deliver practical solutions, foster dialogue and promote sustainable improvements to the world of work, provided that it remains realistic, focused and outcome-oriented. In this regard, the Committee continues to play a central role in demonstrating the ILO's effectiveness.

25. As it marks its centenary year, the Committee reflects on its long-standing role in examining individual cases of serious concern in a tripartite setting and as a cornerstone for the effective functioning of the ILO supervisory system. Its credibility depends on its ability to produce conclusions rooted in social dialogue and shared responsibility. For the Employer members, the value of the Committee lies not only in examining compliance but also in contributing to the world of work by translating conclusions fostered from meaningful tripartite discussions into effective improvements. This centenary also provides an opportunity to take stock of the impact of the Committee's work over time, including how its conclusions have contributed to tangible progress in the application of international labour standards.

26. With regard to the ILO standards supervisory system in the current context, this system remains one of the defining features of the ILO. The values underpinning international labour standards and the promotion of decent work are as relevant today as ever. However, the

system must continue to evolve and respond more effectively to contemporary realities. There is a need to improve its efficiency, simplify its processes and better align supervision with national contexts and implementation capacities.

27. The financial and institutional pressures facing the UN system persist and the ILO continues to operate under constrained human and financial resources. This stark reality makes it ever more critical for the ILO to prioritize effectively and efficiently in its initiatives, focus on areas of greatest need, and align its technical assistance and follow-up activities with national priorities and capacities. Efficiency, coherence and measurable impact must guide the work of the ILO, and the Employer members therefore encourage the Organization to refine how limited resources are allocated to deliver maximum value for its constituents.

28. To this end, the Employer members continue to support tripartite reflection on enhancing the efficiency and effectiveness of the system. The streamlining of article 22 reporting through the progressive rollout of thematic implementation reports is a positive step, particularly in reducing the administrative burden on Member States. Nevertheless, reporting reforms alone will not be sufficient to ensure meaningful change. It is a point we have previously stated. We must, therefore, continue our open and constructive dialogue on how supervision and technical assistance can interact more coherently and support compliance and sustainable progress across all ILO Member States.

29. Finally, this Committee meets following the issuance of the advisory opinion of the International Court of Justice concerning the interpretation of the right to strike under the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Employer members respectfully acknowledge the opinion and recognize that its implications will require careful consideration by the tripartite constituents within the ILO's established framework and processes. In our view, this discussion must proceed through constructive dialogue with respect for differing perspectives and for the diversity of national legal and industrial relations systems. The November 2026 session of the Governing Body will provide the first appropriate opportunity for such a discussion. In the meantime, we remain fully committed to proceeding to the examination of the individual cases as we have done in the previous sessions in order to ensure the orderly functioning of our Committee's work.

30. In conclusion, the ILO's unique tripartite structure remains its greatest strength. Effective multilateral cooperation and collaboration ensure that this structure is preserved and effectively used, which is essential to addressing current challenges and maintaining the relevance and legitimacy of the international labour standards system for workers, employers and governments. The Employer members remain committed to engaging constructively in this year's Committee discussions, with the objective of achieving balanced, practical and credible outcomes that are implementable and, therefore, reinforce confidence in the supervisory system.

31. While differences on the substantive issues will inevitably arise, we trust that these discussions will continue to take place in a spirit of mutual respect and shared purpose. We request that the views expressed and conclusions adopted by the Committee be duly taken into account by other supervisory bodies, by the Office in its technical cooperation, and across ILO initiatives including those related to the 2030 Agenda for Sustainable Development. We look forward to two weeks of productive and focused discussions that deliver outcomes providing Member States and all constituents with practical guidance during these uncertain and demanding times.

32. **Worker members:** My congratulations on your nomination, Chairperson, and thank you for your statement. Thanks also to the representative of the Secretary-General for emphasizing

the importance of the work in our Committee. I also take this opportunity to thank my very esteemed counterpart, Kaizer Moyane, and members of his equally excellent Secretariat, led by Rita Yip. We look forward to a good cooperation. I am honoured to represent the Worker members as the spokesperson for our group and Vice-Chairperson for our Committee, and I would like to thank them for the trust they have placed in me.

33. These are inauspicious times for many workers and their families. Many countries are smoldering in the fog of war while the world order seems adrift, driven by geopolitical tensions, economic entities, major technological shifts, climate crises and conflicts. We see it in Sudan, where human rights are trampled and thousands have been killed. We see it in Ukraine, where the war keeps going. We can see it in Myanmar, where civil war rages, as it does in Yemen. The people in Gaza, the Islamic Republic of Iran, Lebanon and the Democratic Republic of the Congo continue to suffer from external aggression over which they have no say. The situation in Cuba and the Bolivarian Republic of Venezuela, where strongman politics is undermining their sovereignty and the will of their people, is untenable.

34. We also meet at a time when trade union independence and autonomy are under sustained and increasing attack in many countries of the world, regardless of regime and colour of government. Many trade unionists are in jail as a result. The most representative trade union in the United States of America is not accredited to the Conference, as is the case for many independent trade unions all over the world. In addition to the direct attack on trade union independence, the climate for respect for civil liberties and human rights, which is necessary for the meaningful exercise of trade union and labour rights, is being squeezed. The 2026 Global Rights Index of the International Trade Union Confederation (ITUC) bears witness.

35. The link between the attack on democracies, civil liberties and human rights, and its impact on freedoms for workers' and employers' organizations, is clear for everyone to see. At the international level it is reflected in an attack on the multilateral system. It is in this context that we welcome the advisory opinion of the International Court of Justice on the issue of freedom of association and the right to strike under Convention No. 87. Today is not the appropriate time to discuss it in substance. As we have said in past sittings of the Committee, our views on the dispute are well known. This is a matter that remains with the Governing Body in November 2026.

36. The point is that freedom of association is crucial to delivering on social justice, peace and democracy. This is why, in times of crisis, independent workers' organizations come under heavy suspicion and attack, with the aim of controlling their core representative speech or destroying them. We emphasize the work of the Committee of Experts and that of our Committee as a bulwark at the heart of the constitutional mandate of the ILO to safeguard and guarantee the protection of this independence. Our Committee must therefore remain efficient in delivering on the conclusions and recommendations of our work, which is of institutional priority.

37. We must also modernize in a way that is future-facing and future-proofing. Any review or reform must safeguard the effectiveness of our Committee and prevent it from dilution. The effectiveness of our work must be felt on the ground, ensuring the freedom and dignity of workers, improving our working and living conditions and ensuring inclusive, constructive and harmonious industrial relations. Many States will attest that effective supervision, complaints and quality assurance is the only way to sustain the robustness to deliver on any desired objective. We hope that, while some governments may find the system frustrating, they will accept this necessity and protect our institutional crown jewel – that which enables us to realize social justice and needed peace to prosper as humanity.

38. With this, may we congratulate the Committee of Experts and our own Committee on the commemoration of their centenary. While our subsequent reflections on the centenary will focus on our Committee, we want to congratulate the Committee of Experts as well for the quality of its work over the years and professionalism that has earned it such a great reputation.

39. Let us return to the issue of the profound changes going on in our world today. The uncertainties caused by conflicts and transitions are not a given nor an indication of our future. As the Director-General states in his report, we are at the moment of choice, and choice means agency. A world adrift needs anchors. Anchors that provide certainty, that provide hope, and that provide social justice. This institution is such an anchor – an actual instrument through which we protect the rights of working people and preserve their freedoms to realize their spiritual and material aspirations. For decades, even generations, we have built on this system of rules and strengthened the international rule of law in the pursuit of social justice. To this end, while enterprises are relevant in our institution, they are subsidiary within our broader institutional priorities. The priority must remain social, focused on how to assist governments to create the necessary climate, based on democracy and the rule of law, and free from fear, violence and intimidation, so that workers and employers and their organizations are able to effectively defend their interests with dignity.

40. This also means that focus must be placed on ensuring that employers respect workers' rights in their asymmetric power relations with workers. The capacity of workers and their organizations must be unchanged to take up their rights and defend their interests. This is at the heart of our peace and social justice mandate and, for all of these years, our mission has lost none of its relevance nor its urgency.

41. As the discussion on the General Survey will also show, universal and lasting peace cannot be established or maintained without resilient societies and institutions where social dialogue, the role of social partners and respect for the fundamental principles and rights at work are central. As we examine individual cases and adopt conclusions, we must remain focused on contributing to delivering social justice in law and practice. That is what truly matters, improving the lives of working people and promoting the ratification and implementation of standards that underpin social peace, development and shared prosperity.

Statement by the representative of the Secretary-General [6]

42. Allow me at the outset to warmly acknowledge the presence of Judge Alain Lacabarats, Chairperson of the Committee of Experts, as well as Professor Evance Kalula, Chairperson of the Committee on Freedom of Association, for their presence among us.

43. My intervention will begin with a brief update on key developments in the ILO's normative work since the previous session of the Conference. Thereafter, as this year marks the centenary of both this Committee and the Committee of Experts, the second part of my statement will reflect on this important milestone.

44. Concerning the normative activities that have taken place since the last session of your Committee, I have the pleasure to inform that in the past 12 months, the Office registered 58 new ratifications, including 19 of fundamental Conventions. Occupational safety and health Conventions accounted for the majority, with nine for the Occupational Safety and Health Convention, 1981 (No. 155), and five for the Promotional Framework for Occupational Safety

[6] International Labour Conference, 114th Session, Committee on the Application of Standards, CAN/D.3.

and Health Convention, 2006 (No. 187). These two Conventions are currently the subject of a ratification campaign being carried out as part of the ILO's Global Strategy on Occupational Safety and Health and its Action Plan (2024–2030). Further ratifications of these Conventions are expected during the Conference, in particular those by Germany and Mozambique, but also that of Mexico concerning the Safety and Health in Mines Convention, 1995 (No. 176).

45. Governance Conventions recorded three ratifications over the last 12 months – two for the Employment Policy Convention, 1964 (No. 122), and one for the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Incidentally, the latter is celebrating its 50th anniversary this year. Among technical Conventions, the Violence and Harassment Convention, 2019 (No. 190), saw strong momentum, with seven ratifications registered over the last 12 months.

46. The Maritime Labour Convention, 2006, as amended (MLC, 2006), which, this year, marked its 20th anniversary, received three ratifications in the past 12 months. With 112 ratifications covering over 96 per cent of the world's gross tonnage, it is the most ratified maritime standard in the ILO's history.

47. You will find further details on the ratifications received during the year in document D.3, available on your Committee's web page.

48. I would now like to focus briefly on some recent developments concerning standards policy aimed at promoting a body of standards that is robust, clear and up-to-date and at modernizing the ILO's normative activities.

49. In March this year, the Governing Body undertook the fifth evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (SRM TWG). In the evaluation, the Governing Body reiterated the importance of the SRM TWG in contributing to a clear, robust and up-to-date body of international labour standards, and stressed the need for timely follow-up to its recommendations by Member States, social partners and the Office. The tenth meeting of the SRM TWG is scheduled for September 2026, during which it will examine working time instruments.

50. In addition, the Governing Body adopted measures for the modernization of the reporting system under article 22 of the ILO Constitution in November 2025. The modernization introduces a thematic approach to reporting, designed to streamline reporting while preserving meaningful supervision. In future, instead of submitting separate reports for each ratified Convention, governments will provide a single Thematic Implementation Report (TIR) which will cover groups of related Conventions and Protocols organized into 15 thematic areas. This shift will be introduced progressively from 2027 and the new reporting cycle is already available in the NORMLEX database, with which most of you – if not all of you – are familiar.

51. This is not just a technical change to the reporting procedures. It is intended to reduce the reporting burden, facilitate more structured and coherent reporting, and improve access to information contained in reports. By improving the transparency and clarity of information, this change aims to support peer learning and enable Member States to draw more effectively on comparative best practices. In this respect, the new system responds to a long-standing request made by most of the Organization's Member States. While this major reform will not affect the work of your Committee at this session of the Conference, it is expected to have an impact on your work going forward, as well as on that of the Committee of Experts. Both supervisory bodies will have the opportunity to consider these implications in due course, including through your respective discussions on working methods.

52. I will now turn to the second part of my intervention, which pays tribute to the centenary of this Committee. Since its creation in 1926, this standing committee of the Conference has met at every session of the Conference, with the mandate to examine how Member States give effect to international labour standards and to bring these issues to the attention of the Conference.

53. Upon reviewing your Committee's reports as well as the general conclusions it adopted at each key milestone, it is clear that, far from undermining the reasons that led the constituents to establish this mechanism a century ago, the passage of time has only served to reinforce the relevance, usefulness and added value of the mandate entrusted to you. Over the years, the supervisory and promotional functions carried out by your Committee, based on the comments of the Committee of Experts, have made a tangible contribution to encouraging governments to make progress in the effective implementation of international labour standards.

54. This is what has allowed the system to remain authoritative over time – not by remaining unchanged, but by evolving while staying firmly anchored in its core principles. Over time, each discussion, each conclusion has contributed to a broader journey: the advancement of social justice through decent work. Some may regret that progress is slow to materialize; progress is not always linear, and at times it may be challenged. Yet the essential point remains: without such a system of supervision, the prospects for social justice would be markedly reduced.

55. What makes this Committee unique is its composition and the way in which it operates. Today, in this room, more than 370 delegates – representing governments, employers and workers – from some 115 countries have been accredited to your committee to discuss the application of standards. In terms of attendance, your Committee is the most well-attended on this first day of the Conference.

56. By its composition and working methods, the Committee gives the assessment of compliance a human face – through the sharing of experiences, the confrontation of realities, and the possibility to question and engage. This human dimension should not be overlooked. The discussions held here are not abstract: they reflect real situations faced daily by workers and employers. This Committee has heard testimonies from social partners who have been imprisoned or killed for exercising their legitimate right to freedom of association, from victims of slavery, and from exploited children. These accounts can be difficult to hear, yet they are essential. They remind us that supervision is not only about compliance – it is about understanding realities and creating space for progress.

57. As early as 1937, barely more than ten years after its establishment, the Committee sought to demonstrate that it had not been conceived as a tribunal before which governments would be called to account, but as a mechanism for mutual verification based on goodwill and mutual trust.

58. This year marks ten years since I have had the honour of being a privileged witness to your work as the Secretary-General's representative, and if I were to sum up this experience in two words, the words "dialogue" and "cooperation" come to mind and are the ones I would choose. It is through dialogue that you engage with national realities in order to understand and analyse them in the light of international standards, and it is through cooperation and technical assistance that your conclusions are put into practice.

59. In a world where differences of opinion are increasingly leading to conflict, the value and significance of this dialogue and the cooperation it fosters are immeasurable. They must be strengthened, both at the international and national levels. From its earliest years, the system

was conceived as a mechanism of mutual confidence – in the words of Alfred O'Rahilly, who chaired this Committee in 1932, the Committee regarded itself as an "organ of international public opinion with the object of securing mutual encouragement and emulation in striving for social amelioration" – encouraging progress through scrutiny, exchange and cooperation.

60. The history of this body has not been without tension, periods of disagreement, and even crises. Yet, these moments have also shaped it. What matters is not the absence of disagreement, but the capacity to remain engaged and to move forward together. The centenary of the Committee that we mark today is not an end point. It is a moment of reflection – but also of renewal. At a time when positions can at times become more divergent, the relevance of this Committee lies precisely in its ability to provide a space where differences are not avoided but addressed through structured and respectful tripartite dialogue. As has been recalled before in this Committee, as long as there is dialogue, there remains a way forward. This Committee exists precisely to ensure that international labour standards can, over time, be translated into reality – and that, in doing so, the pursuit of social justice in the world of work continues to advance.

61. Madam Chairperson, Mr Reporter, Vice-Chairpersons, distinguished delegates, on the occasion of the Committee's centenary, you may wish to follow in the footsteps of your predecessors and include, at the end of your general report, one or two paragraphs of general conclusions on your work during this special year, reaffirming your shared commitment.

62. Let me now conclude by saying that the International Labour Standards Department is pleased and honoured to place once again this year its expertise at the service of your Committee. Mr Tim de Meyer, Chief of the Freedom of Association Branch, and Mr Horacio Guido, Chief of the Application of Standards Branch, will accompany me in guiding the Secretariat of your Committee this year, along with, Ms Rosinda Silva and Mr Carlos Magalhaes Tomé, who ensure the smooth coordination of your Committee's work

63. Finally, I would like to take this opportunity to pay tribute to the fact that this will be Mr Carlos Magalhaes Tomé's final session of the Committee. As Head of the Chancellery and coordinator of the Committee's Secretariat, his role has been instrumental to the efficient and effective functioning of the Committee, as well as to that of the ILO supervisory system as a whole. His dedication and hard work have been essential in ensuring the smooth conduct of its work. I would like to express our sincere recognition and gratitude for his outstanding service.

Working methods of the Committee and list of individual cases

64. **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 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. **Worker members:** The working methods of our Committee are essential because they constitute the common thread of our work. They are the scaffolding that enables our Committee to work in a stable, consistent and rigorous manner to deliver on its mandate of supervision of the standards ratified by Member States. Our Committee is a dialogue-based compliance monitoring body focused on improvement and, with the necessary tools and support, assistance to governments falling short to improve. Rigorous and fair working methods will stand our Committee in good stead.

71. The informal tripartite consultations on the working methods, established in 2006, are serving us well in this regard. We have seen that all the tripartite constituents are engaging constructively in these discussions, with the indispensable support of the Office, leading to document D.1. This document reflects the consensus reached among all the groups represented. The discussions are difficult sometimes, given that the three constituents may not always approach issues from the same perspective or with the same interests, but we all make the effort to be constructive, and it is in this spirit that the Worker members intend to engage in the work of our Committee.

72. Last year at the closing plenary of our Committee, we raised the issue of governments that fail to submit their credentials to attend the Conference, despite appearing on the Committee's preliminary list, and that consequently do not participate in the Committee's work if they are included in the final list, as it happened last year with the case of Afghanistan. As we have always said, once a country is on the long list, it is also likely to be on the short list. Once the country is on the long list, it should already serve as notice for a possible discussion at the Committee. Therefore, with due respect, it is not acceptable for the case not to be discussed unless the government concerned provides compelling reasons for the non-submission of credentials in a note verbale. Our Committee is not here to merely sing praises or promote best practices. It is here to ensure observance of obligations voluntarily assumed by governments for the benefit of workers and employers. This must be reflected in the dialogue between our Committee and the Member States appearing before us. We will raise this matter again at the next informal tripartite consultations on the working methods.

73. Allow me to also to address another perennial issue to which we hope we can also find a solution in order to bring greater clarity to our working methods. This relates to cases of progress. Our Committee focuses on compliance, monitoring and accountability, not the promotion of best practices. As we do for the cases of serious failure, we could consider including a moment in the work of our Committee where we mention a number of countries where progress is achieved. However, the discussion of the individual cases should remain within the framework of supervision of the application of standards. This comes with the added value of making recommendations and providing the tools to improve the situation.

74. The requirements of due process dictate that governments should have no role in the determination of the preliminary and final lists of cases, as these relate to matters of institutional legality: the supervision of the application of standards. The discussion of cases of progress, while relevant, does not demand those same procedural requirements. We raise this in the spirit of efficiency and effectiveness of the work of our Committee, and we are ready to explore, in the next informal tripartite consultations on the working methods, a common way forward, particularly in light of the implementation of a new thematic reporting system.

75. We also adopt the final list of cases that our Committee will examine in the course of its work. This list reflects, for some, the seriousness and persistence of shortcomings in the application of the various Conventions, and for others, the urgency of those shortcomings in terms of their impact on workers or employers. This is in addition to those that have been double-footnoted. In these cases, employers' and workers' organizations have made comments regarding these shortcomings and how they affect them in law and practice, or on the scope, meaning and content of the Convention and its application.

76. We have also taken into account the likelihood of discussing a case and the tangible impact it would make. We have also tried to reflect the needed balance, which is not an exact science. Overall, the balance and accommodations taken into account in determining the list also reflect the areas of particular danger for workers and employers in the world, and where more

capacity and improvements in labour market institutions are needed for effective compliance, for the benefit of both. We are certainly not adopting a rigid quota system or displacing the most serious persistent or significant issues of compliance, but we also avoid any undue perception of selective supervision. If we take the Sustainable Development Goal (SDG) 8.8.2 indicator regarding compliance with labour rights and look at the data for 2024, we see that the balance of the list is not significantly different from that. Furthermore, it corresponds to the findings of the ITUC Global Rights Index. With all this, we see that the world has not changed much since 2024. It has even become worse in terms of protection for workers, and it has become more dangerous for workers and their representatives. The more than 1,000 pages of the report of the Committee of Experts bear clear witness to this trend.

77. We intend to seize the opportunity of the selection of these cases to conduct a constructive dialogue leading to the formulation of recommendations that will contribute to the improvement of workers' lives. In that regard, we commend all governments who have sent written information following the publication of the preliminary list. We also welcome the increasing interaction and engagement we see in our Committee. As we have already said, the multiple crises and geopolitical tensions we are experiencing at the global level are impacting both countries and the multilateral system, and this not only in the countries on the short list. This context is negatively impacting the rights and freedoms protected by ILO Conventions all over the world.

78. Increasingly, these rights and freedoms are seriously curtailed, totally denied or are at risk of being so. Unfortunately, we cannot address all the situations that deserve to be discussed. We want to mention here, in a non-exhaustive way, a number of countries that were on the long list but were not selected on the final list. Let us be clear that those countries not being on the final list does not mean that we are abandoning them. On the contrary, we will ensure that we mobilize in every way possible to try and resolve the issues there, and the governments concerned should still engage constructively, follow up on the comments made by the Committee of Experts and seek technical assistance from the ILO.

79. We can mention Peru and Hungary, where we witness blatant violations of freedom of association and collective bargaining, depriving workers from the basic and fundamental rights to meaningful representation and bargaining abilities. In Costa Rica and France, the principles of equal pay and non-discrimination demand serious consideration and engagement from the governments concerned. The situation of labour inspection is also a matter of concern in India and North Macedonia, where the effectiveness of working rights and dignity at work relies on strong labour inspections. In Uganda, the issue of the minimum wage does not allow workers to enjoy decent wage for the work they perform, endangering their livelihoods and that of their families. In Belgium, workers' livelihoods are also threatened by employment policies which are deteriorating working conditions and social protection. Workers and children also remain very vulnerable in countries suffering a crisis of instability, as we witness in Haiti.

80. The Worker members express full solidarity with all those who suffer the consequences of non-compliance with international labour Conventions. We urge the governments on the short list not to consider this selection as a sanction, but rather as an opportunity to enter into deeper dialogue with the Committee as part of the supervision of standards, with the aim of helping to improve the situation. That, in our view, should be the aim of every government – building capacity to better comply with one's obligations and, through that, contribute to improving the living and working conditions at home.

81. **Employer members:** With regard to the working methods, the Employer members think that it is a welcome, established practice that we, the three parties with the Office, seek to continuously improve on how this Committee does its work. We have reviewed and found useful things that we can adopt and embed in the way we work. We appreciate that and we believe that it is something that we should continuously do to improve how we work as a Committee. Therefore, the sessions that we have during the informal tripartite consultations serve a very good purpose and clearly bear fruit in the way we, year after year, continue and conclude our work in the time permitted. In our view, that is a very good practice that we should continue.

82. With regard to how cases are selected, again we would like to thank the Committee of Experts who make observations on the application of various Conventions in practice, and it is those that we believe may require some focus in our Committee's work. Our view as Employer members is consistent with the statement that was read by the representative of the Secretary-General, quoting a previous Chairperson, that this is not a tribunal. The Committee is not a tribunal where a government should feel that it is called on to come and answer for any wrongdoing. The intention is certainly to provide a platform where any observed shortcomings in the implementation of a Convention may be discussed with a view to improving compliance.

83. It is also our view that, where our work has contributed to positive outcomes, those find a place in our Committee as good examples for other governments. If it is a case of progress, we should not shy away from signalling that our work has resulted in something positive. We think that is something that we should embrace rather than shun. We are looking forward to engaging in the work of this Committee with this in mind: where good practices are happening, that governments that are responding may learn from the discussions and from how other governments have dealt with it, and the conclusions that emanate from our discussions may assist the governments concerned to close any gaps that may exist without feeling like a judgment is being passed on them or that they are being punished in any way. This is the spirit in which we, as Employer members, will certainly be undertaking the engagements over the next two weeks.

84. We also would like to thank the governments on the preliminary list that have taken time to provide information, because that information certainly helps us assess what may have happened in the country since they submitted the reports to the Committee of Experts, which may shape the outcome of whether a particular government is on the short list. It is therefore a practice that we would like to encourage – for governments to submit information that would be useful for consideration by the Vice-Chairpersons.

85. **Government member, Brazil:** It is an honour to participate on behalf of the Government of Brazil in the work of this Committee, which is celebrating 100 years, as a fundamental pillar for the promotion of decent work and global social justice.

86. I would like to consider, respectfully and constructively, the methods that guide the preparation of the preliminary list of individual cases. We recognize the social partners' work in overseeing this process. However, in order to maintain the authority and balance that historically characterize this Committee, it is crucial that the selection criteria reflect as accurately as possible the factual reality of each nation.

87. Brazil was included on the preliminary list of individual cases concerning the Worst Forms of Child Labour Convention, 1999 (No. 182). This is the second time in the past three years that we are included on the preliminary list. Both in 2024 and this year, representatives of the Brazilian Government, workers and employers expressed their objection to the inclusion of the country on the preliminary list. In a statement on 30 April 2026, the official tripartite delegation

of Brazil at this Conference expressed its dismay at the country's inclusion on the list of 40 cases, noting that there is no factual or legal basis that justifies it, nor any grounds for its inclusion on the short list, which will be examined before the Committee.

88. We therefore express our concerns at the criteria for the composition of the preliminary list and request greater transparency in the decision-making processes, as well as in the advanced notification of the grounds for inclusion. We suggest that the Office examine this procedure, which should be extended to the short list, with a view to refining working methods and strengthening the monitoring and supervisory mechanisms.

89. With regard to Convention No. 182, the Committee of Experts' report shows an apparent and alarming triplication of cases of the worst forms of child labour in Brazil. We consider this an inaccurate interpretation of the data, which indicate a 38 per cent-rise in cases, which is in fact related to an improvement in institutional detection, inspection and transparency by the State, and not to a worsening of the problem. We request that the data on Brazil be rectified, although we still do not know the reasons for its inclusion on the preliminary list, which does not set out any justifications by the social partners.

90. Brazil is one of the countries that has ratified the most ILO Conventions. This reflects our commitment to multilateralism, tripartism, social dialogue, decent work and the incorporation of ILO principles and guidelines into national labour legislation. This commitment bears out, even with regard to Conventions not ratified by Brazil, such as the Forty-Hour Week Convention, 1935 (No. 47). Last week, the Chamber of Deputies adopted a constitutional reform led by President Lula that reduces working time from 44 hours to 40 hours per week without a drop in wages and establishes a system of five working days and two rest days per week, with pay. This proposal will now be examined by the Senate of the Republic.

91. The strengthening of the supervisory mechanisms depends on a fair, precise and transparent analysis of the application of international labour standards by the ratifying countries, and on a composition of the list of individual cases, both the preliminary and the short lists, that properly reflects this analysis.

92. **Government member, Spain:** Spain notes with astonishment its inclusion on the short list of cases to be examined by the Committee. In addition to echoing the insightful comments made by the distinguished delegate of Brazil, I would like to remind this assembly that Spain is the country that has ratified the most ILO Conventions to date and is a responsible and compliant Member of this Organization. We find it very difficult to understand the technical criteria that justify this inclusion and prefer to avoid consideration of other types of criteria or unacceptable pressure which could only damage the good reputation of this forum, and to which we do not wish to contribute.

Statement by the Chairperson of the Committee of Experts

93. I congratulate Ms López Benítez, who has been nominated Chair of the Committee, as well Mr Iftekhar, Reporter of this Committee. I welcome the Vice-Chairpersons of the Committee and all the delegates of the Conference.

94. With regard to the relationship between our two committees: there has been cooperation between the Committee of Experts and the Conference Committee for a century. This cooperation has contributed considerably to ensuring the effective application of international labour standards. The discussion held last year in your Committee and the bilateral exchange with the two Vice-Chairpersons that I had during this session were precious opportunities to continue this dialogue. I reported back on these exchanges to the members of the Committee

of Experts at our previous session. They welcomed the exchanges warmly and encouraged further dialogue.

95. The composition of the Committee of Experts has been fundamentally overhauled. In 2025, the Committee welcomed four new members: two judges, Ms Molokomme and Ms Vélez Juárez, and two professors, Mr Banks and Mr Kun. We welcome their arrival and already benefited, at the previous session, from their knowledge, different backgrounds and valuable insights they were able to give us.

96. Concerning the meetings organized by the Committee of Experts, in 2025, it held its fourth exchange with the governments. The members of the Committee of Experts commend these exchanges which give rise to very important and interesting discussions, with many questions raised by the participants, on both the Committee of Experts' way of working as well as on fundamental questions, such as the requirement to submit newly adopted international labour instruments to the competent national authorities or the modernization of working methods. Last year, we also spoke about the follow-up to the recommendations of the SRM TWG.

97. We also had an exchange with the Chairpersons of the United Nations human rights treaty bodies, and their representatives. This discussion focused on the complementarity of the mandates of the various organizations, particularly in the context of the business and human rights agenda.

98. Turning to the report of the Committee of Experts, I draw your attention to the fact that, to mark 100 years since its establishment in 1926, it adopted a Centenary Declaration, inserted at the beginning of the General Report. The Declaration reaffirms the fundamental principles that have always guided the Committee of Experts' work: integrity, independence and impartiality. These principles are intrinsic to its mandate. It solemnly reaffirmed them and renewed its commitment to ensure that its work remained useful for all the constituents, in view of the full application of the international labour standards.

99. The report also underscores that a record number of reports has been received: 1,340 under article 22 were sent by the governments. I note that in 1926 – albeit with a much smaller number of Conventions – the Office received 180 reports. Today we have 1,340, and 898 observations from employers' and workers' organizations have also been received. I express the Committee of Experts' gratitude to the Member States and the employers' and workers' organizations who made special efforts to fulfil their obligations.

100. With regard to the working methods of the Committee of Experts, the record number of reports means that the Committee is modernizing its those methods. It is important for us to have a dialogue with you on this point. The modalities of this dialogue will change and enter into a new phase further to the adoption, by the Governing Body in November 2025, of the modernization of the reporting system. We already considered this matter during our last session and will, of course, continue to examine the implications of this reform on our own working methods throughout 2026. The modernization process extends the practice – already applied in certain areas – of thematic consolidation of the Committee of Experts' comments. During your session, you will already examine such consolidated comments. For example, in the case of Argentina, where a single comment concerns the Conventions relating to labour inspection and labour administration.

101. As regards the 2026 General Survey, entitled *Employment and decent work for peace and resilience*, it presented a major challenge given the number of areas covered by the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The General Survey is based on reports from 128 governments and numerous employers' and

workers' organizations, reflecting the strong commitment of constituents. As to the content of this General Survey, I would simply emphasize that employment and decent work must not be mere objectives: they are essential conditions for peace in all countries. The General Survey highlights that shortcomings in decent work fuel exclusion, inequality and, consequently, instability, whereas the implementation of decent work policies fosters inclusion, social cohesion and stability.

102. The General Survey identified progress in a number of cases, and it is important to highlight advances made, where they exist. Unfortunately, significant gaps remain, for example in social protection coverage and labour inspection systems, which are not necessarily always functional. It should also be noted that these same groups of people are particularly affected by crises, and that reductions in official development assistance further threaten the effectiveness of multilateral responses. The General Survey calls for employment, social protection, rights at work and social dialogue to remain at the heart of public policy, and encourages the strengthening of the ILO's operational presence.

103. In conclusion, I would say that the Committee of Experts remains attentive to the discussions taking place within the Conference Committee, and to the concerns and suggestions expressed by the constituents. The ongoing dialogue between the supervisory bodies and the tripartite constituents is one of the key strengths of the ILO supervisory system and contributes to its unique character. The Committee of Experts is also mindful of the wider discussions concerning the reform process within the Organization and the financial constraints currently affecting the entire United Nations system, from which the ILO has not been spared. In this context, the Committee of Experts wishes to commend the efforts undertaken by the Office and the constituents to ensure the continued and effective functioning of the supervisory system. Throughout its 100-year history, the ILO supervisory system has demonstrated a strong capacity to adapt to institutional, economic and social developments, while upholding the principles underpinning its legitimacy, independence and authority. Its resilience and continuity over the past century bear witness to the collective commitment to the effective application of international labour standards.

Statement by the Chairperson of the Committee on Freedom of Association

104. It is an honour for me to appear before you to deliver the report of the Committee on Freedom of Association. Let me start, Madam Chairperson, by joining to congratulate you and your Vice-Chairpersons, on your election to guide the work of this important Committee. I would also like to congratulate your Committee and the Committee of Experts for clocking 100 years of critical important work.

105. I come before you to deliver the report of the CFA, which is 75 years old. The role of the CFA is to examine violations of freedom of association regardless of ratification of the relevant freedom of association Conventions, as its mandate stems directly from the fundamental aims and purposes set out in the ILO Constitution. The purpose of the CFA complaints procedure is not to blame governments. In fact, your Vice-Chairperson underlined that. Like your Committee, we are not a tribunal. Our objective is to help governments to engage with their social partners and improve, in a constructive manner, social dialogue, improve the implementation of freedom of association and the right to collective bargaining, both in law and in practice.

106. I would like to underline that the conclusions of the CFA in specific cases are issued, as is the case in your Committee, following robust discussions among the tripartite constituents. This is guided by shared values and the intention to promote universal respect for freedom of

association and the right to collective bargaining. The CFA's decisions are intended to guide national authorities in their discussions and also be taken into account in following up with its recommendations through constructive tripartite dialogue.

107. We last met your Committee last year. Since then, the CFA has issued its ninth annual report which covers the year 2025. The CFA's annual reports are intended to provide useful information on the work it has undertaken throughout the year and to assist our constituents to understand its work and how it functions. They contain information, supported by visual statistical data, on the developments over the years in the use of the CFA's special procedure, the progress made, and the serious and urgent cases examined.

108. In 2025, the CFA examined 51 active cases and 17 cases concerning the effect given to its recommendations through its follow-up procedure. Among these 68 cases, the CFA has been able to close 23, either because the matters can be effectively handled at national level by resolution achieved by the parties, because the 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 principles. Follow-up cases may also be closed because no information is provided by either the government or the complainant in a period of 18 months.

109. Freedom of association is a fundamental right which must be ensured for both workers and employers, lest we forget. Last year, the CFA examined one such case brought by an employer's organization. That emphasizes that the role of the CFA is to protect the rights of both social partners.

110. The annual report also outlines, among other information, the types of allegations that came before it: protection against anti-union discrimination, protection against acts of interference, trade unions and employers' organization rights and liberties and collective bargaining, were the topics most frequently examined by the CFA in 2025.

111. While a lot remains to be done, it is my pleasure to inform you that there has been some important progress noted by the CFA with interest or satisfaction during this period, as well as positive developments that have been welcomed by the CFA in various cases examined. The progress noted has included a variety of measures, for example: progress reported in the investigation 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; reinstatement of dismissed trade unionists; renewed and ongoing social dialogue reflecting in the establishment of bipartite and tripartite forums; dismissal of criminal charges brought against employees for trade union activities; engagement by the government with trade unions to explore ways of enhancing protections and the right to collective bargaining for self-employed workers. I invite you to consult the report, which contains tables and graphs on the cases of progress by the type of allegations as well as by region.

112. Aware of the fact that ILO technical assistance is critically important in assisting governments and social partners to resolve outstanding matters in 2025, the CFA suggests that the governments avail themselves of ILO technical assistance in 11 cases with a view to addressing its conclusions and recommendations. Furthermore, with a view to facilitating the dialogue with the governments concerned and identifying solutions to the issues raised, the CFA may propose on-the-spot missions and governments may invite such missions at various stages of the examination of the complaints. The CFA has proposed three missions during the period covered by this report.

113. Engagement over the years with the CFA's procedures demonstrates that its work is well known and appreciated as an authoritative voice that identifies shortcomings, assists to find workable solutions, and promotes social dialogue at national level for the full resolution of disputes. You will recall that five years ago, the CFA adjusted its methods of procedure to further promote the space for crucial national dialogue when parties consider a complaint and, therefore, resolve it within the national jurisdiction.

114. In order to ensure complementarity while avoiding duplication, the CFA often transmits aspects of legislative cases, where governments have ratified the relevant Conventions, to the Committee of Experts. In 2024, comparable to the numbers that were covered in the previous years, this practice was used in nine cases. This also ensured a pertinent dialogue between the CFA, which is a complaint-based procedure, on the one hand, and the Committee of Experts and your Committee on the other. The regular review provided by the Committee of Experts and by your Committee provides an important key to ensuring sustainable progress in respect for freedom of association around the world.

115. As always, I feel privileged and proud to present this report to your Committee, which underlines the commitment of my colleagues on the CFA and their willingness to engage in constructive and useful dialogue. This report would not be complete without, of course, mentioning the work that the Office does. They enable the CFA not only to work, but also guide me, with their knowledge of long experience, to ensure that our discussions and the outcomes are not only fair but in keeping with international labour standards and our mandate. I thank them, as I thank, as always, the interpreters. Too often, people forget that we would not be talking if it was not for them.

B. General questions relating to international labour standards

Centenary of the Committee

116. **Employer members:** It is a particular honour for me to take the floor as the Committee marks the centenary of its establishment. One hundred years ago, this Committee was created as a practical expression of the ILO's commitment to supervise the application of international labour standards through tripartite dialogue. A century later, it continues to fulfil that mandate. Today, the Committee remains the only standing committee of the Conference and a cornerstone of the ILO's supervisory system. The Employer members welcome this opportunity to reflect on the centenary of the Committee in a forward-looking spirit.

117. In doing so, we are mindful not only of the Committee's long history but also of the significant responsibility it carries in an increasingly complex and demanding global environment. Over the past 100 years, the Committee has played a central role in examining the application of international labour standards within the ILO's tripartite framework. It has provided a forum where governments, employers and workers jointly assess individual cases of concern, exchange views on national realities, and identify ways to improve the implementation of standards both in law and in practice. This tripartite work is not merely procedural. It is fundamental to the legitimacy, credibility and effectiveness of the supervisory system.

118. Preserving that tripartite foundation remains essential to maintaining confidence in the supervisory system, particularly at a time of increasing pressure on multilateral institutions. From the perspective of the Employer members, the ILO's supervisory system must serve all constituents and operate within the agreed mandate. Its integrity depends on the active and meaningful participation of governments, employers and workers. The Committee has endured for a century precisely because it has ensured that supervision remains grounded in

dialogue, shared responsibility and mutual respect. Confidence in the supervisory system also depends on processes and outcomes that are consistent, predictable and credible.

119. For a century, the Committee has combined continuity with adaptation. Over time, its structure, format and working methods have been adapted and refined through tripartite engagement, reflecting changes in the world of work and the increasing complexity of labour markets and national implementation challenges. The Employer members consider that a number of these changes have contributed to strengthening the efficiency and effectiveness of the Committee's work, allowing discussions to be more focused, structured and disciplined. At the same time, the Employer members have consistently emphasized that the value of the Committee does not lie in the number of cases examined, but rather in the quality of its discussions and the conclusions that flow from them. When discussions take proper account of national context, institutional capacities and economic realities, they are far more likely to lead to conclusions that are balanced, credible and implementable.

120. One of the enduring strengths of the Committee is its ability to look beyond formal compliance and explore how international labour standards operate in practice. For employers, this is critical. The Committee contributes to the world of work not just by identifying gaps but by providing governments with practical and realistic guidance and supporting sustainable improvements that reflect realities on the ground. Ultimately, the credibility of the supervisory system depends not only on identifying concerns but on supporting outcomes that can realistically be implemented and sustained in practice.

121. This contribution is not abstract. In a number of instances, long-standing engagement with ILO standards has contributed to strengthening institutionalized social dialogue mechanisms, supporting more structured and regular consultation between governments and social partners. An illustration of how the supervisory system can contribute to gradual institutional reform and strengthen social dialogue is the case of Kazakhstan. This case demonstrates how the supervisory system can contribute to progress in complex and evolving situations through dialogue and continued follow-up. The case of Kazakhstan has been examined repeatedly by the Committee over a number of years, reflecting ongoing attention to issues related to freedom of association and trade union registration. For employers, it has been especially significant because discussions have addressed matters directly affecting employers' organizations and the broader functioning of social dialogue.

122. In particular, the Committee's work has focused on institutional arrangements affecting the organization and representation of employers, including the framework surrounding the National Chamber of Entrepreneurs. These discussions highlighted the importance of ensuring that representative organizations are able to operate freely and independently without structures and mechanisms that may affect their autonomy. For employers, this goes to the heart of the international labour standard system. Predictability, respect for representative organizations and effective institutional dialogue are essential elements of a stable business environment and sustainable economic development, as well as key foundations of meaningful social dialogue.

123. Through repeated discussions and conclusions, the Committee called for the removal of obstacles affecting independent employers' organizations, encouraged review of relevant institutional arrangements and emphasized the importance of free and independent participation in social dialogue. It also supported legislative and practical reforms, stronger engagement with social partners and the development of follow-up measures, including technical cooperation. A concrete outcome of this process was the direct contacts mission that took place in 2022 following the Committee's discussions. This mission created an opportunity

for in-depth engagement with the Government and social partners and helped to identify practical paths for reform and implementation. Since then, certain adjustments have been made to the legal framework. While implementation challenges remain, the Committee illustrates that progress in strengthening independent and representative social dialogue institutions is often gradual and requires sustained engagement.

124. Importantly, this experience highlights that the supervisory process does not end with Committee discussions. Follow-up mechanisms such as reporting, technical assistance and sustained dialogue help to maintain momentum and encourage constructive engagement among governments and social partners. While challenges remain, cases such as Kazakhstan show how the Committee works in practice. They demonstrate how the Committee contributes to visibility, accountability and gradual reform while supporting Member States in addressing complex institutional issues. More broadly, they illustrate how over time the work of the Committee can contribute incrementally but meaningfully to stronger institutions, more effective social dialogue and better conditions for representative organizations to operate independently.

125. As we look ahead and reflect, we obviously appreciate the centenary of the Committee and its achievements over time, but what lies ahead? For many years, the Employer members have advocated for an approach to individual case discussions that not only addresses serious violations but also gives greater prominence to cases of progress and positive developments. We believe, as employers, that highlighting progress matters. It enables Member States to learn from successful reform initiatives and effective social dialogue practices, reinforces confidence in international labour standards as tools that can be implemented successfully, and strengthens the supportive and preventive dimension of the supervisory system. Recognizing progress does not undermine standards. It reinforces credibility and encourages compliance through learning and example.

126. The Committee enters its second centenary at a time of profound transformation in the world of work. Economic uncertainty, technological change, new forms of employment and the shifting labour markets all raise complex supervisory questions. In this context, the Committee must remain anchored in its core principles of tripartism, dialogue, balance and pragmatism while adapting intelligently to new realities in a measured and disciplined manner. As the supervisory system continues to evolve, it will be important that future discussions remain firmly anchored in social dialogue, practical implementation and respect for the diversity of national legal and industrial relations systems.

127. For the Employer members, a strong and credible Committee is one that promotes respect for international labour standards by producing conclusions that are implementable in practice by governments, supported by social partners at the national level, and contribute to sustainable enterprises and job creation. The Committee remains indispensable to the ILO supervisory system. The Employer members are fully committed to constructive engagement in its work, supporting its continued evolution and ensuring that its outcomes are balanced and credible. As we commemorate this centenary, we do so not only in recognition of the Committee's past, but with a shared responsibility to ensure that the Committee continues to serve all ILO constituents effectively in the decades to come.

128. **Worker members:** It is an honour to address you on behalf of the Worker members at a moment of rare institutional significance, the centenary of the Committee. One hundred years of scrutiny, monitoring, evidence-based dialogue, accountability and major progress for workers and employers between 1926 and 2026 – this is how our Organization has been

waging its battles for social justice and a better life for millions of workers. Progress has been made, though more needs to be done. But today is for celebration.

129. We dare state that the most significant contribution of the Committee has most definitely been the setting of the normative and institutional conditions that facilitated the decolonization and the consolidation of newly independent States. Ghana gained independence in March 1957, the first country in sub-Saharan Africa to do so. By May of the same year, it had ratified ten ILO Conventions, showing that it was ready to integrate into the global economy, that it was ready to be treated on equal footing and ready to use the system to improve the conditions of workers in the newly independent state.

130. This Committee has also served as a mechanism of safeguarding a floor of dignity to check any further exploitation of workers and a race to the bottom. Through its scrutiny of the application of the first Conventions on forced labour, freedom of association, collective bargaining, discrimination and equal pay, this Committee contributed to the spread of freedom and democracy without which workers are unable to exercise their rights and defend their interests with dignity. The ILO Centenary Declaration, adopted in 2019, recalls with clarity and urgency that "continuous and concerted action of governments and representatives of employers and workers is essential to the achievement of social justice, democracy and the promotion of universal and lasting peace". It also reaffirms, against every attempt to reduce work to a mere input, that labour is not a commodity. The Committee stands at the heart of realizing this principle. It is not merely a procedural forum: it is one of the places where ILO action becomes a reality. The Centenary Declaration is explicit: "The setting, promotion, ratification and supervision of international labour standards is of fundamental importance to the ILO". This is clear because standards without supervision risk becoming aspiration without consequence or just mere declarations, and supervision without engagement risk becoming form without legitimacy or credibility. Our system is built to avoid both failures.

131. Let us share with you some examples of our results, current and going further back in time. Let us start with Fiji and this year's observation by the Committee of Experts. The case of Fiji was discussed in this Committee on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in 2019. This also led to the observations on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in following years. The Conference Committee called upon the Government to refrain from interfering in the designation of the representatives of the social partners in tripartite bodies and to reconvene the Employment Relations Advisory Board (ERAB) without delay. In its observation for this year, the Committee of Experts has been able to express satisfaction with the appointment of the members of the reconstituted ERAB, ensuring equal representation of the Government, workers and employers.

132. Taking a further step back, we can see the case of Botswana, which the Committee took up in 2017 to guarantee the application of Convention No. 87. The Committee asked to amend the Trade Disputes Act and the Trade Unions and Employers Organizations Act, and urged the adoption of a time-bound implementation plan with the social partners. In 2018, the case returned because these issues were still unresolved, although a tripartite review process and action plan had begun. In the 2019 report of the Committee of Experts, it could express satisfaction that in line with its recommendations, as the law had been amended.

133. I would also like to bring the case of Ireland, discussed in 2016 under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), concerning in particular the application of the Irish Competition Law to self-employed workers. After discussion within our Committee, the Committee of Experts could note with satisfaction the adoption of legislation which

provided that the prohibition of entering into agreements for setting prices shall not apply to collective bargaining and agreements in respect of relevant categories of self-employed workers, such as session musicians and freelance journalists.

134. We continue with Mexico and the Worst Forms of Child Labour Convention, 1999 (No. 182), discussed in 2008. It concerned the serious use of trafficking of children, the situation of children carrying out hazardous work in the agriculture sector, and the situation of street children. In 2015, the Committee of Experts could welcome the ratification of the Minimum Age Convention, 1973 (No. 138). It took note with satisfaction of the adoption of legislation under which it is prohibited to use children under 18 years in work which, by its nature or the circumstances in which it is carried out, is likely to harm to health, safety or morals of children.

135. Going back even further and setting the scope even larger, we refer to the case of Poland. Many discussions were held in this Committee during the 1980s on the right to freedom of association and the right to collective bargaining under Conventions Nos 87 and 98. In 1990, the Committee of Experts could note with satisfaction the adoption of legislation which grants all citizens, whatever their religion or opinion, the right to establish associations of their own choosing. It also noted with satisfaction that all convictions imposed in respect of strikes or other protest actions committed after the 31 August 1980 were annulled.

136. These are but a small sample of sometimes very big positive results. Our work in the Committee has been to the benefit of workers and employers in those countries, but also to the benefit of all constituents everywhere. It is important and right that this is said here today on the occasion of this centenary year.

137. Our work in the Committee should focus on supervision and accountability regarding implementation of standards, but what we call cases of progress could be put forward in the manner in which we have done today: a separate segment in the work of the Committee. As we discuss cases of serious failure every year, reminding us regularly that our work also leads to improvement in the lives of workers is equally important. It provides an opportunity to remind us all that the supervisory system is a public good that leads to wider social benefits. It protects workers from abuse. It provides states with guidance. It gives employers clarity and a level-playing field and it upholds the rule of international labour law.

138. The system matters most when it is uncomfortable, when it must speak plainly about violations, about regression, about the targeting of trade unions or about failures to implement obligations freely undertaken by ratification. Yet, the system works best when it is understood as complementary: the Committee does not stand alone. It is a part of a broader supervisory architecture alongside the Committee of Experts and the CFA, each contributing essential functions, each reinforcing the credibility of the whole. We should therefore mark the centenary with a renewed sense of responsibility for the supervisory system itself, a system that must fully play its role now and for the years to come.

139. **Government member, Cyprus, speaking on behalf of the European Union (EU)** [7] **and its Member States:** I have the honour to speak on behalf of the EU and its Member States. The candidate countries, North Macedonia, Montenegro, Serbia, Albania, Ukraine, Republic of Moldova and Georgia, the European Free Trade Association (EFTA) country Norway, member

[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.

of the European Economic Area, as well as the United Kingdom, align themselves with this statement.

140. We would like to welcome and extend our best wishes to the new Chairperson of the Committee, the Vice-Chairpersons and the Reporter. We welcome the discussion at the Committee, a crucial pillar of the ILO supervisory system. We reaffirm our strong belief in the fundamental importance of international labour standards, their ratification and the effective and authoritative supervision of their implementation.

141. At the centenary of both the Committee of Experts and the Conference Committee, and in the face of current challenges for the multilateral system, this cannot be stressed enough: the Committee of Experts remains specifically relevant as a cornerstone of the ILO supervisory system. We strongly value the impartial, legal and evidence-based guidance it has provided to Member States throughout the years in order to implement international labour standards. In its centenary statement, the Committee of Experts rightly recognizes the rapid changes shaping the world of work and stresses its members' attention to evolving laws and practices across ILO Member States to ensure that its comments continue to be accurate, comprehensible, reliable and responsive to ongoing developments. We share this commitment to ensure that the work of the Committee of Experts remains useful for all constituents in advancing the full application of international labour standards for the achievement of social justice and decent work in the future. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. The analysis and expertise of the Committee of Experts is shown in its annual reports which provide a solid basis for the work of the Conference Committee.

142. Our Committee's discussions and conclusions are and will continue to be an invaluable contribution to improving our implementation of the international labour standards that lead to decent work and social justice. We attach great importance to the follow-up to these conclusions and to the technical assistance provided by the Office in this regard. Evaluation and adaptation of working methods and procedures are necessary elements to ensure an effective and authoritative supervisory system. The streamlining of article 22 reporting and the generalized thematic reporting across 15 thematic implementation reports to which we are transitioning following the Governing Body decision are good examples of this. We will work on consolidated reports by subject for the instruments we have ratified and look forward to the Committee of Experts' modernized, clearly prioritized technical strategic guidance through concise comments.

143. The EU and its Member States reiterate their full support to the well-functioning and authoritative supervisory system of the ILO which has been established and adapted over more than a century on the basis of tripartism and continued social dialogue. It is unique and robust, providing a valuable example of a multilateral rule-based order. We are looking forward to a constructive engagement with tripartite constituents during the debate in this Committee.

144. **Government member, Canada:** It is a privilege to take the floor on behalf of the Government of Canada to the mark the centenary of the Committee, which is a key pillar of the ILO supervisory system.

145. The Committee holds a unique position within the ILO. As a permanent committee of the Conference, it provides an unparalleled tripartite forum, bringing together governments, employers and workers, in order to examine the application in practice of international labour standards. With its inclusive and transparent nature, the Committee fully embodies the fundamental values of social dialogue that are at the core of the Organization's mandate.

146. The Committee is part of a rigorous and complementary supervisory system that has been in place for a century now. Building on the work of the Committee of Experts, the Conference Committee engages in an open, constructive and solution-oriented dialogue with Member States, in order to identify the best means of implementing, at the national level, the commitments undertaken within this Organization. This process is essential. It enables Member States to report publicly on their efforts, reply to the concerns raised, and benefit from the perspectives of the social partners and other governments. This tripartite review, combined with the richness of the discussions, enhances the transparency, credibility and effectiveness of the ILO supervisory system.

147. Canada remains a staunch advocate of this system. We are convinced that the Committee is an effective and credible mechanism, which has enabled concrete progress in the protection of workers' and employers' rights worldwide. Since 1926, Canada has participated actively and constructively in the Committee's work to promote respect for fundamental rights at work, which is an essential condition for the achievement of social justice for all. Our commitment is based on a clear conviction: social dialogue is crucial. Collaboration between governments, employers and workers is the key to the effective and sustainable application of international labour standards and, ultimately, to the realization of the ideals that underpinned the very founding of the ILO, that is that "universal and lasting peace can be established only if it is based upon social justice".

148. Lastly, at a time when the world of work is undergoing rapid and far-reaching changes, it is essential to preserve the relevance and strength of the ILO supervisory system. Canada remains steadfastly committed to supporting this system in order for it to continue to effectively address current and future challenges in the world of work.

149. **Government member, China:** This Committee is one of the most important components of the ILO supervisory mechanism. We welcome this thematic discussion at the centenary of this Committee. A century ago, this mechanism was born out of the post-World War I reconstruction, as part of the workers' aspiration for fairness, dignity and justice. Over these hundred years, the mechanism has played a remarkable and unique role in promoting Member States' compliance with international obligations, improving domestic labour legislation and safeguarding workers' rights and interests, making positive contribution to the development of international labour governance.

150. Today, the world is undergoing accelerated changes unseen in a century, and the international landscape is fraught with turbulence. Multilateralism is facing headwinds. International labour governance stands at new crossroads. It has become an issue of our time to promote this institutional design from a century ago and adapt it to new trends and challenges in the world of work, including technological transformation, climate change and demographic shifts. More importantly, it is our shared responsibility and mission to ensure that the mechanism refrain from politicization, instrumentalization and weaponization and return to its original aspiration.

151. China is a founding Member of the ILO and has actively and responsibly participated in labour governance, promoting the mechanism to fulfil its role. We earnestly practice true multilateralism, implement ratified Conventions, engage in frank technical discussions and continuously improve our domestic legal regulatory framework, achieving effective alignment between international labour standards and domestic systems. We actively draw upon valuable elements of international labour standards to improve our mechanism for coordinating labour relations, strengthening labour inspection and law enforcement, demonstrating the real-world value of international labour standards through China's best practices. We have advocated that the supervisory mechanism must remain objective and

impartial, respect the development approaches and national conditions, oppose politicization, instrumentalization and weaponization.

152. Last September, Chinese President Xi Jinping put forward the Global Governance Initiative, pointing out that, to reform and improve global governance, we must adapt to the evolving situation, respond promptly and effectively to various global challenges and better serve the interests of all countries, especially developing nations. The reform and improvement of the supervisory mechanism should also uphold the same principles. First, we must uphold fairness and inclusiveness, respect different stages of development and diverse models, refrain from double standards and ensure that the mechanism reflects characteristics of our times. Second, we must uphold equality and integrity, ensure equal participation and decision-making of all tripartite constituents, and prioritize the appeals and voice of developing countries. Third, we must advocate pragmatic cooperation, strengthen technical support and the sharing of experiences, and mobilize more resources to support developing countries to improve their capacity.

153. Standing at this historic juncture, the Chinese Government stands ready to work with all parties to strive for the reform and improvement of the supervisory mechanism, make it more fair, effective and inclusive. We are of the view that such a mechanism that respects differences, focuses on tangible results and serves development, can truly bring decent work and social justice for all.

154. **Government member, Belgium:** Belgium associates itself with the statement made by the EU and its Member States. It is an honour for me to speak today on behalf of Belgium, a founding member of this Organization, in the year of the centenary of this Committee, to which my country's tripartite constituents have always placed great importance.

155. Belgium remains deeply attached to the ILO's standards mandate and to the establishment of standards based on dialogue and tripartism, which allow for the conciliation of economic growth and social progress. This commitment is reflected in Belgium's high number of ratifications, which stands at 119 Conventions, thereby ranking our country as the third Member State to have ratified the most Conventions. Beyond ratification, we pay special attention to effective implementation, in close cooperation with the social partners at the national level, who play a central role in the follow-up and application of standards.

156. On the occasion of this centenary, we wish to reaffirm our full support for the ILO supervisory system – the real cornerstone of the effective application of the international labour standards. For over a century, the comments formulated by our Committee, in addition to those by the Committee of Experts – the two pillars of the ILO supervisory system – have guided the Member States in defining and implementing their national legislation and practice, with a view to achieving social justice and decent work. The Committee of Experts is an independent and impartial body, whose legal expertise is an essential reference point for the interpretation of international labour standards.

157. In a changing international context, ILO standards remain a bedrock for the establishment of a level playing field, thereby ensuring decent working conditions and fair competition. It is nonetheless vital that the standards be ratified and, once ratified, fully implemented. In this regard, compliance with international labour standards and implementation of the recommendations of the supervisory systems are essential for maintaining the credibility and efficiency of the system.

158. Nevertheless, these standards must also continue to evolve in order to remain relevant to the new realities of the world of work, thus maintaining their value for all constituents. In this

regard, we welcome the Committee of Expert's centenary declaration, which rightly focuses on the rapid developments in the world of work and the need for its comments to remain relevant, clear, reliable and adjusted to current changes. This future-oriented approach will help to strengthen the dialogue between Member States and the Committee, and to best guide the constituents in their effective application of the international labour standards. The work carried out by the SRM TWG is also essential to ensure that the ILO has a body of solid, clearly defined and updated international labour standards that enable it to respond to the changes in the world of work, in order to protect workers and mindful of the needs of sustainable enterprises.

159. Belgium remains steadfastly committed to continuing its collaboration with all the tripartite constituents to ensure that the ILO supervisory system – one like no other at the international level – remains solid, stable and wholly relevant for years to come.

160. **Government member, Greece:** It is a true honour to take the floor today on the occasion of the centenary of the Committee, in alignment with the statement delivered already by the EU and its Member States. Greece, as a founding member of the ILO, is particularly proud to have participated in the International Labour Conference of 1926, which established the Conference Committee as well as the Committee of Experts. Over the years, the membership and work of the Committee have expanded, reflecting the evolution of the ILO itself and the achievements of this unique tripartite supervisory body. In this time, Greece has also had its share of the Committee's attention like many other countries.

161. Our engagement with the Committee has been an opportunity for an open and constructive engagement and exchange, leading to enhanced compliance with international labour standards and strengthened collaboration with the ILO. The world is currently going through challenging transformations at the social, economic, and multilateral level. In this context, we are encouraged to see that the Committee continuously improves its working methods and its collaboration with the Committee of Experts, leading to an advanced level of supervision and assistance to the ILO's constituency in our common goal for decent work and social justice.

162. **Government member, Germany:** Germany aligns itself with the statement of the EU. "Work is not a commodity": this sentence is over 100 years old. Since 1944, it has been enshrined in the Declaration of Philadelphia and means that work is not a random product that can be traded on an abstract market according to supply and demand. Rather, it goes hand in hand with dignity and the life of people. This sentence represents an important principle that needs to be protected if we are to breathe life into it rather than just pay lip service to it. It is for this reason that the ILO was founded.

163. Since 1924, Germany has been a member of the ILO, and shortly after entering the Organization my country unleashed suffering on the world, and also experienced repression and restrictions of human and civil rights. Germany was not a member of this Organization between 1933 and 1954. Yet, after World War II, we were welcomed back into the international community and strongly integrated into the international community. We have been able to grow economically and socially and to prosper. These experiences have left their mark on my country and our population.

164. With hindsight, we are now able to say, from this positive development, that a seed was planted, and that this seed bore fruit. There are reasons for this. There were very clever people who, back in the 1930s, drew on their experience and their expertise, and were able to craft the German Constitution. They coined a very core aspect, reflected in article 1 of our Constitution, which says that human dignity shall be inviolable and that to respect all shall be the duty of all State authorities. This is something that gives us the principle of the social

market economy, which has as its objective to bring harmony between the ideas of individual and economic freedom and social justice. The social welfare state principle is also anchored in our Constitution, and this requires that the State must guarantee social justice and social security for all citizens and, therefore, that we need to work together, with rules and laws as a basis, and that all of this needs to draw on dialogue and cooperation. In Germany, we know that it is rules and laws that make it possible for us to work together to move in a positive direction and create trust. The German policies are underpinned by standards and laws, including international standards.

165. For many decades, Germany has been a reliable partner in the ILO, and we are committed to the Organization's principles and rules, as well as to dialogue and cooperation. For this reason, we call on everybody present here to continue to work based on the rules that the constituents in the ILO have signed up to, so that we can continue to work for decent work and social justice by abiding by rules. Through common dialogue and cooperation, we can move forward.

166. The Conference Committee and the Committee of Experts are the heart of this Organization, and we would like to take the opportunity to underscore and pay tribute to the excellent job done by the members of the Committee of Experts, and by the members of the ILO International Labour Standards Department, and want to express our gratitude to them.

167. In Germany, we say that we stick together through thick and thin. What this means is that we will stand together in good and bad times because our objective must be to work together for a better future. This means that we can have social justice because it is clear to us that our compass is pointing forward. We want progress and positive developments for people and our environment for today's and future generations. This Committee is both a pillar and a bridge for a common future, which we all have a responsibility to build.

168. **Government member, Cyprus:** Cyprus aligns itself with the statement of the EU and its Member States. We are honoured to participate in the commemoration of the centenary of the Conference Committee and of the Committee of Experts. As cornerstone of the ILO and a unique forum for tripartite dialogue for 100 years, the Conference Committee has made a significant contribution to the promotion and effective application of international labour standards.

169. Through its work, the Committee has supported the realization of the ILO's mandate and contributed to advancing social justice through decent work. Its discussions and conclusions have helped strengthen the implementation of labour standards and encouraged continuous progress across Member States. This centenary provides an opportunity to reflect on the qualities that have defined the Committee's work throughout its history. We recall that throughout its first century, the Committee has indeed been guided by the principles of dialogue and cooperation. Through dialogue, it has enabled a better understanding of national circumstances and challenges. Through cooperation, it has fostered constructive engagement among governments, employers and workers in support of the effective application of international labour standards.

170. Over the course of its history, the Committee has addressed a wide range of complex and sensitive issues. While views have not always converged, the Committee has consistently demonstrated its capacity to advance its work through constructive dialogue and a shared commitment to the objectives of the Organization. This ability to engage across different perspectives remains one of its defining strengths. The centenary is both a celebration of past achievements and an opportunity to look ahead.

171. At a time of profound transformations in the world of work and increasing complexity in the international environment, we reaffirm that the principles that have guided the Committee for the past century remain as relevant as ever. Cyprus welcomes this occasion to reaffirm its commitment to the values of tripartism, social dialogue and the effective application of international labour standards. We pay tribute to all those who have contributed to the Committee's work over the past century and express our confidence that it will continue to serve as a trusted forum for advancing decent work and social justice in the years to come.

172. **Observer, Office of the High Commissioner for Human Rights (OHCHR):** It is a great honour to address you on this landmark occasion, the centenary anniversary of the Committee. I am deeply grateful for this opportunity to reflect together on our shared mission of defending and advancing the dignity, rights and livelihoods of workers around the world, especially those in precarious situations. The work of this Committee is an important intersection between international human rights laws and international labour standards. Both frameworks are grounded in a common objective to protect human dignity and ensure equality, fairness and opportunity for all.

173. While international human rights laws provide the universal framework of rights, including the rights to equality, to work and to social security, ILO standards translate these rights into practical and concrete protections in the world of work. This relationship is one of complementarity. Human rights norms and labour standards reinforce each other with regard to core protections, such as prohibiting forced labour, child labour, discrimination at work and ensuring freedom of association and collective bargaining, safe and healthy working conditions and social security. The ILO's instruments and supervision have to operationalize these rights in law and in practice, while the human rights framework strengthens accountability mechanisms and provides broader norms and principles to guide the implementation.

174. The ILO's unique tripartite structure also reflects key human rights principles, such as participation, dialogue and transparency. Meanwhile, the conclusions of this Committee and UN human rights mechanisms, including the Universal Periodic Review, are becoming increasingly coherent and mutually reinforcing in their guidance to States. Together, they have to shape labour policies that are more effective and inclusive. Through this shared normative ecosystem, the two mechanisms together support the legislative reform, stronger labour protections, access to representation and redress, and more effective social security systems. The Committee's work is also closely linked to the broader vision of human rights economies, which support human dignity, equality, social justice and decent work at the heart of economic policymaking.

175. In an increasingly unequal, fragmented, politically and economically insecure world, the Committee's supervisory role helps ensure that labour market reforms and economic policies remain firmly grounded in international human rights and labour standards. By doing so, the Committee not only improves labour conditions, but also advances more inclusive, equitable, sustainable economies that leave no one behind. Therefore, synergies between this Committee and the UN human rights mechanisms, and between OHCHR and ILO, have become increasingly important. I am very pleased to note the increased cooperation and collaboration between the two entities in recent years. Through regular dialogue, joint initiatives, technical assistance and coordinated engagement with Member States within the framework of the Global Coalition, we aim to ensure that labour governance is informed by human rights norms and, at the same time, that labour standards strengthen the implementation of human rights obligations.

176. In the field, this collaboration provides concrete support to governments and social partners in areas such as labour law reform, labour inspections, social dialogue and social protection. We have seen some encouraging examples of this cooperation in Cambodia, Ethiopia, Liberia, Rwanda and South Africa, just to name a few. Ultimately, however, the true measure of success lies not in reports or recommendations but in daily realities: whether people can work with dignity on a decent living, enjoy safe and healthy working conditions and have a meaningful say in decision-making that affects their lives.

177. As we celebrate this centenary, you will also look to the future. The world of work is being reshaped by informality, inequality, technological transformation, climate impact, migration, and conflict. In this context, strengthening the cooperation and collaboration between the ILO supervisory mechanisms and the wider human rights system will be essential to address emerging challenges and strengthen protections for all, especially those who are invisible, excluded, and left behind. On behalf of the OHCHR, I would like to reaffirm our strong commitment to continuing and strengthening our collaboration with the ILO and all our partners to promote decent work, human dignity and social justice for everyone.

General discussion

178. **Worker members:** It is always a great honour for our Committee to receive the Chairpersons of the Committee of Experts and of the CFA. It is an important moment for the supervisory system of the ILO as its three pillars come together to reflect on how to supervise and promote the effective implementation of international labour standards. All three pillars share this common purpose, each with its own mandate, composition and working methods. This moment should not aim at influencing how one pillar executes its mandate, but at emphasizing the complementary nature of each pillar with the others to realize the fundamental objective set out in the Constitution of the ILO. Let us not divert from this objective and let us not interfere with the working methods of the other committees. The independence of our respective committees should be seen as the guarantee of a well-functioning supervisory system based on dialogue, accountability and the tools for the improvement of the identified violation or gap.

179. We celebrate, this year, the centenary of two of the supervisory committees. Would it be exaggerated to say that both committees proved their relevance and fundamental importance during this time? Now is certainly not the time to weaken the supervisory bodies of the ILO. On the contrary, more than ever, we need an effective and well-functioning supervisory system and a tripartite engagement that continues to support it. Celebrating the centenary of both our Committee and the Committee of Experts, we also recognize that the two bodies – in their 100 years of existence – have shown evolution, room to improve and adapt, and resilience even in the most difficult times.

180. It is in this context that we welcome the modernization of the supervisory system, including the streamlining of the article 22 and 23 reports as well as the introduction of the thematic implementation reports. This will impact the work of the Committee of Experts, but also the work of our Committee. We are convinced that this evolution will occur keeping in mind our common preoccupation of effective supervision and implementation of international labour standards. It is also important to ensure that the transitioning and final implementation results in more legal clarity and not less. At the moment, we may need to reflect some more on the clarity needed regarding situations where there are grouped observations and on how they impact the selection of Conventions for supervision by the Committee, as well as on the legal clarity of the guidance given in its conclusions regarding those groups of Conventions. We are confident that the Committee of Experts and the Office will ensure that the new reporting

system does not weaken or water down the observations and recommendations formulated in its report. We in the Committee will also discuss the areas in which our working methods are being impacted.

181. The transition from the current reporting system to the new one needs to be organized. We have seen that this transition bears consequences – as certain special notes requesting reports to be submitted outside the reporting cycle needed to be modified – and that the practice of urgent appeals has been suspended in 2025 except for first reports. We are confident that this new system, and indeed the transition period, will not lead us to throw away the practical and innovative mechanisms that have helped to build a resilient and responsive Committee.

182. Let us also note and share the appreciation by the Committee of Experts of the improvement in reports received this year. We know the efforts it takes for Member States to fulfil their reporting obligations and we should thank and acknowledge the Member States respecting these obligations. This makes our supervisory system truly interactive and responsive as it was designed to be. The remaining difficulty is with cases of serious failure to report and non-take-up of technical assistance when it is available. From the trade union side, we want to emphasize that there has been a substantial increase of observations communicated by workers' organizations compared to last year. We went from 607 observations last year to 744 observations this year, which represents a little more than a 20 per cent increase. This shows the interest of constituents in the supervisory system, both in terms of an obligation but also in terms of the support it can give. In this respect, let me echo the Committee of Experts' consideration that, and I quote, "the combination of the work of the supervisory bodies and the practical guidance given to Member States through development cooperation and technical assistance has always been one of the key dimensions of the ILO supervisory system".

183. This consideration of the Committee of Experts is a fundamental reminder that even with the best institutional infrastructure, the supervisory system of the ILO and the Office must be given the necessary means to follow up on the findings of its supervisory bodies to assist Member States in complying with international labour standards and improve the working and living conditions around the world. In paragraph 95 of the Committee of Experts' report, the list of countries needing technical assistance is quite long, and it is fundamental that every Member State of the ILO is granted the necessary technical assistance it needs. We also want to emphasize that the level of technical assistance provided should match the gravity and the complexity of the issues at hand, as well as the capacity of the Member State concerned to resolve these issues. In this respect, we commend the dialogue that the Committee of Experts continues to hold with other United Nations (UN) bodies and we want to encourage them to continue to nurture such dialogue. The respective mandates of all those UN bodies can make a decisive contribution to the protection and improvement of conditions of peoples and the planet. They are certainly linked to our mandate of social justice as we all work for the advancement of human dignity and labour rights in line with the Declaration of Philadelphia and the International Bill of Rights.

184. Once again, I want to thank the Chairperson of the Committee of Experts and the Chairperson of the CFA for their presence and the dialogue we can conduct to deepen the reflection on how the complementary relationship between our committees can lead to delivering for workers and employers in the context of the mandate of the ILO.

185. **Employer members:** We extend a warm welcome to the Chairperson of the Committee of Experts, as well as all members of the Committee, to this general discussion. We congratulate the newly appointed members of the Committee of Experts, Professor Kevin Banks, Professor Sando Atila Kuhn, Judge Atalia Molokomme, and Judge Rosalinda Vélez Juarez, and wish them

every success in their new roles. We look forward to continued open dialogue with the Committee of Experts in our standards supervisory activities. Allow me now to outline a few issues that, as Employer members, we consider important for the ILO supervisory system.

186. First, the ILO reform and the international standards system. The centenary of this Committee, together with the current ILO reform process, presents an opportunity to reflect and consider ways to make our work more effective. From the perspective of the Employer members, the international labour standards system must be further attuned to the realities and constraints faced by employers and businesses on the ground, including economic uncertainty, technological change and the spread of artificial intelligence, demographic shifts and highly diverse national contexts. A renewed effort is needed to modernize the standard-setting process, strengthen governance across the supervisory system, including its regular and special procedures, and improve coherence between the standard-setting, supervision, technical assistance and capacity-building activities. Standards must remain credible, implementable and responsive to diverse national contexts.

187. While the protection of workers' rights remains a core objective, it must be pursued alongside the need to maintain an enabling environment for sustainable enterprises. Viable and resilient enterprises are a prerequisite for job creation, investment and achievement of lasting decent work. These objectives are mutually reinforcing and should be treated as such. In this regard, the Employer members highlight the essential role of the Committee of Experts within the ILO standards supervisory system. The credibility and effectiveness of the international labour standards' oversight depend to a significant extent on the Committee of Experts' technical competence, independence and objectivity. In exercising this role, the Committee of Experts' comments on individual countries as well as its general reports should consistently reflect a pragmatic approach that takes into account the diversity of national situations, institutional capacities, and industrial relations systems, while also recognizing the importance of conditions conducive to sustainable enterprises. Striking this balance is critical to fostering national ownership, promoting compliance and preserving confidence in the supervisory system overall.

188. The second point we would like to reflect on is the status of compliance with ratified Conventions. Once again, the Committee of Experts' report runs for more than 1,000 pages containing 613 observations and 1,025 direct requests. These figures continue to point to persistent and wide-ranging non-alignment with ratified Conventions, or with the Committee's interpretations of them, at least. This persistent pattern raises important questions regarding implementation readiness at the time of ratification. Effective ratification must be preceded by rigorous and tripartite pre-ratification assessments of the legal and practical implications for compliance with the Convention; consideration of the Committee of Experts' interpretation of the Convention; meaningful consultation with representative employers' and workers' organizations; clear national implementation plans; and a realistic appraisal of administrative and reporting capacity. Yet the Committee of Experts has noted that 83 Member States require technical assistance in addressing gaps in law and practice in the implementation of ratified Conventions. This continued reliance strongly suggests that ratification too often takes place despite limited readiness for implementation.

189. We continuously hear of how some governments have ratified the most Conventions. While that is laudable, we think ratification by itself should not be the end. It is the implementation in law and in practice that should matter. And that is where, in our view, the pre-ratification assessments would come in handy. The Employer members reiterate that ratification is a step in a broader process of dialogue, national ownership and sustainable implementation. We reaffirm that ratification reflects a legal commitment under international law, not a political

aspiration. A more realistic and deliberate approach to ratification would improve implementation in practice, reduce repetitive comments and ease the growing burden on the supervisory system allowing greater focus on persistent and structural cases of non-compliance.

190. Moving on to the third area: promotion of international labour standards. In this context, the Employer members believe that the Office should adopt a balanced and objective approach to the promotion of ratification. When Governments express an interest in ratifying new standards, the Office should prioritize pre-ratification assessments, enabling governments to consult meaningfully with their social partners and determine whether effective implementation is realistically achievable. With regard to the interpretation of labour standards, it is equally important that the Office respects the plurality of views among ILO constituents and allows space for tripartite discussion and decision-making, consistent with the ILO's unique tripartite governance model.

191. The fourth area is article 22 streamlining reporting. The Employer members support the ongoing efforts to streamline reporting under article 22 of the Constitution. This initiative has the potential to ease the reporting burden on ratifying States while improving the overall efficiency of the supervisory system. This matters because reporting remains an essential foundation for effective supervision of international labour standards and for informed, credible discussions within the Committee. From the perspective of the Employer members, streamlining can only deliver meaningful results where governments have adequate institutional and technical capacity to report. However, we caution against reducing the discussion to reporting mechanics alone. While streamlining may improve efficiency, it should also be seen as an opportunity to strengthen the performance, proportionality and credibility of the supervisory system as a whole. In this respect, the Employer members will continue to actively engage in and participate in all discussions related to the reform of the reporting system to ensure that our views are fully represented. Within this broader context of supervisory governance, the Employer members recall their earlier exchanges on the distinction between observations and direct requests made by the Committee of Experts. As already noted in previous years, we continue to see limited practical value in this distinction and question why substantive issues of a technical nature or raised in a first report are addressed through direct requests which do not appear in the Committee's report and therefore are not subject to discussion at the Committee. This raises concerns about transparency and the visibility of compliance challenges. In light of the ongoing efforts to modernize the reporting system, the Employer members reiterate their suggestion to discontinue the use of formal direct requests in order to free up the Committee's resources and streamline the process and trust that ongoing reform discussions will lead to greater clarity and consistency in the supervisory practice.

192. Actors of the ILO supervisory system must play their role in fulfilling the goal set out in the ILO's Centenary Declaration which is: "to have and promote a clear, robust, up-to-date body of international labour standards and to further enhance transparency. International labour standards also need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises and be subject to authoritative and effective supervision."

193. In conclusion, we affirm our commitment to the ILO's standards supervisory system and to its reform through constructive tripartite dialogue. We will continue to support improvements to the system and it remains our strong view that for the supervisory system to have a real and lasting impact, it must be balanced, pragmatic and responsive to the needs of all three constituents. We underscore that without sustainable enterprises, there are no jobs. There is

no decent work. In the current context of economic uncertainty, trade tensions and geopolitical change, greater attention must be given to fostering an enabling environment for sustainable enterprises. This interconnectedness is not peripheral. It is central to delivering decent work and we hope to see it more clearly reflected in the Committee's comments. In this spirit, we thank the Committee of Experts for this exchange and look forward to continued cooperation with the governments and Worker members during this session of the Committee.

194. **Government member, Cyprus, speaking on behalf of the European Union (EU) and its Member States:** I have the honour to speak on behalf of the EU and its Member States. The candidate countries North Macedonia, Montenegro, Serbia, Albania, Ukraine, Republic of Moldova and Georgia, the European Free Trade Association (EFTA) country Norway, member of the European Economic Area, as well as the United Kingdom, align themselves with this statement.

195. We welcome the discussion at the Committee, a crucial pillar of the ILO supervisory system where we affirm our strong belief in the fundamental importance of international labour standards, their ratification and the effective and authoritative supervision of their implementation. The analysis and expertise of the Committee of Experts are shown in its annual reports which provide a solid basis for the work of the Conference Committee.

196. Our Committee's discussions and conclusions are and will continue to be an invaluable contribution to improving our implementation of the international labour standards that lead to decent work and social justice. We attach great importance to the follow-up to these conclusions and to the technical assistance provided by the Office in this regard. Looking further into the General Report, we appreciate the fourth information session the Committee of Experts held with governments and look forward to a new meeting in 2026. We also appreciate the exchanges between the Committee of Experts and Conference Committee, documenting the continued spirit of mutual respect, cooperation and responsibility. We are pleased that the Committee of Experts continues to deepen its cooperation with the UN human rights treaty bodies, most recently through an exchange on complementarities of their respective mandates with the business and human rights agenda and stock-taking of joint initiatives.

197. This collaboration is crucial to enhance the effective fulfilment of human rights including labour rights and needs to feed into the UN process. We look forward to continuation of exchanges that provide scope for synergies and streamline reporting burdens while respecting the autonomous mandates of all bodies. With regards to reporting obligations, we are pleased to note the slight increase in the percentage of requested reports received from 73.6 per cent in 2024 to 74.1 per cent in 2025, including the significant rise in the percentage of reports received before the due date of 1 September from 42.4 per cent to 54.9 per cent.

198. At the same time, we remain concerned about persistent cases of non-reporting and failure to submit first reports, as highlighted in the General Report. We understand also that late reports disrupt the Committee of Experts' review process and impairs the capacity for thematic evaluation and timely dialogue. We hear and echo the Committee of Experts' call to respect reporting obligations and deadlines and to request ILO technical assistance where needed.

199. The EU and its Member States reiterate their full support to the well-functioning and authoritative supervisory system of the ILO which has been established and adapted over more than a century on the basis of tripartism and continued social dialogue. It is unique and robust providing a valuable example of a multilateral rules-based order.

200. **Government member, Indonesia:** At the outset, Indonesia extends its appreciation to the Committee of Experts for the comprehensive report and comments and to the ILO for its continued commitment to promoting social justice, decent work and inclusive economic development amid the rapidly evolving world of work. Indonesia welcomes this important discussion as an opportunity to reflect collectively on the progress achieved as well as the challenges that remain in advancing the objective of the ILO as the Organization approaches the centenary of the Committee. Indonesia recognizes the enduring relevance of the ILO normative system and its unique tripartite structure fostering balanced, inclusive and sustainable labour governance at the global level. Indonesia believes that international labour standards continue to play an essential role in guiding Member States in responding to profound economic, social, technological and demographic transformation.

201. In this regard, the standard-setting function of the ILO must remain responsive, realistic, inclusive and adaptable to the changing realities of the labour market while taking into account the diverse levels of development and national circumstances of Member States. Indonesia further recognizes the importance of constructive dialogue and cooperation among governments, employers and workers in ensuring the effective application of international labour standards. The tripartite approach remains fundamental to strengthening mutual trust, promoting social cohesion and ensuring that labour policy contribute meaningfully to economic resilience and social progress. As a developing country with a large and diverse labour force, Indonesia continues to undertake efforts to strengthen labour governance, expand decent work opportunities, enhance social protection, improve occupational safety and health and promote productive and inclusive employment. Indonesia also continues to strengthen institutional capacity and social dialogue mechanisms at national and local levels as important instruments for achieving balance and sustainable labour relations.

202. Indonesia acknowledges that the world of work is currently undergoing significant transformations driven by digitalization, technological innovation, climate change, demographic shifts and emergence of new forms of employment, including work in the platform economy, while these transformations create opportunities for innovation, productivity and economic inclusion. They also present challenges related to employment protection, skills development, social protection, coverage and labour market adaptability. In this context, Indonesia supports continued discussions with the ILO aimed at deepening understanding and building a common approach regarding decent work in emerging forms of employment. Indonesia believes that any future international labour standards should be developed through inclusive evidence-based and consensus-driven deliberation while fully respecting national legal systems, policy priorities and stages of economic development.

203. Indonesia also underlines the importance of ensuring that the policy response to labour market transformation remains balanced and supportive of innovation, investment, entrepreneurship and job creation, particularly for developing countries that continue to face structural employment challenges and significant participation in the informal economy.

204. Looking ahead, Indonesia remains committed to continued engagement within the ILO and reaffirms its support for strengthening the Organization’s supervisory and standards-related functions in a manner that promotes dialogue, technical cooperation, capacity-building and shared responsibility among all constituents. Indonesia believes that with true constructive cooperation and genuine tripartite engagement, the ILO will continue to play a central role in shaping a human-centred, inclusive, resilient, and sustainable future of work.

Reply of the Chairperson of the Committee of Experts

205. Once again, I would like to express my thanks for the invitation addressed to the Committee of Experts to participate in this meeting. It is an honour for me to represent the Committee on this occasion, and I can assure you that I will report back to my colleagues on the discussions and views expressed in this forum. Such exchanges strengthen the ties between our two committees and underscore the complementarity of our respective roles within the supervisory system. I am also pleased to note that the governments continue to attach importance to the annual exchange with the Committee of Experts and that they see real value in maintaining this essential space for dialogue.

206. A certain number of speakers evoked the Committee's growing commitment to the United Nations system and made observations which I will convey to my colleagues. The exchanges with the Chairpersons of the human rights treaty bodies and the special procedures mandate holders are based on mutual respect for our respective mandates, as well as a shared commitment to promote respect for human rights, including international labour standards. These exchanges represent a valuable opportunity to strengthen cooperation within the multilateral system for social justice and decent work.

207. I am particularly pleased to note that some of you referred to the principles enshrined in the Committee of Experts' centenary declaration – reproduced in the General Report this year – and expressed support for these principles. As recalled in this declaration, the Committee of Experts conducts an independent, impartial and technical examination of the application of ratified Conventions. It attaches great importance to the dialogue it holds with the governments, as well as with the employers' and workers' organizations, and strives to ensure that its comments remain grounded in national realities, while contributing to the effective protection of workers and the creation of an environment conducive to sustainable enterprises.

208. Several speakers emphasized the importance of ensuring that the Committee of Experts provides governments with clear, concise and strategic guidance. I duly noted these observations and will communicate them to my colleagues. The way in which the Committee of Experts formulates its comments and presents its recommendations is an oft-debated topic, and is also regularly the subject of discussions in the subcommittee on working methods. As part of the modernization of the reporting system, the Committee of Experts will have, as of this year, another opportunity to reflect on these matters to ensure that its comments continue to provide practical, accessible guidance to support the effective application of international labour standards.

209. With regard to the General Survey, I would like to express my sincere gratitude for the rich exchanges that have taken place today and for the opportunity for me to hear firsthand your observations on the Survey prepared by the Committee of Experts. Once again, this discussion has demonstrated the ILO constituents' strong commitment to peace and social justice through employment and decent work. The central message of Recommendation No. 205 is clear: employment and decent work are not only the consequences of peace and stability, they are prerequisites for them. In summary, as one of the speakers very rightly recalled, "if you want peace, cultivate justice".

210. In the General Survey, the Committee of Experts further recalls that crisis situations do not suspend obligations under ratified ILO Conventions and Protocols. It is precisely in times of crisis that the protections established by ILO Conventions and Protocols assume their full significance, shielding against retrogressive measures going below the minimum standards that they establish. Any derogations should be only temporary and exercised within clearly

defined limits, based on legality, necessity, proportionality and non-discrimination. Rest assured that I will convey your observations to the other members of the Committee of Experts and that we will take them into account in our work. I thank you once more for your invitation, and I am convinced that the fruitful dialogue between our two committees will continue in the years to come.

Reply of the representative of the Secretary-General

211. I would like to come back to certain points raised during the general discussion which concern the Office more particularly. A number of you have emphasized the importance of ensuring close links between supervising the application of standards and the technical assistance provided by the Office with a view to promoting the effective application of international labour standards. This is an issue that is of great importance to the Office. I think that some of you will have had the opportunity of hearing the Director-General speaking on the subject of the mandate of the Organization and the Office's priorities, including in the context of the reform. It is an aspect on which he personally insists to give the greatest importance to the provision of technical assistance to countries in order to ensure the effective application of international labour standards.

212. And we are doing this. We are providing these services, both before and after ratification. Prior to ratification, we provide support for preliminary evaluations, which in our jargon we call – in the three languages – "*analyse de brèches*, gap analysis, *análisis de brechas*". I am saying this because our jargon is sometimes not very well understood, and this work, which we carry out very regularly at the request of governments, does not seem to be well known, or at least is not very visible, in light of the comments that I have heard, even though it accounts for a not insignificant share of the technical assistance that we provide.

213. I would also like to take this occasion to assure you, and even to reassure you, that the analyses that we carry out on such occasions are technical and robust. They may even result in the Office concluding, on certain occasions, that ratification may be premature if the essential conditions are not present. I have promised to share an anecdote: when I was a standards specialist in the field, I have myself recommended, when addressing the Parliament of an African country, that it was premature for that country to envisage the ratification of a social security Convention, because it did not, at the time, have the necessary financial infrastructure. We therefore carry out this work in a technical, robust and objective manner.

214. Following ratification, we give priority attention to requests for technical assistance to ensure the effective application of international standards. A number of you have referred to the follow-up to the conclusions adopted by your Committee. I would like to remind you that you can find information on the Committee's web page on the technical assistance that we have provided to give effect to the various conclusions adopted by your Committee over the years and which required such assistance. You can see in real time what has been done and what remains to be done.

215. Allow me also to respond to the argument that encountering difficulties of application or having recourse to technical assistance from the Office may suggest that the analysis prior to ratification was faulty. In previous years, by way of response I referred to the analogy of a health check-up: having a positive health check-up does not amount to a lifetime guarantee of good health. It does not mean that the health check-up that was carried out was wrong if we fall ill several years later. But this analogy has not convinced everyone, as the argument has been raised again. This year I am going to try using another analogy: the car. When a new vehicle comes out of the factory, it meets all the technical requirements and functions

perfectly. However, after several years of use, normal usage, the conditions in which it has been driven or changes in the environment may make it necessary to carry out certain adjustments or repairs. That does not mean that the new vehicle had a manufacturing defect. Similarly, the world of work is constantly developing, which may lead to the appearance over time of implementation challenges that had not been foreseen at the time of ratification and which require adjustments, because the world of work is a living world.

216. I now turn to the question of the modernization of the reporting system, which you referred to frequently during the general discussion. As I mentioned in my introductory remarks, the two committees – yours and the Committee of Experts – will come back to this question in the context of the discussions on their methods of work, with a view to evaluating them and making the necessary adjustments. I would like to reiterate once again that the Office is fully committed to accompanying this transition as effectively as possible so that you can all engage in a smooth transition to this new way of working. We are in the process of preparing a whole programme of technical assistance and tools that we will make available and deploy to accompany you in this fairly major transition to the way in which reports will be provided in future.

217. I would like to finish by reassuring the Vice-Chairpersons in particular that we have taken due note of the comments on the subjects that should be discussed during the next informal tripartite consultations on the methods of work. The Employer and Worker members emphasized the importance of finding space to discuss cases of progress. We will include that in the working paper on which your informal discussions will be based next year, and we will also include the question raised by the Worker members concerning the rules that apply to countries that are not accredited and whose cases you would like to discuss the case despite their non-accreditation.

Concluding remarks on the general discussion

218. **Employer members:** I would like to thank the representative of the Secretary-General for the responses and the assurances that the messages that we have been passing during the discussions have been heard and that they will be attended to. That is certainly encouraging, and thanks for sharing some of the examples that we believe certainly show alignment between what we have been asking for and what the Office is doing. Allow me also to thank the Chairperson of the Committee of Experts for your presence and for sitting through our discussions and sharing your report and observations with us, as well as your assurances about the Committee of Experts' commitment to continued engagement and hearing what our Committee is saying. I also thank Professor Kalula because I also have messages to the Committee on Freedom of Association (CFA) as well.

219. Let me start with a message to the Committee of Experts. As I said, I would like to thank the Chairperson for the comprehensive overview of the Committee of Experts' activities. The Employer members welcome the Committee of Experts' continued engagement with the tripartite constituents and the recognition that dialogue with all groups remains essential to the effectiveness of the system, particularly to ensure that guidance remains grounded in practical realities. The record number of article 22 reports received from governments, together with a notable volume of observations submitted by employers' and workers' organizations, demonstrates both the vitality of the supervisory system and the growing demands placed upon it. We welcome the recognition by the Chairperson that these developments require a review of working methods and reporting modalities, especially in light of increasing demands placed on employers' organizations, to contribute meaningfully to the system.

220. In this regard, the Employer members strongly support efforts to modernize and streamline the reporting system, and we welcome the assurances we have just heard from the Chairperson. We have just heard from the Office that this is already being taken on board and assistance will be given. As reporting obligations increase and resources are more constrained, modernization is no longer simply desirable. It is necessary. Efficiency, improved accessibility, thematic consolidation, targeted reporting processes and usable outputs all contribute to a system that serves constituents and is more responsive to operational realities. Similarly, greater transparency on the working methods will strengthen confidence and facilitate more effective engagement by constituents.

221. I would like to also address the Chairperson of the CFA. As the Employer members, we welcome the overview that the Chairperson provided on the work of the CFA. We note with appreciation that the CFA's work over the past year, including the examination of 68 cases and the closure of 23 of those cases. These figures demonstrate the continued relevance of the CFA and the considerable efforts undertaken to address complaints in a timely and constructive manner. We particularly welcome the Chairperson's reminder that the CFA is not a tribunal. Its purpose is not to issue legally binding judgments but rather to assist governments and social partners in resolving freedom of association issues through dialogue and engagement. This understanding is important and reflects a broader principle that applies throughout the ILO supervisory system, and preserving this distinction is essential to maintaining balance in the supervisory system. The Employer members strongly support this approach as it echoes our views of the Committee, whose role is to facilitate workable solutions that can be implemented in diverse national and business contexts.

222. We also welcome the emphasis placed on positive developments and progress achieved at the national level. Recognition of progress is an essential component of a credible supervisory system and reinforces confidence among all actors. The Employer members further welcome the reaffirmation that freedom of association is a fundamental right that applies to both employers and workers. Maintaining this balance is essential to preserving confidence in the system and in ensuring that it reflects the realities of both sides of the employment relationship. We also welcome the CFA's continued efforts to promote social dialogue and complementarity within the supervisory system.

223. With regard to the optional voluntary conciliation procedure, the Employer members wish to emphasize that we have strongly supported the option to suspend the procedure under article 24 when voluntary conciliation is chosen at national level. We do have examples where this has produced good results in practice. We believe that in addition to being a valuable mechanism for achieving lasting solutions between the social partners, voluntary conciliation contributes to the improvement of social dialogue. Greater coherence between the supervisory bodies is important for those required to apply international labour standards in practice.

224. Allow me to also reflect on other priorities that the Employer members have identified for the supervisory system. The interventions by the Chairpersons of both committees provide an opportunity to reflect on other priorities that the Employer members consider essential for future-proofing the supervisory system. The legitimacy of the supervisory system derives from the mandates entrusted to each body by the ILO's tripartite constituents. Coordination between supervisory bodies is important, but it must always be accompanied by respect for the distinct functions and responsibilities assigned to each body or institution. This is very relevant at a time when the Organization is considering broader reforms and when important discussions are ongoing, including those that may have implications for regulatory certainty. Supervisory bodies must remain anchored within their mandates to supervise international

labour standards, in line with ILO Conventions adopted and ratified by Member States, and avoid pre-empting matters that are subject to tripartite deliberation.

225. In conclusion, the Employer members remain committed to a strong and balanced supervisory system and support continued dialogue, coherence and modernization across the entire supervisory system. Maintaining confidence in the system requires respect for mandates, tripartite governance and the non-binding nature of supervisory outputs. These unique features remain as important today as ever if we are to ensure that the supervisory system continues to support governments, employers and workers in the effective application of international labour standards in a way that also sustains productive enterprises and quality employment.

226. **Worker members:** I thank my Employer colleague and all the participants in the general discussion, and I thank the Chairperson of the Committee of Experts and the representative of the Secretary-General for their replies and responses. The general discussion has been a rich exchange as always on a number of topics raised. Our views are known, and we won't come back on them. Still allow me to come back on specific topics as we conclude.

227. First, the topic of streamlining of the reporting obligations is and will be defining how we work in our Committee. We could say that even while celebrating our 100-year anniversary, looking back at the achievements of the past, we are also already looking at the 100 years to come by building a future-proof supervisory system linked to the promotion of the ratification of Conventions. We welcome the statement of the Chairperson of the Committee of Experts that an assessment of the impact of the new thematic implementation reports will be conducted by the Committee of Experts. We are also pleased to hear that the Chairperson of the Committee of Experts wishes to foster dialogue with us, and this very impactful reform on the work of our Committee.

228. This allows me to go to my second point. The Worker members want to emphasize on the need for effective follow-up to our conclusions and to the comments of the Committee of Experts. Without effective follow-up, there are no real gains for workers on the ground. We regret that there are still governments who have failed the follow-up on Committee's conclusions. We can see this on the follow-up tables provided on the website of the Committee. Some may have also dealt with these conclusions in an apparently superficial manner. Some of these may be falling into the category of repeated refusal on the part of a State to comply with its obligations. As we all heard yesterday, our Committee discussed shortcomings in the application of standards by Member States and proposed tools within the ILO system to help them improve.

229. On cases of progress, we think it is useful, but we would rather find a dedicated session for it in the framework of our working methods. We have seen the example this morning, so we can all reflect on it.

230. Going now to another issue raised by the Employer members: the matter of direct requests. For us, as we have said in the past, direct requests are one of the modalities of the dialogue between the Committee of Experts and the governments to ensure that there is clarity where needed before a full observation is provided. It may not survive in the new reporting system, but nothing should prevent the Committee of Experts from innovating to make their work more efficient and effective.

231. Finally, and on a lighter note, my friend Kaizer mentioned that without sustainable enterprises, there are no jobs and there is no decent work. We are rather of the view that without decent work, there are no sustainable enterprises. This is the experience our centenary shows us. Employers and enterprises want these regulations and supervision mechanisms so that there

is a level playing field applicable to all enterprises; otherwise, the bad nuts among them will cheat the good ones. We want enterprises to be decent from the outset.

232. Addressing decent work gaps lies at the heart of the ILO mandate. We thus urge the ILO to continue to take its role as an institutional leader in the international human and labour rights community and to continue in a complementary and collaborative manner to deliver effective labour rights protections.

C. Reports requested under article 19 of the Constitution

General Survey: Employment and decent work for peace and resilience

233. The Committee dedicated a sitting to the discussion of the General Survey carried out by the Committee of Experts concerning the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The record of this discussion is contained in section I of Part Two of this report.

Outcome of the discussion of the General Survey

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

Introduction

235. The Committee welcomed the opportunity to examine the General Survey prepared by the Committee of Experts which is titled Employment and decent work for peace and resilience. The Survey examines the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). The Committee observed that Recommendation No. 205 is the only international normative framework specifically focusing on the role of employment and decent work for building peace and resilience and had not yet been the subject of a General Survey.

236. The Committee expressed its appreciation to the Committee of Experts and the Office for the comprehensive and timely Survey. It noted the continued relevance of Recommendation No. 205 in particular in a current context marked by armed conflicts, climate-related disasters, public health emergencies, displacement and other interconnected crisis situations affecting workers, enterprises and societies across all regions.

237. The Committee recalled that Recommendation No. 205 reflects the ILO Constitution including the Declaration of Philadelphia, which recognizes that universal and lasting peace can be established only if it is based upon social justice. The Committee noted the strong commitment expressed by ILO constituents to promoting peace and social justice through employment and decent work. It emphasized the central message of Recommendation No. 205, namely that employment, and decent work are not only outcomes of peace, stability and recovery, but are also essential conditions for achieving and sustaining them.

238. The Committee observed that crisis situations often generate a vicious cycle of unemployment, informality, poverty, inequality and social exclusion, while decent work, social protection, rights at work and social dialogue contribute to a virtuous cycle of social justice, resilience and peace. It emphasized that employment, decent work, and support by sustainable enterprises play a central role in preventing crisis situations, mitigating their impacts, supporting recovery and strengthening resilience.

239. The Committee further highlighted that Recommendation No. 205 provides a comprehensive framework for action throughout the entire crisis management cycle, encompassing

prevention, preparedness, response, recovery and resilience-building. It noted the Recommendation's continued relevance in addressing the growing complexity of crisis situations and the increasing interdependence of humanitarian, development and peacebuilding efforts. In this connection, the Committee recognized the growing importance of the humanitarian-development-peace nexus (also referred to as the HDP or triple nexus), which corresponds to the phased multi-track approach set out in Recommendation No. 205. This approach seeks to strengthen coherence, complementarity and collaboration across humanitarian, development and peace action, and among the actors concerned, in order to meet people's immediate needs while reducing fragilities and addressing the underlying drivers of crisis situations. The Committee emphasized that employment, decent work, and sustainable enterprises are essential elements of this nexus, connecting immediate, rights-based crisis response with longer-term recovery, development and peacebuilding.

The situation and needs of Member States

240. The Committee noted that crisis situations continue to have profound consequences for labour markets, enterprises, workers and communities. The Committee welcomed the measures adopted by many Member States to strengthen employment policies, labour market institutions, social protection systems, education and training systems and social dialogue mechanisms as part of efforts to prevent, prepare for and respond to crisis situations. It noted examples of initiatives aimed at preserving jobs, supporting enterprises, protecting incomes, strengthening skills and promoting labour market recovery.

241. The Committee emphasized the need to develop and implement coherent and comprehensive crisis-management strategies that place employment and decent work at their centre and that integrate short-term emergency responses with longer-term recovery, reconstruction and development efforts. It stressed the importance of adopting a phased multi-track approach encompassing prevention, preparedness, response, recovery and resilience-building taking into account national circumstances.

242. The Committee highlighted the importance of ensuring coherence between humanitarian, development and peacebuilding efforts. It noted that while emergency responses rightly prioritize the delivery of essential goods and services, employment and decent work considerations should be integrated from the outset in order to support sustainable livelihoods, strengthen resilience and address underlying vulnerabilities across the HDP nexus.

243. The Committee noted the central role of frontline and other key workers, including in health and care, transport or agriculture, as well as of public sector workers, in maintaining the continuity of goods and services on which societies depend during crisis situations and recovery, while noting that they may face significant challenges related to working conditions, safety and health, and continuity of employment during crisis situations.

244. The Committee highlighted the continuing challenges faced by many Member States in strengthening labour market institutions, including labour administration systems, labour inspection services, employment services and labour market information systems. It noted that limited institutional capacity of the tripartite constituents, particularly that of representative employers' and workers' organizations, insufficient human and financial resources and weak coordination mechanisms continue to constrain effective crisis prevention, preparedness and response in many countries.

245. The Committee further recalled that crisis situations do not suspend obligations under ratified ILO Conventions and Protocols. It is precisely in times of crisis that these obligations assume their full significance, shielding against retrogressive measures going below the minimum

standards that they establish. Any derogations addressing national circumstances and specificities should be only temporary and exercised within clearly defined limits based on legality, necessity, proportionality and non-discrimination.

246. The Committee highlighted the importance of the creation of decent employment and livelihood opportunities, supported by sustainable enterprises, in strengthening recovery and resilience. It stressed that productive employment and decent work can contribute to reducing vulnerabilities, promoting social cohesion and facilitating both recovery and reconstruction and prevention efforts. The Committee recognized the important role of sustainable enterprises, including micro, small and medium-sized enterprises, in preserving and creating employment, maintaining livelihoods and supporting recovery and resilience. It noted the need for enabling environments that allow enterprises to continue operating, adapt to changing conditions and contribute to sustainable economic recovery. In this regard, the Committee also recalled that, as recognized in the 2007 International Labour Conference Conclusions concerning the promotion of sustainable enterprises, an enabling environment encourages investment, entrepreneurship, workers' rights and the creation, growth and maintenance of sustainable enterprises. These come with mutually reinforcing conditions that are generally considered to be essential: peace and political stability; good governance; social dialogue; respect for universal human rights and international labour standards; education, training and lifelong learning; social justice and inclusion; adequate social protection; responsible stewardship of the environment; an enabling legal and regulatory environment; the rule of law and secure property rights; fair competition; and access to financial services.

247. The Committee further underlined the role of education, vocational training, skills development and lifelong learning in enabling workers and enterprises to adapt to changing circumstances and contribute to recovery and resilience. It recognized the growing significance of skills policies in supporting labour market protection, transitions, reintegration and reconstruction efforts.

248. The Committee also emphasized the need for just transition measures, developed in consultation with the social partners and guided by the 2015 ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all, taking into account national circumstances and sustainability of enterprises, as part of crisis prevention, response and resilience-building.

249. The Committee stressed the central role of comprehensive and sustainable social protection systems in mitigating the social and economic impacts of crisis situations. It recognized that social protection contributes significantly to income security, poverty prevention, social cohesion and resilience and noted the need to progressively extend effective protection to all workers, particularly those in vulnerable situations. It stressed the need to close coverage gaps, in particular for workers in the informal economy and in categories least able to access crisis-related support, while helping to restore enabling conditions for sustainable enterprises. It further welcomed approaches that align humanitarian responses with national social protection systems from the early stages of interventions, as a means of strengthening existing systems, building durable protection, and supporting the transition from emergency relief to longer-term measures.

250. The Committee also stressed the need to ensure that crisis responses address the specific circumstances and needs of all groups particularly affected by crisis situations including migrants, refugees, returnees, internally displaced persons, persons with disabilities, indigenous and tribal peoples, children and young persons. It particularly highlighted the need for inclusive, gender-responsive approaches to crisis management that take into account the

specific needs and challenges faced by women in crisis situations. The Committee further recalled the heightened risk, in crisis and post-crisis contexts, of forced labour, trafficking in persons, and child labour, and underlined the importance of intensifying measures to prevent and eliminate these practices, to sanction those responsible and to assist victims.

Common understanding

251. The Committee shared the understanding that peace, resilience, social justice and decent work are mutually reinforcing objectives. It recognized that employment and decent work are not only outcomes of peace, stability and recovery, but also essential conditions for achieving and sustaining them. One of the key lessons emerging from recent crises is therefore the importance of placing employment, and decent work at the centre of prevention, preparedness, response, recovery and resilience-building efforts. It further highlighted the importance of risk-identification and assessment, including early warning systems, contingency planning and business continuity planning.

252. The Committee recognized social dialogue as the cornerstone of crisis management. It emphasized that the meaningful participation of representative employers' and workers' organizations contributes to more inclusive, balanced and sustainable policies and strengthens confidence, ownership and social cohesion during periods of crisis and recovery. It recalled that ensuring freedom of association and the effective recognition of the right to collective bargaining are enabling conditions for meaningful social dialogue, directly contribute to prevention and must be safeguarded, including in times of crisis.

253. The Committee further recognized that international labour standards provide an essential foundation for crisis management and contribute to protecting workers and enterprises, strengthening institutions and promoting social justice. It emphasized that strong labour market institutions are essential components of resilient societies and that the contribution of labour administration, labour inspection, employment services and labour market information systems is key to effective crisis prevention, preparedness, response and recovery. It underlined the need to strengthen these systems and to provide them with adequate human, technical and financial resources to ensure their effectiveness and resilience, including in crisis-prone countries. The Committee underlined that crisis responses must not be used to circumvent social dialogue or to introduce legislative reforms that are regressive and incompatible with international labour standards.

254. The Committee recognized that social protection systems constitute important tools for strengthening resilience and supporting inclusive recovery. It acknowledged the important role of social protection in protecting incomes and livelihoods, as well as the role of sustainable enterprises as generators of employment and promoters of innovation and decent work, in reducing fragility and supporting social cohesion during and after crisis situations. It shared the understanding that resilient social protection systems are those that are inclusive and move progressively towards universal coverage, providing income security and access to healthcare and leaving no group without protection. It also recognized that the capacity of such systems to respond rapidly to crisis situations is central to mitigating their social and economic impacts and to supporting a fair and inclusive recovery.

255. The Committee further recognized the importance of investing in human capabilities, including through education, vocational training, skills development and lifelong learning. Such investments contribute to preparedness, and long-term resilience, while facilitating labour market transitions and supporting recovery and reconstruction efforts.

256. The Committee emphasized the importance of ensuring that crisis responses and recovery strategies are inclusive, responsive and context-sensitive to the needs of those most affected by crisis situations. It recognized that promoting equality of opportunity and treatment and preventing discrimination contribute to more effective and sustainable recovery outcomes.

257. The Committee acknowledged the important role of sustainable enterprises in creating and preserving employment, maintaining livelihoods and supporting recovery and resilience within an enabling environment. It recognized that sustainable enterprises, decent work and social stability are mutually reinforcing objectives. Sustainable enterprises contribute most effectively to recovery and resilience within an enabling environment that takes into account their needs and interests. The Committee emphasized the importance of supporting sustainable enterprises through facilitating access to finance, particularly for micro, small and medium-sized enterprises affected by crises.

258. The Committee shared the understanding that increasingly complex and interconnected crisis situations require integrated and coordinated responses across the humanitarian-development-peace nexus, with employment, and decent work as a connecting thread. It emphasized the importance of cooperation among governments, employers' and workers' organizations, international organizations and other relevant actors in order to maximize the effectiveness and sustainability of crisis management efforts.

259. The Committee also emphasized that preparedness and prevention deserve sustained attention alongside response and reconstruction efforts. It recognized the value of strengthening resilience before crises occur, including through forward-looking policies, institutional preparedness, capacity-building, and risk-informed approaches.

260. The Committee further recognized that international cooperation, solidarity and policy coherence remain essential for supporting Member States in preventing crisis situations, responding to their impacts and building resilient societies.

ILO means of action

261. The Committee recalled the ILO’s unique mandate, normative framework and technical expertise in promoting peace and resilience through employment, decent work and sustainable enterprises. It emphasized the important role of the Office in supporting constituents in the prevention of crisis situations, the management of crisis situations and the promotion of sustainable recovery and resilience. It stressed the high relevance of this work and encouraged the Office to continue its engagement and efforts in that respect.

262. The Committee further encouraged the Office to strengthen support for the collection and analysis of labour market information – including information on enterprise sustainability – and timely, disaggregated data relevant to inform crisis prevention, preparedness, response and recovery policies, as well as to continue promoting the exchange of knowledge and good practices among Member States and representative employers’ and workers’ organizations.

263. The Committee also emphasized the importance of strengthening the capacities of governments and employers' and workers' organizations, including their institutional and operational capacities, to participate effectively in crisis prevention, preparedness, response and recovery efforts. It encouraged continued support for social dialogue institutions and processes as key elements of resilience-building and in transitioning from crisis response to building resilient societies.

264. The Committee further highlighted the importance of policy coherence and coordination within the United Nations system and among international partners. It encouraged the Office

to continue promoting integrated approaches that leverage and complement the respective mandates and expertise of relevant organizations and contribute to coherent support for Member States, including in operationalizing the humanitarian-development-peace nexus within the framework of the ILO's mandate.

265. The Committee noted the requests by a number of Member States for technical assistance relating to the uptake and application of Recommendation No. 205 and encouraged the Office to continue ensuring the provision of such support, taking into account national circumstances and needs.

266. The Committee recalled the importance of the constitutional obligation of submission and encouraged all Member States that have not yet done so to submit Recommendation No. 205 to the competent national authorities and to report on any action taken with respect to this instrument.

267. The Committee also called upon the Committee of Experts to continue to support and improve understanding, uptake and effective application of Recommendation No. 205 through its follow-up on the application of Conventions and Protocols in crisis situations.

268. Finally, the Committee requested the Office to take into account the General Survey on Employment and decent work for peace and resilience, the tripartite discussion that followed and the outcome of its discussion when determining the strategic focus of ILO work. It expressed the hope that the General Survey will provide useful information and guidance for the 2028 International Labour Conference's recurrent discussion on the strategic objective of employment.

Concluding remarks on the General Survey

269. 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.

270. **Employer members**: Given the lateness of the hour, we do not intend to detain this Committee any longer than is necessary. We just want to thank the Committee for all the work that we have done to this point. We will make our full comments upon the adoption of the full report of our Committee tomorrow.

271. **Worker members:** The Worker members welcome the adoption of the conclusions on this year's General Survey on Recommendation No. 205. This year's General Survey provided a thorough analysis of the current state of law and practice regarding the central role of employment, labour rights, social dialogue and social protection for promoting peace, preventing crises, enabling recovery and building resilience. Recommendation No. 205 stands at the core of the ILO mandate and has proven to be an important instrument, adopted at the right time, and the relevance of which we can see every day. As we see conflict and crisis in many places in the world, the Worker members encourage Member States to make full use of Recommendation No. 205, as well as of the General Survey as a practical guide for policy development and institutional strengthening.

272. However, improvement is still crucial. The General Survey highlights important implementation gaps. In too many contexts, employment creation is absent from crisis responses. Social dialogue mechanisms are weak or absent. Labour inspection systems lack resources. Social protection coverage remains inadequate. Discrimination, informality and precarious work arrangements continue to leave millions of workers without effective protection during crises. Climate change, technological developments, flexibilization and fragmentation of the work force might further add to these challenges.

273. Conversely, Member States with a strong and functioning legal and institutional framework for the world of work, established in consultation with the most representative employers' and workers' organizations, with inclusive labour protection, employment creation and promotion systems, social protection and investment in education and vocational training, are more resilient and better prepared to crisis situations and achieve more effective recovery as well as prevention. The General Survey therefore serves not only as a record of progress but also as a call to action.

274. The conclusions we adopt today provide a clear path on which both the Worker and Employer members 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 and the Member States to undertake. It is clear that employment and decent work are not only outcomes of peace, stability and recovery, but also essential conditions for achieving and sustaining them. Employment and decent work should be placed at the centre of prevention, recovery and resilience-building efforts. Social dialogue is not an optional component of recovery strategies; it is a prerequisite for sustainable and inclusive outcomes. Representative organizations of workers must be involved in the design, implementation, monitoring, and evaluation of policies and programmes. Experience has consistently shown that recovery efforts are more effective, more equitable, and more durable when workers have a seat at the table. We also underscore the General Survey's observation that the crisis-response legislation, for example anti-terrorist measures, should not be implemented in a way that restricts the legitimate activities of workers' and employers' organizations and related civil liberties.

275. The Worker members are particularly encouraged by the attention given to international labour standards as an essential foundation for crisis management. We welcome the recognition that respect for fundamental principles and rights at work must remain a priority, even during emergencies. As observed by the General Survey, crisis situations do not suspend obligations under ratified ILO Conventions and Protocols. The Worker members strongly support this point. It is precisely in times of crisis that these obligations assume their full significance, shielding against retrogressive measures going below the minimum standards that they establish. Accordingly, crises should never be used as a justification for regressive labour reforms, weakening labour protections or restricting trade union rights. On the contrary, periods of crisis often reveal the critical importance of freedom of association, collective bargaining, non-discrimination, labour protection and freedom from forced or child labour. These rights are essential tools for protecting workers and ensuring that recovery efforts leave no one behind.

276. The conclusions also recognized the role of sustainable enterprises. Enterprises that unwaveringly fulfil their obligation to respect all labour rights and create decent work, maintain livelihoods and support recovery and resilience, should be encouraged as part of crisis management and prevention. They must ensure that they avoid causing or contributing to, or being complicit in, violations also during a period of crisis or instability, whether directly or indirectly through their supply chains.

277. Enabling the right environment for such enterprises means ensuring governments should guarantee peace and political stability; good governance; social dialogue; respect for universal human rights and international labour standards; education, training and lifelong learning; social justice and inclusion; social protection; responsible stewardship of the environment; an enabling legal and regulatory environment; the rule of law and secure property rights, as well as fair competition. Some of these points could perhaps have been put more explicitly in the conclusions, but we can still see them reflected in a more general sense. We therefore endorse the planned follow-up and ILO means of action: technical assistance to governments,

employers' and workers' organizations; collection and analysis of labour market information; and promotion of the ratification of all the Conventions referred to in Recommendation No. 205.

278. We also call upon the Committee of Experts to continue to follow up on the application of ILO principles and instruments in the context of crises. We recall the importance of policy coherence and coordination within the United Nations system and among international partners, and the ILO's leading role on employment and decent work aspects of crisis responses. On the other hand, we call on all Member States that have not yet done so to comply with their reporting obligations concerning Recommendation No. 205.

279. Finally, we see the need to continue the discussion on the implementation of Recommendation No. 205 beyond this Committee. We should come back to this topic during the recurrent discussion on the strategic objective of employment in 2028. But we also believe this topic merits to be put on the agenda of the Conference as a general discussion on resilience, peace and social justice.

D. Compliance with specific obligations

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

280. 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

281. 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.

282. 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 100th Session (2011) 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),110th (2022) and 112th (2024) 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.

283. 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.

284. 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.

285. 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, Brunei Darussalam, Dominica, Gabon, Gambia, Grenada, Equatorial Guinea, 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, 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

286. 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.

287. The Committee noted that, by the end of the 2025 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **73.7** per cent (72.9 per cent for the 2024 meeting). Since then, further reports have been received, bringing the figure to **81.9** per cent (as compared with 79.2 per cent in June 2025).

288. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Guinea-Bissau, Equatorial Guinea, Haiti, Saint Lucia** and **Yemen**

289. 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, Barbados, Comoros, Iraq, Saint Lucia, Tonga** and **Vanuatu.**

290. 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, Barbados, Belize, Congo, Central African Republic, Croatia, Djibouti, Dominica, France (New Caledonia), Guinea-Bissau, Equatorial Guinea, Haiti, Jamaica, Kenya, Kyrgyzstan, Marshall Islands, Nicaragua, North Macedonia, Papua New Guinea, Saint Lucia, Singapore, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United States of America** and **Yemen.**

1.3. Urgent appeals

291. 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 **Antigua and Barbuda, Comoros, Iraq, Saint Lucia, Tonga** and **Vanuatu** will supply their reports due as soon as possible.

292. 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

293. 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.

294. 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: **Afghanistan, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Palau, Saint Lucia, San Marino, Syrian Arab Republic, Timor Leste** and **Tuvalu.**

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

295. 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

296. The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 76 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 79 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

297. The Committee wished to express its appreciation to the **46** 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.

298. 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, Antigua and Barbuda, Barbados, Belize, Central African Republic, Comoros, Czechia, Djibouti, Equatorial Guinea, Gabon, Gambia, Guinea-Bissau, Iraq, Kenya, Marshall Islands, Nicaragua, North Macedonia, Palau, Papua New Guinea, Saint Kitts and Nevis, Sierra Leone, Singapore, Solomon Islands, Syrian Arab Republic, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu** and **Yemen.**

E. Special sittings

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)

299. The Committee held a special sitting on Belarus, in application of the resolution adopted at the 111th Session of the International Labour Conference (June 2023) [8] with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by Belarus of Conventions Nos 87 and 98. The Committee adopted conclusions by vote: 2,100 votes in favour, 56 votes against and 63 abstentions.

300. 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 third special sitting on Belarus at the 114th 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

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

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 its continued refusal to accept and implement them.

The Committee took note of the High-Level Roundtable organized on 28 May 2024 as part of the implementation of the article 33 resolution and the evidence provided by the UN Special Rapporteurs at the event regarding the violation of trade union rights and the persistent general climate of non-respect for the basic civil liberties necessary to the exercise of freedom of association.

The Government repeated its previous comments and did not inform the Committee that it had taken the steps necessary to comply with the recommendations of the Commission of Inquiry. The Government has not been able to satisfy the Committee that its actions are justified within the scope of the Conventions.

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 and forced deportation 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 and the need to ensure effective coordination of the UN agencies and human rights bodies mentioned in the article 33 resolution. It also noted actions taken by the ILO constituents and other international organizations in response to the 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 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, highlighted by 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 Federation of Trade Unions of Belarus (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 Belarusian Congress of Democratic Trade Unions (BKDP), can operate without any interference of the Government.

The Committee also took note of the latest report on the situation in Belarus to the 356th 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 Commission of Inquiry and the supervisory bodies. It also further noted that the written information submitted to the Committee did not contain any new elements 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, quash any convictions brought against them related to their legitimate trade union activities, return the confiscated passports and resume payment of the pensions of released trade unionists forced into exile.

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;**
- **an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.**

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 also 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 are not returned to Belarus where they may be subject to persecution, arbitrary arrest and torture, and assist Belarusian citizens residing abroad who may not have valid travel documents due to the absence of consular services, including facilitating 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.

Application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29)

301. The Committee held a special sitting on Myanmar, in application of the resolution adopted at the 113th Session of the International Labour Conference (June 2025) [9] with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of Conventions Nos 87 and 29.

302. The full record of this discussion and the Committee's conclusions appears in section III of Part Two of this report. The Committee's conclusions are also reproduced below.

The Committee held a special sitting on Myanmar at the 114th Session of the International Labour Conference on the application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), further to the resolution adopted by the International Labour Conference at its 113th Session, concerning the measures recommended by the Governing Body and the Conference under article 33 of the ILO Constitution.

It noted the written information submitted by the military authorities in Myanmar, and the discussion that followed.

The Committee noted the need to continue to closely monitor the situation in Myanmar with regard to the exercise of freedom of association and the prohibition of forced or compulsory labour, including through the finalization of the preparatory phase of the proposed monitoring mechanism, in consultation with the International Organisation of Employers and International Trade Union Confederation, in line with the decision of the Governing Body and for the confidential and credible documentation of ongoing violations with a view to support transparent reporting with appropriate safeguards to effectively implement the article 33 resolution.

The Committee again noted with deep concern the military authorities' persistent disregard of the recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body, and the absence of any genuine engagement or credible progress towards their full implementation.

The Committee deplored the continued absence of progress creating conditions for the effective exercise of fundamental rights and civil liberties over five years since the military coup, and expressed deep concern over the military-organized general elections.

The Committee expressed its deep concern and regret at the severe suppression of civil liberties and the continuing violence, arbitrary arrest, detention, torture, forced exile and intimidation directed against trade unionists and labour activists, which prevent workers from exercising their rights in freedom and security.

It recalled that this case had already been examined repeatedly by the Committee and other supervisory bodies and deeply deplored the continued failure of the military authorities to implement the recommendations relating to freedom of association and collective bargaining.

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

The Committee also noted that the situation in Myanmar is taking place in a highly fragile and constrained economic environment, with significant implications for all actors, including workers, the business community and society.

Regarding the continuing deterioration of freedom of association, the Committee deplored all forms of interference in the establishment, administration and functioning of workers' and employers' organizations and emphasized that such organizations must be able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest, detention and intimidation.

The Committee deplored the continuing use of forced labour by the military, including the forced recruitment of children and other forms of compulsory labour in connection with military activities.

The Committee also noted that the military authorities had failed to demonstrate any credible progress towards implementing the Commission of Inquiry's recommendations and that the information submitted to the Committee did not show any meaningful change in law or practice.

The Committee further noted the continuing need for close monitoring of the situation in Myanmar, including developments relating to freedom of association and collective bargaining, as well as forced labour, and the follow-up given to the recommendations of the Commission of Inquiry.

After the discussion, the Committee called on the military authorities to take all necessary measures, without delay, to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO concerning compliance with Conventions Nos 87 and 29.

The Committee urged in the strongest terms for the military authorities to immediately cease all forms of violence, torture and intimidation against trade union leaders and members in relation to the exercise of legitimate workers' or employers' activities, including those specifically mentioned in the report of the Commission of Inquiry.

The Committee also urged the military authorities to unconditionally and without delay release all trade unionists arrested, sentenced and detained for such activities, withdraw all criminal charges pending against trade unionists and others peacefully exercising their civil liberties in relation to legitimate trade union activities.

The Committee also urged the military authorities to stop any form of interference in the establishment, administration and functioning of trade unions at all levels and to ensure that employers' and workers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention.

The Committee urged the military authorities to take immediate action to put an end, in law and in practice, to any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children and hold accountable all those responsible for these violations.

The Committee also urged the military authorities to cease with immediate effect the exaction of prison labour as a consequence of a criminal conviction linked to the exercise of civil liberties imposed since 1 February 2021.

The Committee urged the military authorities to ensure that cases of trafficking for labour exploitation, are promptly identified, independently investigated and effectively prosecuted.

The Committee urged the military authorities to submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 21 September 2026 for transmission to the Governing Body at its 358th Session (November 2026).

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

F. Individual cases

303. During this session, the Committee examined **23** individual cases concerning the application of various Conventions The information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section IV of Part Two of this report.

Conclusions adopted on the examined individual cases

304. The conclusions adopted this year on the **23** individual cases examined by the Committee are presented below.

Eritrea (ratification 2000)

Forced Labour Convention, 1930 (No. 29)

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

The Committee expressed its deep concern regarding the continued widespread and systematic use of compulsory labour in the context of the long-standing national service programme. It noted that, in practice, national service remains of indefinite duration, resulting in a situation of general mobilization in which individuals serve for many years or even decades, under coercion and threat of severe punishment.

While noting the Government's references to national defence needs, regional instability, and emergency situations, the Committee recalled that any recourse to compulsory labour must be strictly limited in scope, duration, and purpose, and must comply with the conditions set out in the Convention.

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

- **reform the national service system, including amending National Service Proclamation No. 82 of 1995, to clearly limit national service to activities permitted under the Convention, excluding compulsory participation in civilian economic activities, and establish and implement a maximum duration for national service, ensuring that, in practice, service is not indefinite and strictly limited to defined circumstances;**
- **ensure the cessation of forced recruitment practices, including mass round-ups, and ensure that no penalties, reprisals or coercion, including on family members, are used to compel labour;**

- **investigate and prosecute those responsible for coercive measures used to compel the population to participate in military action under threat of severe punishment to themselves and their families;**
- **ensure, in law and in practice, that all work outside strictly defined national service obligations are performed voluntarily, under conditions consistent with labour law;**
- **adopt and implement a time-bound demobilization and labour-market transition plan, including measures to support decent work and sustainable employment opportunities and the reintegration of former conscripts;**
- **strengthen effective enforcement and accountability mechanisms, including effective remedies for forced labour, and**
- **establish, without delay, a national tripartite dialogue mechanism with a view to facilitating constructive engagement among the Government and the social partners, including in the context of any future transition towards a free labour market.**

The Committee urged 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 and on the measures taken to implement these recommendations, in consultation with the social partners, to the Committee of Experts by 1 September 2026.

Mali (ratification: 2000)

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

The Committee took note of the written and oral information provided by the Government and of the discussion that followed. While recognizing the difficult security and humanitarian situation facing the country, the Committee noted with deep concern the seriousness and persistence of the worst forms of child labour in Mali, including the recruitment and use of children in armed conflict, the forced begging, exposure to hazardous work and exploitation due to the absence of adequate legal protection and limited access to education. Taking into account the discussion, the Committee urged the Government, in consultation with the social partners, to take effective, urgent and time-bound measures to:

- **prevent the recruitment and use of children in armed conflict by ensuring the identification, withdrawal, and reintegration of affected children, including access to psychosocial support and long-term rehabilitation, and the investigation and prosecution of perpetrators;**
- **intensify enforcement against forced begging of Talibé children, while developing prevention strategies addressing root causes in cooperation with communities and religious leaders;**
- **adopt, adequately resource, and implement PANETEM II, ensuring clear targets, timelines, and strong monitoring mechanisms to eliminate hazardous child labour, particularly in traditional gold mining and agriculture, and to ensure withdrawal of children from such work, and guarantee their reintegration into education and training systems;**

- **take measures to facilitate access to free basic education, particularly in conflict-affected areas, including through the reopening and protection of schools and measures to increase school enrolment rates and to prevent dropout;**
- **develop and implement policies aimed at promoting decent work and sustainable job creation, particularly at the local level, as part of a comprehensive strategy to address the socio-economic root causes, including systemic poverty and economic vulnerability of children and their families; and,**
- **close legislative gaps and strengthen the legal framework by explicitly prohibiting and penalizing the use, procuring or offering of a child for illicit activities, in particular for any illegal drug-related activities.**

The Committee called on the Government to avail itself of ILO technical assistance to implement all the Committee's recommendations and to provide detailed information to the Committee of Experts by 1 September 2026 on the concrete progress achieved.

South Africa (ratification: 1997)

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

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

The Committee noted the historical context that has shaped deep and persistent inequalities in the labour market in South Africa and the efforts made by the Government to adopt a comprehensive legislative and institutional framework to promote equality in employment and occupation, despite which persistent disparities remain in practice in the labour market.

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

- **continue strengthening efforts to promote equality of opportunity and treatment in employment and occupation for all designated groups, with particular attention to underrepresented groups, including by providing information on:**
  - **the results achieved in the transformation of the labour market towards a more equitable representation of the designated groups;**
  - **the actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2019–24, the obstacles identified and the results achieved; and**
  - **the impact of the implementation of section 53 of the Employment Equity Act as amended (measures put in place to evaluate the assessment criteria for the issuance of employment equity compliance certificates and the number of certificates denied based on this assessment);**
- **provide updated and disaggregated statistical information on progress made in achieving equity of opportunity and treatment in employment and occupation; and**
- **ensure meaningful consultation with relevant sectors when setting the 5-year sectoral numerical employment equity targets in line with the Employment Equity Amendment Act No. 4 of 2022.**

The Committee called on the Government, in consultation with the most representative workers' and employers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2026.

Argentina

Labour Inspection Convention, 1947 (No. 81) (ratification: 1955)
Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1985)
Labour Administration Convention, 1978 (No. 150) (ratification: 2004)

The Committee took note of the written and oral information provided by the Government and of the discussion that followed. It also took note of the observations of the Committee of Experts concerning reductions in the human, operational, and financial resources available to the labour administration and labour inspection services.

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

- **ensure the proper functioning of adequate and effective tripartite social dialogue mechanisms at national, regional and sectoral levels and ensure that labour reforms are developed through meaningful consultation with the most representative organizations of workers and employers;**
- **carry out, in consultation with the most representative workers' and employers' organizations, a comprehensive evaluation of the functioning and capacity of the labour inspection system throughout the national territory, including updated information on the number of labour inspectors, their territorial distribution, the human, technical and financial resources available, and the measures taken to ensure effective compliance with labour legislation, and ratified Conventions; and**
- **strengthen coordination between the national and provincial authorities responsible for labour administration and inspection.**

Taking into account the issues raised, the Committee recommended the Government to avail itself to the ILO technical assistance if needed.

The Committee requested the Government to report to the Committee of Experts by 1 September 2026 on the measures taken to implement the above recommendations and the results achieved.

Yemen (ratification: 1976)

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

The Committee noted with deep concern that the Government's report had not been received and called on the Government to fully comply with its reporting obligations.

The Committee took note of the oral information provided by the Government and of the discussion that followed. Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- **consistent with the Convention, ensure that all workers have the effective possibility to join a trade union, including public sector workers, domestic workers, members of the judiciary, diplomatic and consular staff;**

- **ensure that workers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom, in accordance with the Convention; and**
- **ensure that the current legislative reform is in conformity with the Convention.**

The Committee urged the Government to avail itself of ILO technical assistance and to provide a comprehensive report on the concrete progress achieved to the Committee of Experts by 1 September 2026.

Bosnia and Herzegovina

Employment Service Convention, 1948 (No. 88) (ratification: 1993)
Employment Policy Convention, 1964 (No. 122) (ratification: 1993)
Private Employment Agencies Convention, 1997 (No. 181) (ratification: 2010)

The Committee took note of the written information available and the discussion that followed.

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

- **take targeted measures to strengthen active labour market policies, including to improve access to decent work for vulnerable groups and provide information on their impact, in particular with regard to rising unemployment and skills mismatches;**
- **provide information on the application of recent legislative and policy measures, including with regard to new provisions related to employment services and on the protection of migrant workers recruited or placed by private employment agencies;**
- **develop and implement a coherent and coordinated strategy for all public entities, in consultation with the most representative employers' and workers' organizations, to address skills mismatches, improve employability, reduce "brain drain" facilitate the transition from the informal to the formal economy, and provide information on the results achieved;**
- **strengthen the capacity of public employment services and provide updated information on the number of public employment offices, applications for employment received, vacancies notified and persons placed in employment by such offices;**
- **ensure effective cooperation between public and private employment services and the most representative employers' and workers' organizations, including through the establishment of the joint committee provided for by law, and provide information on the practical results of such cooperation;**
- **strengthen monitoring, evaluation and impact assessment mechanisms to assess the effectiveness of labour market policies and programmes.**

The Committee requested the Government to avail itself of ILO technical assistance, and to report to the Committee of Experts by 1 September 2026, on the measures taken to implement these recommendations and the results achieved.

Colombia (ratification: 1976)

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.

While taking note of the complex security situation in Colombia, the Committee requested the Government to take, in full consultation with the most representative workers' and employers' organizations, effective and time-bound measures to:

- **strengthen measures to protect against and investigate acts of anti-union violence, with a view to improving the identification and punishment of both the perpetrators and those who instigate such acts;**
- **strengthen protection measures for trade unionists and ensure their effective implementation in practice in the exercise of their right to freedom of association;**
- **ensure that collective reparation measures for the trade union movement are translated into concrete and measurable outcomes;**
- **undertake a comprehensive assessment of the effectiveness of section 200 of the Penal Code and take the necessary measures to ensure that anti-union acts are effectively penalized;**
- **strengthen inspection, monitoring, and oversight activities regarding union contracts, especially in sectors where their use is most frequent, and take the necessary measures to ensure that the use of trade union contracts is not incompatible with the Convention;**
- **ensure that legislative reforms are preceded by full and effective consultation in line with the Convention; and**
- **strengthen the institutional mechanisms for tripartite social dialogue, including the Permanent Commission for the Coordination of Wage and Labour Policies.**

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

Spain (ratification: 1984)

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

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

The Committee noted that concerns remain regarding whether consultations under the Convention are conducted to ensure effective social dialogue.

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

- **take measures to ensure that consultations on the matters covered by the Convention are sufficiently timely, effective and meaningful; and**

- **continue assessing the functioning of the consultation mechanism in respect of matters covered by Article 5 of the Convention to ensure its effectiveness to restore social dialogue.**

The Committee requested the Government to provide information to the Committee of Experts on the measures taken to implement the above recommendations, including the outcome of the assessment and any measures adopted to strengthen the effectiveness of tripartite consultations.

Iraq

Employment Service Convention, 1948 (No. 88) (ratification: 1951)
Employment Policy Convention, 1964 (No. 122) (ratification: 1970)

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

The Committee took note of the significant, persistent and deep structural deficiencies in the functioning of the labour market and in access to decent and productive employment, such as high unemployment, particularly among women and young persons, and extremely low labour force participation.

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

- **advance the integration and coordination of employment policy, employment services and vocational training policies within a coherent national framework, supported by strong social dialogue and robust labour market information, to effectively address the country's employment challenges;**
- **provide information on the development, content, implementation, and results of the national employment policy, including its contribution to addressing unemployment and increasing labour market participation, particularly the specific measures taken to promote employment for groups in vulnerable situations, such as young persons, women, internally displaced persons, and persons with disabilities;**
- **provide information on how the national employment policy is coordinated with the public employment service and how that service contributes in practice to the implementation of the national employment policy;**
- **provide information on the reforms and initiatives undertaken to align vocational education and training with labour market requirements, including any efforts to support skills development, apprenticeships, recognition of prior learning, and effective job-to-livelihood transitions, especially as it relates to vocational training and human resources development for women, young persons, and persons with disabilities;**
- **provide information on the functioning and coverage of the public employment service network, including in the region of Kurdistan, as well as the cooperation mechanisms between the public employment service and private employment agencies;**
- **strengthen labour market information systems and improve the collection, analysis and dissemination of disaggregated labour market data to support the design,**

implementation, monitoring and review of employment policies and services, and provide information on progress achieved;

- **provide information on the results and impact of technical and vocational education and training reforms and related skills-development measures; and**
- **strengthen the full and meaningful involvement of the most representative employers' and workers' organisations through effective consultations and social dialogue regarding employment policy and employment services and provide specific examples of consultations held with the social partners and their participation throughout the employment policy process.**

The Committee requested the Government to provide detailed information to the Committee of Experts by 1 September 2026 on the actions taken to implement these recommendations and the progress made, and to avail itself of ILO technical assistance.

Kyrgyzstan (ratification: 1992)

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 of the discussion that followed.

The Committee noted with deep concern the allegations raised during the discussion concerning interference in trade union affairs and obstacles to an environment conducive to the free exercise of freedom of association.

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

- **ensure, in law and in practice, that workers' and employers' organizations can exercise their rights freely and independently, and without interference, in line with the Convention;**
- **ensure that the property and financial resources of trade union organizations are protected against interference;**
- **continue to ensure that any legislative reform affecting freedom of association is carried out in full and meaningful consultation with the most representative workers' and employers' organizations, including the Federation of Trade Unions of Kyrgyzstan (FPK), and that all relevant legislative provisions are brought into full conformity with the Convention;**
- **comment on the allegations of the International Trade Union Confederation regarding reprisals against FPK leaders and interference in its financial activities and clarify the current standing of the illegally established city trade union; and**
- **provide information on the investigations, arrests, detention, release conditions and any pending charges concerning trade union leaders, and ensure that criminal proceedings are not used to undermine the legitimate exercise of trade union rights.**

The Committee invited the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations.

Liberia (ratification: 1962)

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

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

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

- **ensure that all workers are able to exercise their labour rights under the Convention and that trade union leaders and members are free to engage in their trade union activities, in law and practice;**
- **ensure, including through the provision of sufficiently dissuasive penalties, that the dissolution of workers and employers organizations follows due process and takes place only as a last resort, in line with the Convention;**
- **continue the ongoing labour law harmonization process to bring the legislation in line with the Convention, in consultation with the most representative employers' and workers' organizations;**
- **ensure the registration of workers' and employers' organizations, in law and in practice and without further delay, complete the registration of the National Health Workers' Union of Liberia (NAHWUL) and the Civil Servant Association of Liberia (CSAL);**
- **take steps to ensure that the CSAL can participate in the social dialogue bodies including the National Tripartite Committee and the Wage Board;**
- **strengthen the protection of freedom of association in law and in practice, including through deterrence and appropriate remedial action where necessary;**
- **ensure that allegations of violations of freedom of association are subject to prompt and independent judicial investigation.**

The Committee invited the Government to avail itself of ILO technical assistance and report to the Committee of Experts on the measures taken to implement these recommendations by 1 September 2026.

Libya (ratification: 1961)

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

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

The Committee noted with deep concern that the Government did not provide a reply to the previous comments of the Committee of Experts, and recalled the importance of complying with reporting obligations under the supervisory system.

The Committee stressed that all work carried out under the authority or supervision of the State must comply with the Convention and not be imposed under threat or coercion.

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

- **take time-bound and concrete measures to ensure conformity of national legislation and practice with the Convention, in particular by amending the relevant provisions of the Publications Act of 1972, the Penal Code, and the Anti-Cybercrime Law of 2022, to ensure that no penalties involving compulsory labour are imposed for the peaceful expression of political or ideological views;**
- **ensure, in law and in practice, that no person is subjected to imprisonment involving compulsory labour as a result of the peaceful expression of political or ideological views; and**
- **strengthen the mechanisms to ensure that violations of the Convention are promptly investigated and sanctioned, and provide information on the progress achieved, including the number of cases processed, convictions brought, the facts that led to those convictions and penalties applied.**

The Committee requested the Government to avail itself of the technical assistance of the ILO to effectively implement all of the Committee's recommendations and to report to the Committee of Experts by 1 September 2026 on the measures taken to implement the above recommendations and the results achieved.

Nigeria (ratification: 1960)

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 concern the long-standing nature of the issues raised regarding anti-union discrimination and interference in the right to collective bargaining, as well as the delay in completing the ongoing labour law reform.

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

- **promote free and voluntary collective bargaining and provide information on such measures;**
- **ensure that all allegations of anti-union discrimination, interference and actions that undermine collective bargaining rights are promptly and effectively investigated, and ensure access to effective remedies and dissuasive sanctions where violations are established;**
- **provide information on the outcome of investigations undertaken, including in the banking, education, electricity, petroleum, gas and telecommunications sectors, and on measures taken to address concerns relating to interference and implementation of collective agreements and inadequate dispute resolution mechanisms;**
- **ensure a safe and enabling environment in which workers and their organizations can exercise their rights freely, including the right to organize and bargain collectively without fear of intimidation, violence or retaliation;**
- **continue, without any further delay, the ongoing labour law reform process, in consultation with the most representative employers' and workers' organizations, to bring national legislation into conformity with the Convention, including by ensuring the recognition of collective bargaining rights for all public sector workers not**

engaged in the administration of the State, including prison services and the Central Bank of Nigeria, and by removing provisions allowing undue interference in collective bargaining;

- **provide reliable statistical information on collective agreements concluded and in force and the number of workers covered by such agreements.**

The Committee invited the Government to continue to avail itself of ILO technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations by 1 September 2026.

Uzbekistan (ratification: 1992)

Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the written information available and the discussion that followed.

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

- **ensure the effective implementation of the principle of equal remuneration for work of equal value, including by aligning relevant legislation with the Convention and taking measures to reduce the gender pay gap;**
- **provide up-to-date, sex-disaggregated statistical data on remuneration by sector and occupational category;**
- **strengthen the legal and practical framework to combat discrimination in employment and occupation, including by prohibiting all grounds listed in Convention No. 111, defining direct and indirect discrimination, and reinforcing effective social dialogue in the monitoring and implementation of relevant reforms and national strategies.**

The Committee requested the Government to continue to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026, on the measures taken to implement its recommendations and the results achieved.

Panama (ratification:1958)

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

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

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

- **ensure that all trade unionists can carry out their activities freely and independently, without intimidation, or retaliation;**
- **ensure in law and practice that the exercise of trade union rights does not give rise to arbitrary arrest, detention, persecution or undue financial or administrative pressure;**
- **take immediate steps, in full consultation with the most representative employers' and workers' organisations, to restore the effective functioning of the Compliance**

Committee and the Committee for the Rapid Handling of Complaints relating to Freedom of Association and Collective Bargaining;

- **strengthen and institutionalize tripartite social dialogue, including through progress towards the establishment of the Higher Labour Council, in consultation with the most representative employers' and workers' organizations;**
- **undertake, without delay and in consultation with the most representative employers' and workers' organizations, the legislative reforms necessary to bring national legislation into full conformity with the Convention, including in relation to the nationality requirement for trade union executive boards;**
- **take concrete measures to ensure the effective application in law and practice of the rights guaranteed under the Convention, including through transparent and timely registration procedures for workers' organizations and effective dispute settlement mechanisms.**

The Committee invited the Government to avail itself of the ILO's technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations, and the results achieved, including in regard to the Panama Canal proceedings, by 1 September 2026.

Papua New Guinea (ratification: 2000)

Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the written information available and the discussion that followed.

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

- **advance the ongoing labour law reform process, in consultation with the most representative employers' and workers' organizations, with a view to ensuring that national legislation provides comprehensive and coherent protection against discrimination in employment and occupation, including by reviewing or amending provisions with discriminatory effects;**
- **ensure that the principle of equal remuneration for men and women for work of equal value is clearly reflected in legislation and supported by practical guidance, including a comprehensive definition of remuneration, in order to facilitate effective and predictable implementation in practice.**

The Committee requested the Government to continue to avail itself of ILO technical assistance and capacity-building to effectively implement the Committee's recommendations, and to provide information to the Committee of Experts by 1 September 2026 on the measures taken and the results achieved.

Philippines (ratification: 1953)

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 long-standing gaps between the Convention and the legal framework and practice, and the absence of the Government's comments on previously raised allegations of anti-union practices.

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

- **pursue concrete labour law and institutional reforms to ensure full conformity with the Convention;**
- **investigate and provide information on the allegations concerning union-busting practices, blacklisting and anti-union dismissals and suspensions, and take the necessary measures to address them without delay;**
- **harmonize its legislation to ensure that all workers covered by the Convention can effectively benefit from its guarantees;**
- **ensure, in consultations with the most representative workers' and employers' organizations, that national law address collective bargaining arrangements for unorganized establishments.**
- **ensure that all public sector workers covered by the Convention can negotiate their terms and conditions of employment and provide information on the impact of the 2024 Rules and Regulations on the promotion and development of collective bargaining in the public sector;**
- **in consultation with the most representative employers' and workers' organizations, review arrangements in the electricity sector and pursue dialogue with the National Electrification Administration (NEA) and the social partners to remove undue restrictions on the scope and content of bargaining, fully respect the autonomy of the bargaining parties, and encourage and promote voluntary and good faith collective bargaining in line with the Convention;**
- **continue to take all the necessary legal and practical measures to promote the full development and utilization of machinery for collective bargaining to significantly expand collective bargaining coverage, and provide statistics on collective agreements concluded and workers covered.**

The Committee invited the Government to continue to avail itself of ILO technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations and the results achieved by 1 September 2026.

Russian Federation (ratification: 1956)

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 of the discussion that followed.

The Committee noted the difference of views on the interaction of the Law on Undesirable Organizations and the Law on Control of Activities of Persons Under Foreign Influence on the one hand and freedom of association rights under the Convention on the other.

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

- **provide detailed information regarding the decisions designating international workers' organizations as "undesirable organizations" and comments on the allegations concerning the consequences of those designations;**
- **ensure that the law is implemented in conformity with the Convention;**
- **ensure that national law and practice do not interfere with workers' rights and legitimate trade union activities in line with the Convention, including:**
  - **the right to form and join organizations of their own choosing to promote their occupational interests;**
  - **the right to affiliate with international organizations of their own choosing;**
  - **the right to express themselves freely, including in respect of Government policies.**

The Committee invited the Government to implement the recommendations and provide a report to the Committee of Experts by 1 September 2026 and to avail itself of ILO technical assistance, if needed.

Syrian Arab Republic (ratification: 2003)

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

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

While taking note of the complex national situation, the Committee expressed its deep concern at the continued recruitment and use of children in armed conflict, the prevalence of child trafficking, and the large number of children deprived of liberty and access to education.

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

- **take measures to ensure the full demobilization of all children recruited or used in armed conflict and to prevent any further recruitment, to ensure that thorough investigations and prosecutions are carried out with effective and dissuasive penalties, and provide statistical information, disaggregated by sex and region, on the results achieved;**
- **intensify efforts to prevent, investigate and prosecute the sale and trafficking of children, ensure that child victims are identified, protected and rehabilitated, and provide statistical information, disaggregated by sex and region, on the results achieved;**
- **strengthen measures to prevent the engagement of children in the worst forms of child labour by improving access to free basic education, particularly in areas affected by conflict, and provide information on school enrolment, attendance and drop-out rates at the primary and lower-secondary levels;**
- **ensure the implementation of effective and time-bound measures for the rehabilitation and social integration of children removed from the worst forms of child labour, including former child combatants, and provide information on the results of**

the National Action Plan 2024–2026, and the number of children rehabilitated and reintegrated.

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Lao People's Democratic Republic (ratification: 2005)

Minimum Age Convention, 1973 (No. 138)

The Committee took note of the written and oral information available and the discussion that followed.

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

- **redouble efforts to ensure the elimination of child labour through the prompt adoption and effective implementation of the National Action Plan on the Prevention and Elimination of Child Labour;**
- **promptly harmonize legislation with Decision No. 4677/MOLSW to ensure that the minimum age for heavy or hazardous work is 16 years, and amend the legislation on vocational education to include a provision that explicitly refers to the minimum age of 14 for vocational training, as well an express prohibition on apprentices performing heavy or hazardous work;**
- **provide statistical information, disaggregated by sector and gender, derived from the National Action Plan for the Eradication of Child Labour once it is adopted;**
- **ensure that in all cases of child labour, thorough investigations and robust criminal proceedings are conducted, and sufficiently effective and deterrent penalties are imposed;**
- **strengthen administrative data collection and the capacities of labour inspection agencies, to ensure that there is effective detection of cases of child labour, especially in the informal and rural sectors;**
- **take measures to strengthen the capacities of the most representative employers' and workers' organizations and continue positive tripartite dialogue with these organizations on the design and implementation of national strategies to ensure compliance with minimum age standards in the country.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Togo (ratification: 1983)

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

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

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

- **provide detailed and up-to-date information on the manner in which tripartite consultations are carried out in practice on all matters covered by Article 5(1), including the content of consultations, the actors involved, and their outcomes;**
- **take further steps, in consultation with the most representative employers' and workers' organizations, to ensure that effective and inclusive consultations are systematically held on all matters, in a timely, effective and meaningful manner and in line with Article 5(1) of the Convention;**
- **provide information on the measures taken or envisaged to bring law and practice into conformity with Article 3(1), including with respect to ensuring the free choice of representatives of employers' and workers' organizations;**
- **strengthen the capacity of the institutional framework and the engagement of the most representative employers' and workers' organizations, including by providing financial resources and training so as to facilitate their effective functioning and participation in the consultation machinery and processes.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Turkmenistan (ratification: 1997)

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

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

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

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

- **ensure the complete elimination of compulsory labour;**
- **eliminate the compulsory quota system for the production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production, in line with Convention No. 105;**
- **improve recruitment and working conditions in the cotton sector in line with the Convention;**
- **issue clear instructions on the prohibition of forced labour, strengthen labour inspection, law enforcement;**
- **ensure the full implementation of the Roadmap for cooperation between the ILO and the Government, in consultation and cooperation with the social partners, and continue engaging with the ILO to secure the full application of the Convention in practice;**
- **ensure that victims of forced mobilization have access to effective remedies, including measures to prevent future harm;**

- **strengthen enforcement of the prohibition on child involvement in cotton picking, integrate preventive action into implementation of the Roadmap;**
- **promote social dialogue in cotton production and continue cooperation with the ILO and employers' and workers' organizations, including through awareness-raising and outreach at national, regional and local levels, to ensure the full application of the Convention in practice.**

The Committee invited the Government to accept ILO technical assistance and requested the Government to provide, by 1 September 2026, detailed information on the concrete measures taken, in consultation with the most representative employers' and workers' organizations, to implement these recommendations and the Roadmap, as well as on the concrete results achieved in law and in practice.

Uruguay (ratification: 1954)

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 the persistence of comments by this Committee and other supervisory bodies concerning Uruguay's collective bargaining legislation and practice in relation to Convention No. 98.

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

- **take the necessary legislative measures, including amending section 12 of Act No. 18.566, to ensure full conformity of the law and practice with the principles of collective bargaining and the Convention.**

The Committee encouraged the Government to avail itself of ILO technical assistance as necessary, and requested the Government to provide a report on progress made by 1 September 2026.

G. General conclusions of the Committee, adoption of the report and closing remarks

305. As the Committee marks the centenary of its creation, it may look back with pride and a deep sense of accomplishment on a century of service to advancing the principles of social justice enshrined in the ILO Constitution.

306. Over the past 100 years, the Committee has continuously evolved in response to far-reaching changes in the world of work, while preserving the essential features that have underpinned its authority and relevance: tripartite dialogue, a shared commitment to the effective application of international labour standards, and support for their implementation through practical and effective follow-up actions, grounded in the examination of the Committee of Experts. Its history demonstrates that its unique characteristics have enabled the supervisory system not only to endure, but also to adapt and become more resilient in the face of new challenges.

307. In these uncertain times, when competing priorities can overshadow the imperatives of social justice, the role of this supervisory machinery is more important than ever. The discussions

held this year – including on the timely General Survey on employment and decent work for peace and resilience – reaffirm that the Committee remains an indispensable forum for promoting respect for and advancing international labour standards through tripartite dialogue and effective implementation. Through its examination of individual cases, the Committee continues to play a vital role in strengthening social dialogue, safeguarding international labour standards and their effective implementation in law and practice.

308. As the supervisory system enters its second century, including through ongoing efforts to modernize its methods, the Committee's experience inspires confidence in the future. Its continued effectiveness will depend, as it has throughout its history, on constructive dialogue, mutual respect and the shared resolve of governments, employers and workers to translate common aspirations into tangible progress.

* * *

309. The Committee’s report was adopted, as amended.

310. **Employer members**: As we conclude this year’s work, the Employer members would first like to thank all the governments and members of the Workers’ and Employers’ groups who participated in and contributed to our discussions. The richness of the dialogue and the commitment shown by all constituents are what continue to make this Committee such a valuable and distinctive part of the ILO supervisory system.

311. We thank you, Madam Chairperson, for your fair and effective stewardship of our work, and your colleagues next to you for their valuable contribution, day in and day out, and all delegates for their engagement, cooperation and discipline throughout these intensive two weeks. Once again, the Committee has demonstrated its ability to conduct a results-oriented tripartite dialogue and to adopt conclusions that can support practical implementation or improvements in the application of international labour standards.

312. This session has been particularly significant. This year marks the centenary of the Committee. For 100 years, this Committee has provided a unique space where governments, employers and workers come together to examine the application of international labour standards through dialogue, scrutiny and shared responsibility. This anniversary gives us an opportunity to not only reflect on the past, but also to look ahead. In the context of ongoing discussions on ILO reform, it invites us to consider how the standards supervisory system can continue to evolve and remain fit for purpose for the next century. The Employer members believe that preserving confidence in the supervisory system requires continuous efforts to strengthen its transparency, efficiency, balance and effectiveness, while maintaining the tripartite character that has been at the heart of its success for 100 years.

313. Over these two weeks, the Committee has once again demonstrated why it remains such an important pillar of the ILO supervisory system. At a time when labour markets are undergoing profound transformation and many countries face significant economic, social and institutional challenges, constructive tripartite dialogue remains indispensable.

314. This year, the Committee examined 23 individual cases, in addition to the two special sittings concerning Belarus and Myanmar. The wide range of Conventions discussed reflects both the breadth and continuing relevance of the ILO’s normative framework. We examined issues relating to freedom of association, compulsory and child labour, discrimination, labour inspection and labour administration, occupational safety and health, employment policy and many other important subjects.

315. Particularly noteworthy for the Employers were the discussions on Convention No. 144 concerning tripartite consultation. The cases of Spain and Togo reminded us that meaningful consultation is not simply a procedural requirement: effective and genuine consultation with representative employers' and workers' organizations helps to ensure that labour policies and legislative reforms are informed by practical realities and are therefore more likely to achieve sustainable and widely supported outcomes.

316. The Employer members also wish to reiterate the importance of ensuring that comments of the Committee of Experts must remain focused on the scope and requirements of the Conventions under examination. During this session, including in discussions on Bosnia and Herzegovina as regards the Employment Service Convention, 1948 (No. 88), the Employment Policy Convention, 1964 (No. 122), and the Private Employment Agencies Convention, 1997 (No. 181), concerns were raised regarding observations extending beyond the specific obligations contained in the Conventions concerned. The effectiveness and credibility of the supervisory system depend upon clear, predictable and balanced assessments that remain grounded in the text and scope of ratified Conventions.

317. The Employer members were encouraged by the generally constructive participation of governments throughout this session. We welcome the continued engagement of national employers' and workers' organizations, whose perspectives are critical to understanding how Conventions are applied in practice. The conclusions adopted by this Committee are intended to guide governments in improving or strengthening their situations and addressing compliance challenges. Their success ultimately depends upon meaningful engagement between governments and their social partners at national level.

318. This session also provided an important opportunity to reflect on the future of the supervisory system through the exchange with the Chairpersons of the Committee of Experts and the CFA. As the ILO continues its broader reform efforts, our common objective should be a supervisory system that is transparent, efficient and balanced; one that encourages compliance through constructive engagement; one that effectively links supervision, technical assistance and capacity-building; and above all, one that maintains the confidence of governments, employers and workers alike.

319. The Employer members would also like to note certain practical challenges encountered during this year's session. Due to the unavailability of some governments, the Committee required adjustments on several occasions. As a result, some days required the examination of many cases, creating additional pressure and inconvenience on the work of this Committee and all delegates. While the Committee nevertheless completed its work successfully, these experiences warrant further reflection. We encourage all constituents to consider how preparations can be strengthened to ensure that governments appearing on the long list are ready to participate when called upon.

320. We also noted with some dismay or disquiet the emerging practice of calling for a vote which is inconsistent with the well-established practice of reaching conclusions through consensus. We have heard the voices of many governments decrying this emerging practice, and we add to those voices and trust that this will, at some point if not today, come to an end so that we can restore the credibility and integrity of this house.

321. That aside, the Employer members note with satisfaction the overall work of this year's Committee session. This Committee has shown, as it has for 100 years, that even where views differ, constructive dialogue remains possible. Its value lies in identifying challenges, and also in building consensus around our pathways forward. The Employers remain committed to working with governments, workers and the Office to strengthen the transparency, efficiency,

balance, relevance and effectiveness of the ILO standards supervisory system as it enters its second century.

322. I would like to conclude with words of gratitude and appreciation to the International Labour Standards Department, under the able leadership of Corinne Vargha, for facilitating this session. I include those that are seated here in the room with us and those we do not see who work tirelessly behind the scenes, sometimes into the wee hours of the morning, to bring us to this point. I also include those we hear whispering sometimes at a pace that make us chuckle in our ears, but to make sure that we understand each other at the end of the day: our interpreters.

323. A special thanks also goes to you, Chairperson, for the excellent, fair and effective management of the Committee's work throughout this session. We are grateful for your leadership and efforts that enabled us to complete our work smoothly.

324. I would also like to thank all members of the Employers' group for their professionalism, dedication and hard work throughout this session, and in particular, I would like to mention those who assisted in presenting the Employers' interventions: Adewale Oyerinde, Annick Hellebuyck, Fernando Yllanes, Jackie van der Meulen, Juan Mailhos, Laura Gimenez, Lor Sok, Mark Birrell, Michael Congiu, Paul Noll and Tala Khoury. I extend sincere gratitude to the IOE Secretariat, Rita Yip, Shaina Mayers and Marina Wiebusch, as well as our ACT/EMP colleagues, Nuno Biscaya and Maria-Angeles Palmi-Rieg, for their outstanding support before and during the Conference.

325. Finally, we thank all the governments, workers and employers whose active participation made this year's discussions both constructive and productive. But specifically, I would like to thank my friend Ann Vermorgen and her excellent team led by Paapa Danquah for their effective collaboration and their commitment to the interests of all social partners. Ann has seamlessly stepped into the temporary shoes of Mr Tjalling Postma and the well-worn experienced shoes of Mr Marc Leemans, and that has certainly contributed to the work of this Committee, and I want to extend a word of appreciation to our good collaborative working relationship. We look forward to continuing our cooperation in strengthening the effectiveness, relevance and impact of the ILO supervisory system as it enters its second century.

326. **Worker members**: With the adoption of the General Report, we come to the end of our Committee's work for this year's Conference. As before, our discussions have been rich and many issues have been raised during the proceedings. Allow me therefore to look back at what we have achieved and also reflect on our role and work in the centenary year of the Committee as we move forward.

327. We opened our work this year by commemorating the centenary of our Committee. This gave us an opportunity to reflect on how our discussions and conclusions lead to progress and change on the ground, both in law and practice – that is – how our work contributes to making workers' lives better and ensuring a level playing field for employers, as well as certainty for governments, in our fight to guarantee human dignity, peace and social justice in the world of work. The work of our Committee has contributed immensely to delivering social justice. We must therefore always strive to reach conclusions that push us to do better, to raise the floor rather than race to the bottom.

328. Without common standards – ratified, implemented and enforced – employers and governments find themselves in an uneven playing field in terms of respecting and fulfilling their obligations. This uneven playing field leads to social tensions and unfair competition, to their own detriment and especially that of workers everywhere. These conclusions, which we

have once again succeeded in adopting consensually, are not a punishment, nor are they political tools. They are the emanation of our constitutional mandate that guides our work, to uphold the standards we have consensually and voluntarily adopted, to do better.

329. This year's work was especially challenging due to the inability of certain governments to present themselves before this Committee at the designated moment. This leads to situations where some workers' delegates could not participate in the discussion as foreseen, such as in the case of Bosnia and Herzegovina, where the Workers' spokesperson had to deliver the national workers' statement. We reiterate that any country that finds itself on the long list is likely also to be called upon to present their case before this Committee during the Conference. So, the one-month notice period should be sufficient to enable governments to arrive in Geneva from day one and to participate in the work of the Committee. The Office may want to look into how best to communicate this to the governments on the preliminary list.

330. Even more, a significant number of delegations were not composed in accordance with the tripartite principles that govern the ILO. In some cases, we heard only the worker or employer side of the case. In others, such as Eritrea, none at all. In some instances, governments want to choose their own workers' organizations to attend the Conference instead of the genuinely most representative organizations. This is a concerning development as it undermines trade union independence and autonomy, contrary to the principles of freedom of association, and also clearly jeopardizes the full participation of legitimate workers' representatives in our Committee's work. But despite these obstacles, the work of our Committee was carried out effectively with the participation of each of our groups. This is essential to our work, and we thank all groups for their involvement.

331. Some discussions were difficult, which is understandable due to the nature and impact of certain matters under review. While we are speaking about standards, these standards not only concern people's livelihoods, sometimes they are a direct matter of life and death. For example, in the case of Belarus, trade unionists are in jail or in exile, and in the Russian Federation, several trade unions are deemed undesirable and criminalized.

332. During our Committee's discussion of the Panama case concerning Convention No. 87, the National Confederation of Independent Trade Unions (CONUSI) – affiliated to the ITUC and the Trade Union Confederation of the Americas (TUCA) – attending the Conference, received information that its headquarters were being raided. We wish to emphasize that we regard these events as a clear threat and a direct act of reprisal against the Panamanian trade union leaders who are formally participating in this Conference. These events confirm the gravity of the situation for trade unions in Panama, as was discussed during the case. Furthermore, we express our well-founded fear of the reprisals they may face upon their return to the Republic of Panama, given the history of arbitrary arrests in that jurisdiction. We ask the direct intervention of the Director-General of the ILO to request the Government of Panama to immediately adopt protective measures guaranteeing the physical and legal safety of the trade union leaders concerned upon their return to Panama.

333. We have referred during our work to the increasing number of ratifications of international labour standards. It is something we should still continue to encourage – adopting new international labour standards and calling for increased ratification of existing international labour standards. The promotion of the ratification of ILO Conventions, as well as their implementation in law and practice, is and should remain core to the normative mandate of

the ILO. The setting, promotion, ratification and supervision of international labour standards is of fundamental importance to the ILO.

334. It is precisely the ratification of international labour standards that gives Member States access to the full range of ILO guidance on the implementation of the instruments ratified. A pre-ratification assessment that would identify gaps in national law and practice should never be an obstacle to ratification. On the contrary, Member States should take full advantage of the support given during the progress towards the ratification of a Convention, as well as the full guidance, resources and assistance of the ILO that entails a ratification, so as to fully benefit from the support and controls afforded by the system to Member States.

335. We must emphasize that for many, ratification is an important step in the quest for social and economic development – the very realization of social justice. The next step is the supervisory system that follows. We must collectively ensure that this system is working effectively and efficiently. We acknowledge the excellent work of the Committee of Experts that enables us to do ours. We enjoy a separate but complementary relationship with the Committee of Experts, which underpins the credibility of our work. As we said earlier, we operate a dialogue-based compliance-monitoring and accountability system with tools to help those with shortcomings to improve. In addition, the dialogue between our Committees is essential, particularly in changing times.

336. Regarding the modernization of the supervisory system, we will also continue to constructively engage in such a dialogue to ensure that the new reporting system allows the ILO and its supervisory system to efficiently deliver on their mandate.

337. We have heard a lot about sustainable enterprises during our discussions. It should be clear what that concept entails. For the Worker members, sustainable enterprises are those that unwaveringly fulfil their obligation to respect all labour rights and create decent work, maintain livelihoods and support recovery and resilience. They must ensure that they avoid causing or contributing to, or being complicit in, violations during a period of crisis or instability, whether directly or indirectly through their supply chains.

338. This leads us to the conclusions we have adopted this year. We have, in a number of cases, recommended the use of technical assistance from the Office. The role of technical assistance cannot be understated. It should take the form deemed most appropriate to see to it that our conclusions and recommendations are making an impact on the lives of workers or employers facing violations of the rights under respective Conventions. While our standards and their goals are undisputable, the mechanism to put them in place differs for each national context and governments can benefit from guidance from the Office on how to comply with ratified standards. While we acknowledge that the Office is limited in its current means, we encourage them to use their tools to the maximum of their possibilities, with the support of all constituents.

339. We also made conclusions on our two special sittings. The situation in both Myanmar and Belarus is grave and demands the fullest attention and follow-up to the conclusions we adopted today. Concerning Belarus, we wish to thank the special Envoy for his participation in the discussions, and we stress that his role is crucial in this process. We welcome the extension of his mandate until November, and it is our expectation that his mandate will be extended afterwards to ensure that further steps are taken towards the implementation of the recommendations of the Commission of Inquiry.

340. We would like to welcome the statement of our Committee on the centenary of our work. It is clear that while, once again, much work has been done, much work still remains before us. We

will continue our discussions on our working methods to ensure the effectiveness of our Committee, together with our Employer counterparts.

341. Finally, allow me now to express a few words of thanks. On behalf of the Worker members, I would like to extend my sincere thanks to the Chairperson of our Committee, who led the work with great care; to the Reporter, for his diligent work; to 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 Mr Tim De Meyer. We also extend our thanks to Ms Rosinda Silva and Mr Carlos Magalhaes Tomé, the backbone of this Committee, and we wish in particular to acknowledge the important contribution of Carlos during all these years to ensure the good functioning of our Committee, and wish him all the best as it was his last Committee; to the interpreters and the technical team; to my counterpart from the Employer members, Mr Kaizer Moyane, and his colleagues. We also wish to extend our condolences for the loss of former Employer spokesperson, Alfred Wisskirchen.

342. 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, Alejandra, Tjalling, Jocelyne, Stephen, and Souleymane. Thanks also to our colleagues from ACV-CSC and ITUC, for their steady and professional input and advice, as well as those from ACTRAV, for their support.

343. **Government member, Cyprus, speaking on behalf of the European Union (EU) and its Member States**: I have the honour to speak on behalf of the European Union and its Member States. The candidate countries North Macedonia, Montenegro, Albania and Ukraine, the EFTA country Norway, member of the European Economic Area, as well as the United Kingdom, align themselves with this statement.

344. We would like to start by warmly thanking you, Chairperson, for your experienced, efficient, calm leading of the discussions and your very good time management. We extend our warm thanks to the Vice-Chairs 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. Last but not least, we would like to thank our interpreters and translators.

345. We welcome the discussions and the constituents' positive approach and engagement in the process. However, we regret that once again not all conclusions could be adopted by consensus, thus going against the long-established practice of our Committee. One government insisted on a vote on the conclusions regarding its case, for the third time. Moreover, we note that, pursuant to document D.1 on the working methods of the Committee, the discussion of individual cases was to be structured so that "double-footnoted cases" would be grouped and examined first. We regret that one government was not in a position to make itself available to engage with the Committee's work as foreseen.

346. Nevertheless, we are pleased to have again reached concrete conclusions in this centenary session of the Committee. These will provide guidance on the way forward to effectively implement international labour standards, in law and practice.

347. We appreciate the hard work by the officers and the Office to ensure that all the cases on the agenda were examined this year. We would like to emphasize the importance of the countries on the final list responding promptly to the invitation to appear before our Committee for a discussion within a tripartite framework. This is essential for the effectiveness and smooth running of our work.

348. 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 labour rights, are fundamental for relations between peoples and nations. 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.

349. 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 continue to maintain confidence in the guidance provided by the Committee of Experts, which is key in the implementation of international labour standards. We reaffirm our strong commitment to the Committee of Experts' independence, objectivity, and impartiality.

350. We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations human rights treaty bodies. This collaboration is crucial to enhance the effective fulfilment of human rights, including labour rights, and it needs to feed into the UN80 process. It provides scope for synergies and streamlined reporting burdens, while respecting the autonomous mandates of all bodies.

351. We attach great value to the General Survey of the Committee of Experts. We are compelled to acknowledge the sad reality of the timeliness of this year's survey on "Employment and decent work for peace and resilience", in the context of multidimensional and interlocking crises. It reminds us of the continued relevance of ILO's mandate, based on the principle that universal and lasting peace can only be achieved through social justice. The General Survey illustrates how employment policies that seek to promote freely chosen employment and decent work can help prevent or mitigate crises and enable job-rich recovery. The survey also serves to remind us that social dialogue mechanisms are the foundation for inclusive and lasting recovery and resilience.

352. The centenary has enabled us to highlight the significant contribution made by the ILO's supervisory system in advancing social justice and decent work. Looking ahead, we wish to reaffirm our strong commitment to supporting and strengthening this system. We remain convinced that it is one of the most comprehensive and valuable elements of the multilateral rules-based order. Our Committee's discussions and conclusions remain an invaluable contribution to improving our implementation of the international labour standards. We are looking forward to a constructive engagement with the Office and the tripartite constituents in the follow-up to the conclusions of the Committee.

353. **Chairperson**: I would like to express my gratitude and my most sincere thanks to each of you for your support, dedication and commitment. It has been an honour for me and my country, the Republic of Paraguay, to assume the responsibility of chairing the Conference Committee on the Application of Standards this year.

354. I would like to thank you for all your hard work. Together, by prioritizing tripartite dialogue and guided by a constructive spirit, we have carried out our mandate. In addition, I have had the honour of leading the work of the Committee as it celebrates its centenary. I am proud of the results achieved as we mark a hundred years of the Committee's commitment to social justice. This once again highlights its fundamental role in promoting labour standards through constructive dialogue, as well as the collective determination to make real progress for workers and employers around the world.

355. I would like to thank the two Vice-Chairpersons, Ann Vermorgen and Kaizer Moyane, for the constructive spirit sustained among us throughout the session. I would also like to thank our Reporter, Mr Iftekhar, and you all. I wish to thank the entire team of the ILO Secretariat, especially Corinne Vargha, the representative of the Secretary-General; Horacio Guido and Tim De Meyer; and of course, Rosinda Silva, and two very special people who have helped me enormously, Isabelle Dye and Carlos Magalhaes Tomé, for whom this is the last Conference. Lastly, my thanks also go to the interpreters and to everyone who worked behind the scenes to ensure the success of Conference and Committee.

356. I wanted to share with you that on Sunday, one of my colleagues, a worker representative of Paraguay, was unwell. He is due to undergo surgery, and this led me to reflect on the role of this Committee and the function it serves, much like the organs of a human body. As I was thinking about it, I drew a parallel: the Governing Body could be seen as the brain – thinking, planning, calculating, and organizing. The Committee on the Application of Standards could be the heart of this body. We, the governments, are like the blood that moves, flows and pumps everywhere. The workers are on the frontline – they are the white blood cells that are there to defend the body, and to work and cooperate. The employers are the red blood cells that deliver oxygen and ensure decent work and coordination. But none of us can work alone. We must work together and, as long as this Committee continues to function, I believe we will have a healthy and coordinated body and be able to work in pursuit of social justice.

Geneva, 12 June 2026

(Signed) Ms. Verónica López Benítez
Chairperson

Mr G.M. Iftekhar
Reporter

Annex I

International Labour Conference

114th Session, Geneva, 2026

▶ CAN/D.1

Committee on the Application of Standards

Date: 30 April 2026

▶ 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 and the modalities of their discussion by the Committee; the preparation and adoption of the conclusions relating to these individual cases; time management and speaking times; the organization of the discussions of cases of serious failure to report, 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 13 April 2026. These consultations confirmed previously established practices including 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)), published 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. 60 of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), International Labour Conference, 114th Session, 2026. 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 available [4] through the web page of the Committee and relate to:

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]

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]

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]

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. This year, part of this discussion will be dedicated to commemorating the Committee's centenary. [9]

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

[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] During the informal tripartite consultations in April 2026, it was proposed that a 60-minute segment of the general discussion be set aside to mark the Committee's centenary. This dedicated segment will provide an opportunity for the constituents to reaffirm their commitment to the Committee and to reflect on the progress made in the context of its work.

possible translated into three languages, and included in the Committee's final report [10]. It was also decided that in order to provide guidance to the speakers, speaking time limits could be suggested and that the speaking time limits for the discussion of the General Survey could be used as a basis.

16. The Committee will also hold a discussion on the General Survey, entitled *Employment and decent work for peace and resilience*. The General Survey concerns the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). [11]

17. The informal tripartite consultations of April 2026 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. [12]

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, 26 May 2026**. This information will be published in three languages prior to the sitting. [13]

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: [14]

- 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] The Committee's report will distinguish between written information and information shared orally.

[11] 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).

[12] See below, Part IX.

[13] This practice was introduced in 2021. The informal tripartite consultations held since then confirmed the relevance of maintaining this practice, which is viewed favourably.

[14] 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; [15]
- 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. [16] 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 2025, the Committee of Experts issued urgent appeals to 7 countries that had failed to send the first reports requested for three years or more. [17] 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. [18]

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 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. Since 2019, governments appearing

[15] This time frame begins at the 100th Session (2011) and concludes at the 112th Session (2024), 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.

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

[17] See para. 45 of the General Report and "general comments", section I of Part II of the Report of the Committee of Experts, Report III (Part A).

[18] In light of the Governing Body's decision for streamlining reporting on ratified Conventions under article 22 of the ILO Constitution through the progressive roll-out of thematic implementation reports, and in particular taking into account the transitional measures applicable in 2026, the Committee of Experts, at its last session, decided to suspend the practice of urgent appeals in 2025, except for first reports (paragraph 14 of the Committee of Experts' General Report).

on the preliminary list of cases have the opportunity to provide, if they so wished, written information to the Committee. [19] The information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. They must be transmitted in at least one of the three working languages of the Office at the latest **two weeks before the beginning of the opening of the session of the Conference** [20] 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 2026, it was confirmed that the final list could be adopted during the first sitting of the session of the Committee, to be held on Monday afternoon, 1 June 2026.

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. [21]

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.

[19] This practice was introduced following the informal tripartite consultations held in March 2019.

[20] Before Monday, 18 May 2026.

[21] See paras 73–79 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.

This year, the registration will begin with countries with the letter **"X"**. Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference ("double-footnoted cases"). [22] 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. [23]

30. Information on the agenda of the Committee and the date on which cases may be heard is available:

through the *Daily Bulletin* and the Committee's dedicated web page;

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. [24]

Supply of information

31. Prior to their oral intervention before the Conference Committee, governments may submit written information that could be summarized by the Office, if necessary, and made available to the Committee. [25] 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. [26] During the sitting,

[22] See para. 70 of the General Report of the Committee of Experts. The countries concerned are: Eritrea on Convention No. 29, Russian Federation on Convention No. 87, and Mali on Convention No. 182.

[23] 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.

[24] Since 2010, this document is appended to the General Report of the Committee.

[25] See above Part III(C).

[26] The two sittings dedicated to the adoption of conclusions on individual cases are scheduled for Wednesday afternoon, 10 June, and Thursday morning, 11 June.

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, [27] Part One of its report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed – including "urgent appeals". [28]

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), [29] 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 could 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 have not accredited a delegation 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. [30] In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

[27] See footnote 13.

[28] See section V.

[29] 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.

[30] 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

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. [31] It is the Committee's practice to accept amendments to the verbatim draft minutes of previous sittings prior to their adoption by the Committee. [32] 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. [33] 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 2026, it was decided to maintain the speaking time limits established in 2024. The speaking times will be as follows.

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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).

[31] 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.

[32] See also Article 30, paragraph 3, of the Standing Orders of the International Labour Conference.

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

- With regard to the discussion of individual cases:
  - 15 minutes for the government whose case is being discussed;
  - 10 minutes for the spokespersons of the Workers' and the Employers' groups;
  - 10 minutes for the Employer and Worker members, respectively, from the country concerned, to be divided between the different speakers of each group;
  - 7 minutes for Government groups;
  - 5 minutes for the other members; [34]
  - 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: [35]
  - 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.

[34] 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.

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

43. The list of speakers will also be visible on the screen. The delegates should register on that list as soon as possible to enable the Office to draw up a list of speakers 24 hours before the examination of each item on the Committee's agenda. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling and sending by email the form available on the web page of the Committee to CAN@ilo.org. The speaking times will be adjusted according to the number of speakers registered. Speakers who have not registered in advance may be given the floor if time allows. In addition, during the tripartite consultations in March 2024, it was recalled that no delegate would be able to register on the list of speakers once the discussion of an individual case had begun.

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 (114/III(A))

65. 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 2026.

66. 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.

67. 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.

68. In addition, the Committee wishes to emphasize that a case to which it had previously drawn the attention of the Conference Committee and to which it does not draw attention once again, does not necessarily imply that progress has, or has not, been made.

69. 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 (114/III(A))

73. 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.

74. 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.

75. 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.

...

78. 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. At the informal tripartite consultations in April 2026, it was agreed that, if they so wish, the delegates from the Employers' and Workers' groups could authorize their group secretariat to submit amendments to their statements to correct transcription errors, in their absence or if they are unavailable. [2]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.

[2] The concerned delegates should inform the Office that they accept this delegation of authority, for example when they register in the list of speakers, and be in copy of the email submitting the amendments sent by their group's secretariat. Falling short of such authorization, the rule would remain that only the speaker had the possibility to amend the transcript of their own statement.

Annex II

International Labour Conference
114th Session, Geneva, 2026

▶ CAN/D.2

Committee on the Application of Standards

Date: 1 June 2026

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

The list of 23 individual cases on the application of ratified Conventions appears in the present document

▶ CAN/D.2

GOVERNMENTS INVITED TO SUPPLY INFORMATION TO THE COMMITTEE

COUNTRY	CONVENTION NUMBER
ARGENTINA	81/129/150
BOSNIA AND HERZEGOVINA	88/122/181
COLOMBIA	87
ERITREA	29 **
IRAQ	88/122
KYRGYZSTAN	87
LAO PEOPLE'S DEMOCRATIC REPUBLIC	138
LIBERIA	87
LIBYA	105
MALI	182 **
NIGERIA	98
PANAMA	87
PAPUA NEW GUINEA	100/111
PHILIPPINES	98
RUSSIAN FEDERATION	87 **
SOUTH AFRICA	111
SPAIN	144
SYRIAN ARAB REPUBLIC	182
TOGO	144
TURKMENISTAN	105
URUGUAY	98
UZBEKISTAN	100/111
YEMEN	87

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International Labour Organization

▶ ILC.114/Record No. 3B/P.II

▶ Record of Proceedings 3B

International Labour Conference – 114th Session, Geneva, 2026

Date: 10 July 2026

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 and on the situation concerning particular countries

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I. Discussion on the General Survey
Employment and decent work for peace and resilience

Chairperson – I now invite you to move on to the next item on the agenda: the discussion of the General Survey of the Committee of Experts concerning the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), entitled *Employment and decent work for peace and resilience*. I now ask the spokespersons to make their opening statements. The statement of the Workers' group is divided among four speakers.

Worker members – The Worker members welcome the opportunity to examine the General Survey on Recommendation No. 205, which is the only international normative instrument reaffirming the central role of employment, labour rights, social dialogue, social protection for promoting peace, preventing crises, enabling recovery and building resilience. All around the world, the frequency and intensity of conflicts and climate-related natural disasters continue to increase. We recall that in the current conditions, conflicts and disasters are interrelated.

Conflicts significantly increase the population's vulnerability to disasters. Natural hazards may lead to conflicts over reduced resources, exacerbate existing violence and trigger protracted poly-crises, making recovery exceptionally difficult. These situations have perverse impacts for workers and their rights. That is why we emphasize the timeliness and relevance of the General Survey.

The Worker members further recall that securing peace through employment, labour rights, social dialogue and social protection lies at the heart of the ILO's mandate. The ILO Constitution, the Declaration of Philadelphia and the Centenary Declaration expressly affirm the principle that universal and lasting peace cannot be established or maintained without social justice. The leading role of the ILO is widely acknowledged in this regard, as shown in the replies from numerous Member States. The ILO's role was praised as a key contribution both at the national and international level to the triple nexus of humanitarian action, development and peace. The Worker members further stress the observations by the Committee of Experts that crisis situations do not suspend obligations under ratified international labour standards, and any derogations should only be temporary and exercised within the limits of legality, necessity, proportionality and non-discrimination. All Member States should respect, promote and realize these rights and principles even if they have not ratified the ILO fundamental Conventions.

As the General Survey notes, every effort should be made to prevent a downward spiral in labour conditions, particularly in times of crisis, and to pursue instead resilience and development through labour protection and decent work measures in consultation with social partners. Consequently, as underlined by the General Survey, crisis responses must not be used as a pretext to introduce regressive legislative reforms that we unfortunately observe in some countries. The Worker members reaffirm that sustainable recovery and responsible prevention are intrinsically linked to labour legislation that is compliant with international labour standards and ensures full respect for the fundamental principles and rights at work.

Lastly, I want to cover a very urgent topic: the repression, stigmatization and even criminalization of trade unions. In crisis contexts such as armed conflicts, anti-terrorist measures or radical political changes, trade unions are frequently designated as terrorist or undesirable organizations and their legitimate activities specified as "terrorist acts".

The Committee of Experts has adopted numerous observations on this topic. During the COVID-19 pandemic, we also observed that many employers, including companies in global supply chains, and in some cases the authorities, used the pandemic as a pretext to curtail trade union rights. These examples show the urgency of intensifying efforts and making links between crisis responses and respect for fundamental labour rights such as freedom of association. I will kindly ask you to give the floor to my colleague, the trade union delegate from Canada.

Worker members – The importance of equality and non-discrimination for effective and long-term crisis management is a cross-cutting theme of Recommendation No. 205. We know that workers belonging to disadvantaged or marginalized groups including women, migrants and refugees, indigenous and tribal workers and disabled workers, as well as other marginalized groups, are disproportionately overrepresented in precarious forms of work. During the COVID-19 pandemic, they were often invisible to the system and left alone because they were already excluded from the scope of labour protection. In addition, these groups of workers were often affected by a lack of measures addressing their specific vulnerabilities.

We underline the importance of dedicated protection measures which should include employment promotion, support of socio-economic stability and development, elimination of all types of discrimination in employment and occupation, labour rights and inclusion in the decision-making process. Crisis situations tend to exacerbate existing gender inequalities. We therefore underscore the need for crisis management policies that promote and realize gender equality of opportunity and treatment in employment and occupation, include women and other disadvantaged groups in decision-making processes and address gender-based violence. Let me now turn to the subject of decent work for frontline and key workers.

We are talking about workers in emergency healthcare, firefighters but also sanitation and security workers, and workers in construction, agriculture and transport. These workers are often undervalued, underpaid, increasingly engaged on precarious contracts. We call on all Member States to critically review, in close consultation with trade unions, exclusions of frontline workers and workers in key sectors from collective rights and labour protection. These workers must be able to collectively negotiate agreements for effective first response and long-term recovery, such as those concerning their working conditions, safety and health or minimum service requirements. Let me also cover the topic of the need for a just transition for workers in the context of crisis response. Recommendation No. 205 refers repeatedly to the importance of employment and decent work measures for making our world environmentally sustainable.

Environmental degradation, including the effects of climate change, severely affects workplaces, workers and their rights. For a transition to be just, it must be underpinned by social justice, decent work and international labour standards. The goal of a just transition is not just the creation of jobs, but the creation of jobs of acceptable quality and linked to labour and trade union rights, social protection and social dialogue. We call on all Member States, in consultation with social partners, to systematically integrate just transition measures into their crisis response and prevention policies using the guidance provided by the 2007 ILO Just Transition Guidelines.

Worker members – I would like to complement the points made by one of my colleagues by recalling that Recommendation No. 205 addresses employment and decent work across the entire crisis management cycle and remains relevant at all times. That is why strategic approaches to crisis management from the employment and decent work perspective should be developed and reported on to the Office by all countries, including those that have been

less exposed to such situations so far. The General Survey observes that in the current context of interlocking crises, the continued relevance of social dialogue and its contribution to inclusive and sustainable recovery and safeguarding social cohesion is evident. Indeed, the importance of involvement of workers and their organizations in the design of crisis responses at the company or at the national level is underlined throughout the Recommendation.

During the COVID-19 pandemic, which affected workers and workplaces worldwide, we observed that successful responses were those that have been developed in dialogue with trade unions and employers' organizations. However, such outcomes were possible most often in countries where social dialogue and collective bargaining framework were already well developed. Accordingly, strong investment in social dialogue is a necessary and indispensable element of successful crisis responses. In the context of crisis management and prevention, it is important to also underline the crucial importance of support for the public sector and governmental agencies. In times of crisis, public sector workers ensure the continuous provision of essential goods and services such as healthcare, education, transport or utilities.

Further, the Worker members underline the link between informality and crisis situations. Informality is often among the root causes of crises. Informal workers are, in turn, among those most vulnerable to the adverse impacts of crises and most often unable to access crisis-related aid and support. We are talking about 58 per cent of global workers, 85 per cent of African workers and 66 per cent of workers in Asia. The Worker members welcome the fact that many Member States have taken measures to support livelihoods and income of workers in the informal economy during the COVID-19 pandemic.

We particularly welcome measures taken to uphold the fundamental principles and rights at work of those in the informal economy, including through extending occupational safety frameworks involving representatives of informal workers in crisis planning and rights-based labour inspection interventions. However, in order to effectively support the transition to formality, we need long-term systemic solutions. That is why I would also like to make a point about the need for strengthening labour market institutions for crisis management, including prevention. We underline the key role of labour administration in crisis management and the importance of labour market information systems. Fragile, crisis or post-crisis contexts are most often characterized by excessive limitations or even the complete absence of functioning labour inspectorates and labour justice mechanisms.

The Worker members fully support the observations made in the General Survey about the importance of labour inspection and labour justice in ensuring social peace. We call for compliance with the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), including in times of crisis. I will now kindly ask you to give the floor to my colleague, the trade union delegate from Senegal.

Worker members – I would like to begin by highlighting the growing number of armed conflicts and situations of violence and their devastating impact on workers and workplaces all over the world. Conflicts today have reached the highest level since the Second World War, affecting some 2 billion persons, and over 122 million persons were forcibly displaced in 2025.

The main areas of conflict and concern currently include Iran, Palestine (since 1948), Syria, Yemen, Ukraine, Lebanon, Afghanistan, Myanmar, Pakistan, Haiti, Sudan, the Democratic Republic of the Congo, South Sudan, Burkina Faso and Somalia. We wish to highlight the disastrous impact of conflicts on workers and their trade unions. The Committee on Freedom of Association has noted in particular that in some cases the trade union movement has been a "collective victim" of violence. We stress the need to put in place protective and remedial

measures to help trade unions recover from the harm suffered and to strengthen their collective action in crisis situations.

Another key area for action concerns the protection of the rights of particularly vulnerable workers, including migrants, refugees and other forcibly displaced persons, as well as returnees. All these workers must enjoy fundamental rights at work.

Effective responses to crises, including in terms of prevention and resilience, require measures that promote social inclusion through access to employment and decent work, guarantee equal opportunities and treatment, and remove any legal barriers to the right of migrant workers and refugees to form and join trade unions.

The resilience of host communities must be supported and, where appropriate, voluntary repatriation and reintegration must be facilitated. In conflict situations, foreign armed forces or non-state armed groups often exploit local populations, including children, as combatants, labourers, messengers, cooks or sex slaves. In post-crisis situations, forced labour and child labour are exploited by unscrupulous intermediary employers, particularly private agencies, sometimes linked to global supply chains. Effective crisis management and prevention require an intensification of efforts to eradicate forced labour and child labour and to effectively punish the perpetrators of these violations.

We also support programmes to reintegrate individuals, including minors formerly associated with armed forces or groups, into civilian life. We also wish to emphasise the essential role of social protection floors and education in crisis response and prevention.

We reiterate that social security and access to free, quality education are fundamental rights. We call on Member States to address existing gaps in the coverage and adequacy of social protection systems, in accordance with the Social Security (Minimum Standards) Convention, 1952 (No. 102), and other relevant international labour standards. We reiterate the importance of ensuring sustainable and adequate funding for education, as well as of developing national education and vocational training programmes and skills development strategies linked to employment and social protection.

Employer members – At the outset, the Employer members would like to thank the Office and the Committee of Experts for preparing this timely and important General Survey. We welcome the efforts undertaken in compiling and analysing the information received from Governments and social partners, and we appreciate the comprehensive examination of Recommendation No. 205 in light of the realities currently facing the world of work.

This discussion takes place against a particularly difficult global background. Across all regions we are witnessing overlapping and interconnected crises and conflicts, political instability, climate-related disasters, public health emergencies and economic uncertainty. These crises are increasing both in frequency and intensity with significant implications for labour markets, enterprises, workers, institutions and communities. In this context, the Employer members recognize the central theme reflected throughout the General Survey, namely, that employment and decent work are not only outcomes of recovery but are themselves essential drivers of peace, resilience and long-term stability. The Employer members fully support the objectives of the Recommendation.

At the same time, we wish to underline an important operational reality that must remain central to any discussion on this application, namely, that employment-centred responses depend fundamentally on functioning enterprises. Without enterprises that can operate, adapt and invest, there can be no sustainable employment creation, no durable recovery and no meaningful resilience. In many contexts, particularly in fragile and crisis-affected

environments, employers' organizations also play an essential supporting role through representation, coordination, technical assistance and advocacy. These organizations help enterprises navigate periods of uncertainty and disruption, support continuity of operations and contribute to broader recovery efforts. For this reason, the Employer members believe that enterprise development and employment constitute the most practical and workable entry point for advancing peace, recovery and resilience in crisis contexts.

The Employer members consider that Recommendation No. 205 has demonstrated its value in practice, notably because it is practical, flexible and adaptable to the national context. This adaptability also allows employers' organizations to tailor support, guidance and representation to the specific needs of enterprises in different national crisis contexts. The Recommendation does not approach crisis situations through a narrow lens. Rather, as the survey already recognizes, Recommendation No. 205 is a broad and ambitious instrument providing comprehensive and detailed guidance for preventing, responding to and recovering from crisis situations across the full crisis cycle, including prevention, response, recovery and resilience building. This comprehensive approach is particularly important because it reflects the realities faced by enterprises and labour markets in practice.

Unlike earlier instruments, Recommendation No. 205 recognizes that crises do not unfold in linear or predictable ways. Prevention, emergency response, economic recovery and resilience building often occur simultaneously and require coordinated and adaptable approaches. The Employer members, therefore, welcome the recognition that the Recommendation provides a coherent framework that can accommodate these complex realities. Importantly, this framework is not merely theoretical. Recent crises have demonstrated in very practical terms the central role played by enterprises in maintaining economic and social stability under extremely difficult conditions.

During the COVID-19 pandemic, as well as during subsequent economic and geopolitical disruptions, enterprises across sectors continued operating under extraordinary uncertainty. Companies implemented contingency planning measures, adopted production models, introduced remote working arrangements where feasible, reorganized workplaces and adopted operational safety and health measures aimed at protecting workers while maintaining operations. Many enterprises acted rapidly and pragmatically to preserve jobs where possible, maintain essential services and contribute directly to recovery efforts. These experiences illustrate why Recommendation No. 205 remains highly relevant.

At the same time, we wish to stress that the effectiveness of the Recommendation depends on context-sensitive application. Its strength lies precisely in its flexibility and non-binding nature. It allows Member States and social partners to adapt measures to national realities, institutional capacities and economic conditions. This flexibility must be preserved. In practice, crisis response frameworks can sometimes result in increased regulatory burdens, rising compliance costs and expectations that exceed the operational capacities of enterprises, particularly micro, small and medium-sized enterprises.

These challenges are not abstract, as in a crisis context enterprises often face disrupted infrastructure, reduced liquidity, weakened demand, workforce shortages, supply chain interruptions and severe financial pressures. Under such conditions, disproportionate obligations or overly rigid approaches risk undermining the very actors needed to drive recovery. The Employer members therefore emphasize that crisis response measures must remain proportionate, realistic and economically sustainable. Representative employers' organizations can play an important role in this regard by supporting enterprises in adaptation

and compliance, advocating workable and proportionally regulated responses and helping to ensure that measures reflect operational realities.

We also recognize that crisis situations frequently increase the risk of informality. Periods of instability, uncertainty and weakened internal capacity can push both enterprises and workers outside formal arrangements. Recovery strategies must therefore focus on restoring enabling conditions for formal and sustainable enterprise activity, including through internal strengthening, support for enterprises, effective social protection systems and meaningful social dialogue. Ultimately, Recommendation No. 205 should be applied in a manner that enables enterprises to operate, adapt, invest and grow because without functioning enterprises, there are no jobs. Without jobs, there is no sustainable recovery and without recovery, resilience remains fragile.

The General Survey correctly recognizes employment and decent work as a comprehensive blueprint for action. However, the Employer members wish to underline clearly that application of this blueprint depends on functioning and sustainable enterprises. Enterprises are not passive actors during a crisis. On the contrary, they are central economic and social actors that stabilize income, maintain production and services, preserve employment where possible and sustain local economies during periods of disruption.

In many countries, enterprises continue operating despite severe logistical, financial and institutional constraints. They ensure the continued provision of essential goods and services and contribute directly to economic and social resilience. This role becomes even more important during conflict situations, post-conflict recovery and climate-related crisis. Employers' organizations also contribute to advocacy coordination and provision of practical support to enterprises, particularly to small and medium-sized enterprises (SMEs), which may otherwise lack the resources and technical capacity to respond effectively. The Employer members, therefore, stress that, if Recommendation No. 205 is to be effective, enterprise sustainability must be treated as a precondition, not a by-product of recovery.

This requires a predictable and enabling policy framework, access to finance for SMEs, support for business continuity, and regulatory environments that facilitate adaptation and recovery rather than creating additional barriers during periods of crisis.

The Employer members strongly support the emphasis placed in the Survey on social dialogue. Social dialogue remains a foundational principle of the ILO, a functional tool for crisis management and a mechanism for building consensus supporting policy implementation. As the Survey itself recognizes, social dialogue encompasses all forms of negotiation, consultation and exchange of information between Governments, Employers and Workers on issues relating to economic and social policy.

The Employer members agree that effective dialogue contributes significantly to better policy design, stronger implementation and more sustainable recovery outcomes. Evidence from recent crises has shown that, where social dialogue functions effectively, responses tend to be more coordinated, more balanced, and better adapted to national realities. At the same time, the Employer members emphasize that there is no "one size fits all" model of social dialogue applicable to all countries and all circumstances, and that dialogue must reflect the national context and should not be interpreted in an overly narrow or rigid manner. Social dialogue must reflect national internal frameworks, traditions, capacities and economic realities and it should not be interpreted in an overly rigid or prescriptive manner. What matters most is that dialogue mechanisms are practical, workable and capable of delivering concrete outcomes.

We also wish to underline the importance of strengthening representative employers' and business membership organizations as effective dialogue depends on capable and representative social partners. Indeed, in many crisis-affected contexts, employers' organizations provide for more than participatory consultation. They support enterprises through business continuity guidance, information-sharing, technical assistance, training, and adaptation support during periods of rapid economic and regulatory change. Strengthening the institutional and operational capacity of these organizations is therefore essential not only for effective social dialogue, but also for the durability and implementation of reforms over time. The Employer members further welcome the recognition of collective bargaining as a practical tool for shaping balanced and effective crisis response.

Recent evidence, including findings reflected in the 2024 ILO Social Dialogue Report and recent guidance from the International Organisation of Employers, demonstrates that social dialogue is most effective when it is pragmatic, evidence-based, results-oriented and grounded in economic sustainability. The Employer members also welcome the emphasis placed on the phased multi-track approach reflected in Paragraph 8 of Recommendation No. 205 and agree on the need for coherent and comprehensive strategies in responding to crisis situations. From the Employer members' perspective, this approach reflects the realities of crisis situations and aligns with the need for current responses across the Humanitarian-Development-Peace Nexus. We support integrated measures aimed at stabilizing incomes, preserving employment, supporting enterprise continuity, and building long-term resilience.

However, the effectiveness of such approaches depends fundamentally on coordination, policy coherence, and realistic sequencing. Without these elements, there is a significant risk of fragmentation, duplication of efforts, and institutional overload. This can undermine implementation capacity and reduce the overall effectiveness of recovery strategies. The Employer members therefore stress the importance of current implementation frameworks, clear prioritizations, and effective coordination among all relevant actors, including the private sector, business continuity and preparedness.

The Employer members strongly support the emphasis on the importance of business continuity management in a crisis context, not only in prevention and mitigation but throughout the full cycle. One of the clearest lessons from recent crises has been the importance of enterprise-level preparedness, risk management and operational adaptability. Throughout the COVID-19 pandemic and subsequent disruptions, enterprises demonstrated remarkable resilience and flexibility. Companies rapidly adapted operations, introduced workplace safety measures, implemented continuity plans, and adjusted business models to changing conditions. These actions preserved employment, maintained essential services and protected workers.

We therefore support efforts to promote business continuity planning, particularly among SMEs, and to integrate enterprise-level preparedness into broader national crisis response strategies. At the same time, it is important that public policy frameworks build upon existing enterprise practices and avoid unnecessary duplication or disproportionate administrative requirements. Crisis preparedness frameworks must remain proportionate to enterprise capacities and public policy should support enterprise-level risk management, not replicate or complicate it. Finally, regulatory approaches should facilitate effective preparedness and response rather than creating additional burdens for operational flexibility.

The Employer members recognize the importance of labour market institutions, including labour administration systems, labour inspection services, and employment services in supporting effective crisis response and recovery. However, it is equally important to

acknowledge that even labour market institutions are indispensable for crisis management. In many fragile and crisis-affected settings and post-conflict contexts, institutional capacities remain limited. Resources are often constrained. Administrative systems may be weakened, and significant gaps frequently exist between legal frameworks and practical implementation.

Under such circumstances, the priority should be strengthening institutional effectiveness, coordination and operational capacities in practice. This includes strengthening the institutional capacity of employers' organizations. Employers' organizations frequently serve as key intermediary institutions during a crisis by helping enterprises navigate regulatory changes, supporting adaptation through training and technical assistance, advocating for proportionate and flexible approaches, and contributing practical enterprise-level feedback to policy discussions. The Employer members note the concerns raised in employers' inputs to the Survey regarding increased regulatory requirements during crisis situations. Excessive or poorly sequenced regulatory measures may increase costs, reduce flexibility, and weaken the ability of enterprises, particularly SMEs, to sustain operations.

In a crisis context, resilience cannot be built by overloading enterprises. Regulatory approaches must, therefore, remain proportionate, context-sensitive, and support enterprise sustainability and job preservation. We also wish to recall recent findings from the ILO Bureau for Employers' Activities (ACT/EMP), indicating that organizational constraints, rather than autonomy concerns, often limit the ability of employers' organizations to effectively support enterprises and sustain meaningful policy dialogue, particularly in developing and crisis-affected context. Strengthening these institutions should, therefore, form part of broader resilience and recovery strategies.

The Employer members also support efforts aimed at including vulnerable groups, expanding access to employment opportunities and promoting equality in crisis responses, while recalling that the Survey allies the need to pay special attention to groups affected by crisis. We also support the principle of a just transition towards environmentally sustainable economies. These processes present an important opportunity for job creation, innovation, new sectors and skill development. At the same time, we emphasize that effective uptake requires realistic and balanced approaches. Enterprises, particularly SMEs, often face practical challenges related to adaptation costs, investment requirements, organizational capacity and workforce transition.

There is also a risk that poorly designed or poorly sequenced measures may unintentionally create new inequalities or contribute to job displacements. Policies in these areas should therefore reflect enterprise realities and allow for gradual and phased implementation supported by enabling measures, training and capacity building. Achieving inclusive and sustainable outcomes requires policies that facilitate investment, innovation and enterprise growth while supporting labour market inclusion. Economic sustainability and social inclusions are the most advanced together.

Government member, Cyprus – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Serbia, Albania, Ukraine, Republic of Moldova** and **Georgia,** as well as **Norway**, member of the European Free Trade Association (EFTA) and the European Economic Area (EEA), align themselves with this statement. We warmly welcome the General Survey of the Committee of Experts on Employment and Decent Work for Peace and Resilience focusing on Recommendation No. 205 from 2017. We sadly acknowledge its timeliness in the context of multidimensional and interlocking crises. This reminds us of the continued relevance of the ILO's mandate based on the principle that universal and lasting peace can only be achieved

through social justice. We thank the Committee for its comprehensive overview of an effective and coherent approach to crisis management through employment and decent work and for exploring measures to prevent and respond to the devastating effects of crisis on economies, societies, businesses and workers, especially groups in the most vulnerable situations. The Survey illustrates how employment policies that seek to promote freely chosen employment and decent work can help prevent or mitigate crisis and enable job-rich recovery. We share the view that to be efficient, these policies must be integrated within a larger framework of socio-economic measures in consultation with workers' and employers' organizations. Social dialogue mechanisms are the foundation for inclusive and lasting recovery and resilience. The role of employers' and workers' organizations is vital to bring critical perspectives and to ensure effective recovery and resilience. Effective social dialogue mechanisms should serve as a guiding principle in the design of measures to prevent and address crisis situations. An inclusive crisis management strategy is key and requires proactive measures to ensure meaningful participation and active leadership of women and under-represented groups. We emphasize the need for countries to pursue resilience through prevention, mitigation and preparedness measures in ways that support economic and social development and decent work as well as strengthened labour protection. This includes effective labour legislation, administration and inspection systems and clear labour market information in order to prevent labour conditions from deteriorating during crises and to ensure sustainable and inclusive recovery. We would also like to highlight that social protection increases the resilience of people, economies and societies and facilitates a more rapid and fair recovery. In this respect, we recall that the development of comprehensive rights-based social protection systems is grounded in Convention No. 102 and the Social Protection Floors Recommendation, 2012 (No. 202), which together define the core parameters of income security, access to healthcare and universal coverage. We would like to also highlight the importance of inclusivity in social security systems focusing on closing the gaps in their coverage and implementing targeted and tailored measures notably for informal workers, women, children, persons with disabilities, internally displaced persons, former combatants and indigenous peoples. We support the Committee's call for the Office and donors to strengthen operational partnerships, leverage ILO's normative mandate and deliver technical support to fragile and crisis-affected countries committed to building inclusive and resilient social protection systems while focusing on its core mandate. We welcome that Governments and development partners are increasingly pursuing a more sustainable system-building approach, aligning humanitarian responses with national social protection systems from the outset. Recovery and development strategies should also include just transition measures to ensure a fair and equitable shift to a green economy leaving no worker or community behind. We also underline that business continuity management should be integrated into crisis strategies for both public and private sectors with support for SMEs. Education continuity strategies are essential. Training programmes must be aligned with post-crisis labour market needs. We support reinforced ILO field capacity that also comprises an ILO presence in the early phases of crisis response with the focus on recovery and at the same time ensuring adherence to the core mandate of the ILO. We underline the importance of strong multi-stakeholder coordination at the Humanitarian-Development-Peace Nexus where international organizations' mandates are actively leveraged to create mutually reinforcing outcomes exemplified by programmes such as PROSPECTS. In the UN80 and ILO reform processes, avoiding fragmentation and aligning efforts to enhance synergies within the UN system, but also within the ILO to maximize impact, is more crucial than ever.

Interpretation from Arabic: **Government member, Kuwait** – I am delighted to make this statement on behalf of the **Cooperation Council for the Arab States of the Gulf (GCC)**

countries: the **United Arab Emirates, Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar** and **the State of Kuwait**. The GCC countries highly value the efforts of the Committee of Experts in preparing this General Survey around Recommendation No. 205, which represents the only standard dealing with responding to complex crises. Our countries are firm believers that protecting labour markets against shocks is not just an economic choice. It is an existential necessity to achieve societal stability. The GCC countries were able to absorb the violent shocks of the COVID-19 pandemic, draw strategic lessons in crisis management and adopt digital systems and forward-looking social protection. The GCC countries have found themselves at the heart of geopolitical and military difficulties which have been witnessed in our region recently. Despite that, we were able to activate our social safety nets to respond to the central role of our state institutions in safeguarding the stability of the labour market in the most difficult of situations. The GCC countries were able to absorb these crises and to deal with their effects flexibly and ably. And this did not come out of nothing. It was the result of strategic investments in building strong institutions, as well as legislative systems and forward-looking measures over the past few years, which has diminished to a large extent the negative impacts on our labour markets.

Our countries were able to adopt forward-looking strategies which are in harmony with the multiple process system that the Recommendation calls for. We have developed the following methods.

First, early warning systems and digitalization where our countries were able to adopt the most advanced early warning systems and put them at the service of the world of work. It has digitalized labour services and conflict resolution mechanisms. In addition, we were able to implement wage protection systems in collaboration with the ILO, and we look forward to all partners benefiting from this experience and sharing any comments in this regard.

Secondly, promoting labour legislation and labour market institutions – we were able to create legislation, flexible labour legislation which guarantees protection for workers and support the sustainability of enterprises including SMEs, while focusing on the protection of the most vulnerable categories as a matter of priority.

Thirdly, we expanded the social protection umbrella through social safety nets which are able to quickly respond to shocks. This has created more stability in income and continuity in healthcare for workers at times of crisis and expanded the scope of protection of workers with social protection branches such as the social guarantees against unemployment. We are continuing our collaboration with the ILO within the scope of the STREAM project to promote social protection frameworks and integration with labour-exporting countries in Asia and Africa.

Fourthly, economic policies and local recovery – we have launched local economic recovery initiatives and support for sustainable development and the fair transition to continue guaranteeing job creation even at times of crisis. We join the deep concern expressed by the Committee of Experts in the General Survey with regard to the dramatic situations in the Arab region.

The report has documented a painful reality which requires tangible international intervention. Firstly, in the Gaza Strip, we witness the almost complete destruction of the economy and workplaces. In Sudan, the failure of the labour market is used as a destructive and systematic tactic. In Lebanon, we are observing with concern the disabling of labour administration and inspection institutions under the brunt of the crisis and aggression. In Syria, there are still many grave challenges with regard to recovering labour supervision and dealing with the grave violations, such as child labour, within the ongoing conflict. These

situations recall the triple nexus that is called for in Recommendation No. 205 with regard to linking urgent humanitarian relief with the rebuilding that is based on humans and decent work. Therefore, we call for the systemization of frameworks that can be translated on the ground and that can translate the effects of the Recommendation on the ground, especially with regard to disaster and conflict-stricken areas, with regard to recovering livelihoods and protection of rights and also to provide technical support to the Gaza Strip, Lebanon, Sudan and Syria and working towards the support of labour administration as a basic condition for sustainable peace and thirdly, developing practical guidelines with regard to protecting workers at times of crisis and also to prevent them losing legal rights or residency permits due to outside shocks, as called for by the Committee of Experts in this Survey. In conclusion, the GCC countries reaffirm that building resilient labour markets requires forward-looking action and development of legislation. In this critical regional situation, we renew our commitment to international cooperation and regional cooperation as a pillar to face challenges and call for the ILO and the international community to intensify their efforts to protect workers in conflict zones and guarantee that the world of work is not a victim of wars but a bridge towards recovery and peace.

Government member, Türkiye – I would like to express sincere appreciation to the Committee of Experts for preparing this comprehensive and forward-looking General Survey on employment and decent work for peace and resilience. At a time when the international community is confronted with conflicts, disasters, displacement, climate-related challenges and other interconnected crises, Recommendation No. 205 remains an important source of guidance for building resilient societies through employment, social protection, social dialogue and sustainable economic development. Türkiye welcomes the Survey's comprehensive approach which recognizes that crisis prevention, preparedness, response and recovery are closely linked and must be supported by strong labour market institutions and inclusive social policies. We are encouraged that the Survey contains several examples reflecting Türkiye's experience and efforts in these areas. The Survey notes Türkiye's measures facilitating the voluntary safe and dignified return of Syrians under temporary protection, including arrangements that allow individuals to prepare for voluntary return. Furthermore, the Survey highlights measures taken by Türkiye to promote an enabling environment for sustainable enterprises and to facilitate access to finance, particularly for micro, small and medium-sized enterprises. These policies play a critical role in preserving employment, supporting recovery and strengthening resilience during times of crisis. We firmly believe that investing in human capital is essential for building resilience and ensuring sustainable recovery. In addition, the Survey recognizes the importance of comprehensive social support measures. Türkiye has sought to combine income support with broader social assistance, active labour market measures, training opportunities and targeted support for vulnerable groups, including during the COVID-19 pandemic. The examples reflected in the Survey demonstrate that effective crisis management requires a whole-of-government approach supported by social partners and international cooperation. We therefore strongly support the Survey's emphasis on social dialogue, inclusive labour markets, sustainable enterprises, skills development and universal social protection. Türkiye remains committed to working with the ILO and its constituents to promote decent work as a foundation for peace, resilience and sustainable development. We will continue to share our experiences and contribute constructively to the implementation of Recommendation No. 205.

Worker member, Morocco – The Workers' delegation of Morocco welcomes the crisis-response measures taken by our country. However, resilience in the face of crises must be built on respect for international labour standards, not on deregulation, precarious employment or the weakening of social dialogue. Workers in Morocco have faced multiple crises: the social

and economic consequences of the pandemic, inflation and the rising cost of living, drought and natural disasters. These shocks, which have exacerbated informality, have exposed structural weaknesses in employment, social protection and social rights. They have also shown that workers in precarious jobs, who have no collective voice because they are not organized, are always the first to be sacrificed. This is why crisis response and prevention must be firmly rooted in decent work, social protection and freedom of association, in accordance with the ILO's constitutional mandate. These principles are not optional. They are obligations arising from international labour standards.

Our first point concerns our Government's intention to draft regulations for private employment agencies. The Moroccan trade union movement fully recognizes the urgency of this issue, which must be addressed in full compliance with ILO standards, in particular the Private Employment Agencies Convention, 1997 (No. 181); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); 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).

Whilst democratic governance of the National Employment Promotion Agency (ANAPEC) – a public body – is essential, temporary work agencies must be strictly regulated and subject to a licensing system, effective oversight and penalties that act as a deterrent. This is essential to prevent them from becoming a vehicle for exploitation, fraudulent contracts, theft, or the unlawful withholding of wages, or for creating the risk of forced labour. Such abuses are especially exacerbated in times of crisis for workers in precarious employment. We therefore call for any regulations to be drawn up through genuine consultation with representative trade unions in order to guarantee equal treatment, written contracts, access to social protection and training, a ban on recruitment fees payable by workers, effective monitoring, and respect for freedom of association and collective bargaining.

Our second point concerns the concept of a just transition. We welcome investment in green sectors where, moreover, Morocco has a competitive advantage. However, a transition can only be described as "just" if it is negotiated with representative trade unions and based on ILO standards and the decent work agenda. A just transition must create decent jobs and guarantee workers' rights, social protection, occupational safety and health, gender equality and collective bargaining. It must protect workers affected by climate change, restructuring and industrial transformation. Women, young workers and workers in the informal economy must be given real opportunities for decent work. Lastly, it must involve workers and their organisations in the relevant public policies.

Our third point concerns job creation in the public sector through public-private partnerships. We take note of the Government's declared efforts to create jobs, but the issue is not merely one of quantity. Beyond the quantitative aspect, the qualitative dimension is paramount. Do these jobs come with rights? Public sector employment and partnerships supported by public funds must comply with international labour standards. Public money must not be used to support social dumping, avoidance of unions or precarious conditions. Partnership contracts must include social clauses requiring decent wages, social security cover, safety at work, non-discrimination, respect for freedom of association and collective bargaining, as well as monitoring with the participation of trade union organizations.

The lesson is clear: resilience cannot be achieved through flexible labour markets that leave workers vulnerable to exploitation. It requires strong labour institutions, universal and adequate social protection, regulated labour relations, public investment in decent jobs, and genuine and fruitful social dialogue. We call on our country's Government to align these

reforms with international labour standards and to take action to develop them within the framework of a genuine social dialogue with the representative trade union organizations.

We also call on the ILO to continue to support the constituents – governments, employers and workers – in our country and across the region, in order to ensure a rights-based, gender-sensitive response to crises, centred on decent work and social justice.

Government member, Norway – We would like to thank the Committee of Experts for this comprehensive and timely General Survey. Norway strongly supports the emphasis on social dialogue and coordinated approaches as central elements of effective crisis management. As highlighted in the report, social dialogue is a cornerstone of crisis management and plays a key role in ensuring inclusive, coordinated and effective responses.

Well-functioning institutions and established cooperation between governments and employers' and workers' organizations are essential for facilitating coordination, strengthening trust and ensuring coherent responses across sectors. In this regard, Norway would like to share a recent initiative to strengthen national preparedness. In May 2026, the Government and the main organizations of employers and workers entered into a joint cooperation declaration on tripartite collaboration in national crisis and preparedness work. The initiative reflects a shared recognition that labour is a fundamental resource in crisis situations. Ensuring that people are in the right jobs is essential for maintaining critical functions.

The social partners also contribute valuable knowledge that supports rapid mobilization, coordination across sectors, and the legitimacy of responses. The declaration establishes clearer frameworks for cooperation, ensuring early involvement of the social partners and structured dialogue across policy areas. It builds on Norway's tradition of trust-based cooperation and strengthens shared situational understanding and coordinated responses in times of crisis. The Government considers this initiative to be closely aligned with Recommendation No. 205, particularly its emphasis on social dialogue, coordination and preparedness. We believe that inclusive cooperation between governments and social partners is key to building resilient societies capable of managing crises.

Worker member, Ukraine – Thanks a lot for the possibility to contribute from Ukraine to the discussion of the comprehensive General Survey of the Committee of Experts. I would like to share the experience of Ukraine regarding labour market challenges, humanitarian response, internal displacement, veterans' reintegration and labour law reform during the ongoing war.

First, I would like to emphasize the important role of the ILO in humanitarian response. Traditionally, humanitarian assistance is not considered a common mandate of the International Labour Organization. Nevertheless, the experience of Ukraine demonstrates that in times of extreme crisis protecting workers and their families requires immediate humanitarian action. Within weeks after the full-scale invasion started in Ukraine in February 2022, the ILO transformed many of the activities, educational programmes and regular trade union work to assist temporarily displaced people with emergency humanitarian efforts. Trade unions, hotels, sanatoria and educational facilities became shelters for internally displaced people. Thousands of people received accommodation, food, clothing, fuel, medical supplies and other essential assistance. Ukraine was also very grateful for the support provided through international solidarity, including assistance coordinated by the ILO under the direct financial support of the ILO. The Ukrainian experience demonstrates that humanitarian response can become an indispensable component for protecting workers and their communities during armed conflict.

Secondly, it is important to underline that even during emergencies and wartime, labour rights remain relevant and should not be disregarded. The Constitution of Ukraine and martial law legislation allow certain temporary restrictions on rights and freedoms. Three weeks after the start of the full-scale invasion, the Parliament adopted special legislation regulating labour relations under martial law. Some extraordinary measures were introduced to address unprecedented circumstances. However, practice has shown that many of those restrictions did not generate the expected benefits. For example, the possibility of introducing a 12-hour working day proved to be of limited practical value in many sectors. Modern industries increasingly depend on highly skilled workers whose productivity is determined by expertise, technology and concentration rather than simply extended working hours.

Thirdly, the socio-economic integration of internally displaced people remains one of Ukraine's most significant labour market challenges. Millions of Ukrainians were forced to leave their homes due to military operations. Many relocated from heavily industrialized regions in the east and south of Ukraine to the western region of the country where labour market structures differ significantly. As a result, many skilled workers face difficulties finding employment corresponding to their qualification. For example, metal workers from an industrial city may struggle to find appropriate work in the predominantly agricultural region. The Ukrainian Government has introduced relocation support programmes for enterprises and vocational training vouchers to support the reskilling and upskilling of those people. In May 2026, a new initiative called "Experience Matters" was launched personally by the Prime Minister of Ukraine to support workers aged 50 and above in adapting to the challenging labour market conditions.

Trade unions are also continuing to organize vocational training programmes for displaced persons who are accommodated in trade union facilities. We appreciate the support provided by the ILO for several training initiatives implemented between October 2025 and March 2026. Such programmes help displaced people to acquire new skills and improve their employment opportunities in host communities. Another major challenge concerns the reintegration of veterans into civilian life. Ukraine already has more than 500,000 people, veterans who have completed their military service, many of whom have experienced severe injuries, amputations and disabilities. Successful reintegration requires much more than psychological assistance and improved accessibility. Veterans need opportunities to return to meaningful employment and to feel fully included in their workplaces. We welcome pilot vocational training projects by the ILO for veterans and believe that such initiatives should be expanded in the coming years.

Finally, I would like to stress the importance of maintaining compliance with international labour standards. For Ukrainian workers, stability in labour relations has been extremely important since the beginning of war. Certain legal adaptations were undoubtedly necessary. Many enterprises were destroyed, occupied or forced to relocate. Millions of people were displaced. At the same time, workers have been concerned about attempts to introduce permanent changes in labour legislation in wartime. We welcome the assurance from the Government and employers that future legislation will be fully aligned with the European Union. However, workers also expect that existing rights and protections and guarantees will not disappear simply because they are not explicitly mentioned in the European directives or international labour standards. Ukrainian recovery will require not only investments in infrastructure but also strong labour institutions, effective social dialogue and full respect of international labour standards.

Government member, Namibia – Namibia thanks the Committee of Experts and the Office for conducting the General Survey on Recommendation No. 205. We also acknowledge

the considerable difficulties the Committee of Experts faced in analysing article 19 reports, particularly the uneven availability of crisis-related data and the diversity of crisis situations. These challenges underscore the need to strengthen national reporting systems and to reinforce institutional capacities for crisis-responsive labour market institutions.

Namibia commends the Committee of Experts for its rigorous work under these demanding circumstances. The COVID-19 pandemic was a crisis test unprecedented in living memory, with respect to the resilience of Namibia's labour market. Therefore our Government, guided by the spirit of Recommendation No. 205 and in close consultation with the employers' and workers' organizations, adopted an economic stimulus and relief package to mitigate the impact of the pandemic in the country. The package aimed to preserve jobs, protect incomes and support enterprises, especially micro, small and medium-sized enterprises. Measures included wage support schemes, tax relief, targeted support to hard-hit sectors, liquidity assistance and employment-intensive public works to sustain livelihoods.

The pandemic confirmed the central message of Recommendation No. 205, that employment and decent work cannot be an afterthought in crisis management but a core pillar of prevention, response and recovery. It also demonstrated that the strength of labour inspection, social protection and social dialogue institutions determined the speed, fairness and effectiveness of national responses. The General Survey underscores the importance of coherent employment policies and the integration of employment impact assessments throughout all phases of crisis management. Towards this end, Namibia has taken steps to institutionalize employment impact assessments as a key policy tool. This will enhance our capacity to anticipate the impact of a crisis on our labour market, develop targeted and timely interventions and ensure that vulnerable groups are not left behind.

By strengthening this framework, Namibia will be better positioned to give full effect to Recommendation No. 205 and to promote a more resilient and inclusive recovery in future crises. As an outcome of this General Survey discussion, Namibia requests that the Office strengthens and expands its technical capacity or its technical assistance to Member States, including through capacity-building initiatives for government institutions and social partners. This would enhance national capacities to fulfil reporting obligations and effectively implement the provisions of Recommendation No. 205 in times of crisis. Namibia reaffirms its commitment to continuously strengthen its regional capacity and policy frameworks to ensure that employment and decent work remain at the heart of national responses to crises. We believe that placing decent work at the centre of recovery efforts is essential to fostering resilience, promoting social cohesion and supporting sustainable peace and development.

Worker member, Brazil – On behalf of the Brazilian trade unions confederations acting in unity in defence of the rights of the working class, I would like to begin by thanking and congratulating the Committee of Experts for its comprehensive and timely report. This document is not merely a technical analysis. This is an indispensable diagnosis that sheds light on the urgent need to apply Recommendation No. 205 in a world marked by violence, inequality, climate crisis, geopolitical tensions and loss of rights. We are living through a decisive historical moment. The world of work is facing a true polycrisis, which is also a crisis of civilization driven by the most aggressive logic of capitalism. Inequalities are deepening. The climate crisis destroying communities and geopolitical conflicts are reaching critical levels. In the Americas we are confronted by two different paths, democratic reconstruction, social justice and decent work or the regressive abyss of authoritarianism, anti-union policies on the extreme right. We reaffirm the importance of the concept expressed by the Community of Latin America and Caribbean States (CELAC) as a zone of peace. But peace is not merely the absence of armed conflict. Lasting and universal peace can only be sustained through social justice. And

the engine of that justice is full, decent, freely chosen and protected employment. In Brazil, under President's Lula Government after years of setbacks, workers have struggled for democratic reconstruction for the recovery of public institutions and for a development agenda based on rights, social inclusion and respect for trade unions. However, this report also warns us about the underlying factors of vulnerability that cannot be ignored. The exclusion of millions of workers from labour and social protection is not an accident. It is the result of precarious forms of work, informality, outsourcing without safeguards and the false classification of workers as self-employed. The COVID-19 pandemic exposed this injustice very clearly. While many formal workers had at least some basic protection, informal workers, self-employed workers and digital platform workers were often left without income, without health coverage and without social protection. Responses to crisis must protect all workers regardless of the contractual form under which they work. The fight against the misclassification of workers as false self-employed must be a central part of any strategy for transition to formality. Formalization cannot be replaced by narratives of individual entrepreneurship that hide economic dependence, algorithmic subordination and the absence of rights. Platform workers must have social protection, freedom of association, the right to collective bargaining, occupational health and safety, social security contributions and access to retirement. The report of the Committee of Experts is also very clear. There will be no real resilience if we do not pay special attention to historically vulnerable groups, including young people, indigenous and tribal peoples, persons with disabilities, migrants and refugees.

In our region, we see now climate change, deforestation and environmental destruction affecting livelihoods of indigenous peoples and traditional communities who are often excluded from prevention plans and crisis response policies. The protection of indigenous peoples and communities affected by the climate crisis must respect national sovereignty, the self-determination of peoples and the right to develop with justice. In this regard, Brazil's investments in public concessions aimed at strengthening waterway transport can play an important role. If implemented with social dialogue, environmental safeguards and respect for indigenous peoples, these policies can help reduce the pressure caused by major highways cutting through or near indigenous territories while also contributing to lower carbon emissions and to the fight against climate change. We also wish to recognize the rights of those who are in the front line of crisis response, health workers, transport workers, agricultural workers, public service workers and many others. It is unacceptable that the sectors considered essential for the recovery are often the same sectors where workers face precariousness, informality, low wages, unsafe conditions and anti-union practices.

For an effective response, Recommendation No. 205 requires decent work and social dialogue at all stages of prevention, preparedness, response, recovery and reconstruction. This General Survey must not be treated as a decorative document. It is a road map for immediate action. It is not enough to quote the Declaration of Philadelphia while statistics show regression in rights, growing inequality and the weakening of collective bargaining. The workers of Brazil and the Americas will not take one step backwards. Faced with any authoritarian, anti-union and regressive projects, we will respond with more organization, more collective bargaining, more democracy and more international solidarity. We want peace. We must cultivate social justice.

Government member, Côte d'Ivoire – The Government of Côte d'Ivoire congratulates the Office on the quality of the document produced, based on Recommendation No. 205, which provides a unique normative framework focusing on the world of work to respond to the devastating effects of crises on economies and societies.

Based on four pillars – employment creation, social protection, rights at work and social dialogue – decent work places people at the heart of development. It gives workers a voice, particularly vulnerable populations living in fragile environments or affected by plagues such as the COVID-19 pandemic, armed conflicts across the world, and disasters of all kinds. These crises hamper sustainable economic development, exacerbate social injustice and inequalities, and increase informal work, especially for young people and women.

To this end, access to decent work is essential for peace and stability – guarantees for any thriving economy within our societies, where jobs can be created, social partners can organize and job quality can be regularly improved, taking account of the gender dimension. How should Member States engage in these fragile settings?

All national core stakeholders (employers, governments, workers) need to come together because the current complexity of the crises can only be handled by a single actor and this forces us to ensure consistency, complementarity and collaboration. These actions are part of employment and decent work programmes which simultaneously address the lack of economic opportunities and the perception of social injustice by our populations.

To this end, in line with the principles that guide the sustainability of employment and decent work, especially in a crisis period, the Government of Côte d'Ivoire and the private sector have established long-term development programmes and strategies, including:

1. The creation of direct jobs for all, including vulnerable persons, targeting particularly the agro-industry, financial services, construction and engineering, telecommunications, energy and green jobs, which generates the creation of almost 100,000 jobs per year.

2. The improvement of workers' living and working conditions through the continuous strengthening of the regulatory provisions of the Act issuing the Labour Code and especially the increase in the guaranteed interoccupational minimum wage (SMIG) in 2013 and 2023 respectively of 61 per cent and 25 per cent, as well as the agreed minimum wages applicable by category (between 8 and 29 per cent).

   Income security is based on a social protection system aimed at covering all workers. Wages are managed through a general scheme for salaried workers, while self-employed workers and those in the informal sector fall under the self-employed workers scheme (RSTI). In addition, access to healthcare is guaranteed through universal health coverage (CMU), in which over 25 million persons are registered, that is a rate of 77.8 per cent, as well as 1.5 million self-employed workers and 1.1 million salaried workers affiliated to the RSTI.

   This system, based on a contribution rate of 12 per cent, is aimed particularly at further including the informal sector, with a goal of 50 per cent registration by 2028.

3. The upgrading of skills to improve employability in Côte d'Ivoire, addressed by structural reforms, aims to fill the gaps between training and enterprises' actual needs. The Government, by means of the vocational training development fund and programmes, such as the employability improvement and youth inclusion programme, is striving to adapt training provision.

4. Long-term consolidation of very constructive tripartite social dialogue, which has enabled us not only to quickly absorb the shock of the COVID-19 pandemic but also to build excellent working relationships based on trust and openness for the well-being of our workers and the socio-economic stability of our enterprises.

It should also be mentioned that this has enabled, since the previous session of the Conference, the ratification of four ILO Conventions.

To conclude, the dissemination of Recommendation No. 205 through the promotion of employment and decent work builds further peace and establishes long-term resilience to any internal or external shocks.

Interpretation from Arabic: **Worker member, Sudan** – Let me start by thanking the Committee of Experts for providing this report. This report comes at a timely juncture when we are dealing with a very important topic. When we speak about conflicts, we speak about numbers, statistics, but we know that behind each number, behind every statistic, there is a worker, there is a nurse that works without electricity in very difficult conditions.

Behind these numbers and statistics there are workers who have lost their jobs and a population that has lost any hope in the future because of the war. That is the reality in Sudan today. Since April 2023, when this civil war broke out, 14 million people were displaced and more than 30 million people are in need of humanitarian assistance. We have a problem with food security. The numbers that I can cite may seem unbelievable, but we know they reflect the reality and have their impact on the community.

The world looks at Sudan and sees a humanitarian crisis, but as workers, we see a labour crisis. Public services have been disrupted. Infrastructure has been destroyed. Workers are leaving the country in their droves and workers are finding themselves fighting to work under informal conditions without any job security. The International Confederation of Trade Unions in Africa (ITUC-Africa) found that strategic sectors such as energy have been severely affected. Public utilities have identified shortages, and, of course, displacement, unemployment and war-related injuries have also had an impact.

Workers have pointed out that they lost their life savings because of the failure of financial institutions and the destruction of infrastructure. Recommendation No. 205 reminds us that peace does not mean only the absence of fighting. Peace needs effective institutions that provide services, social dialogue and social justice. I think we need to deal with the root causes of these crises, not just with what happened afterwards. The situation in Sudan can only be understood looking at the bigger picture where we can see a large number of mercenaries and foreign fighters who are contributing to the ongoing violence in the country. I think this is one issue that we have to deal with.

In other parts of Africa, we have seen the devastating effect of crises, such as health crises in the Democratic Republic of the Congo. If we are to speak about resilience, if we are to speak about peace, we have to be brave enough to confront those who are causing these wars. The ongoing discussion about Recommendation No. 205 is an important opportunity for us to deal with issues like what we are facing in Sudan. I think that is how we can deal with displacement, the lack of livelihoods, the need to reconstruct and to reintegrate. Therefore, we call upon the ILO to adopt a specific programme for Sudan in line with Recommendation No. 205.

This programme should call for reconstruction, the revival of social dialogue, the rebuilding of institutions, the strengthening of social protection and the provision of protection for those who are displaced. Recovery does not mean building schools, roads, hospitals or power stations. I think we have to focus on rebuilding lives and restoring dignity, while ensuring that workers are partners in building peace rather than victims of crises or conflicts. The people of Sudan have shown an incredible degree of resilience and what they need now is solidarity. We need to translate the provisions of Recommendation No. 205 into action in order to provide decent work for those workers.

Government member, Nigeria – Nigeria welcomes the General Survey concerning employment and decent work for peace and resilience and commends the Committee for a detailed General Survey. The focus of the Survey on the core mandate of the ILO against the backdrop of social justice for peace is critical to the world of work at this time, particularly as it aligns with Recommendation No. 205. Indeed, the intricate relationship between lasting peace and social justice cannot be overemphasized when juxtaposed to the ILO's pillars of the Decent Work Agenda promoting decent and fair employment and enterprise, entrenching and upholding inclusive social protection systems, promoting social dialogue and strengthening social dialogue institutions and guaranteeing fundamental principles and rights at work, especially by closing inequality gaps. The General Survey is also of great significance as it identifies employment and decent work as key principles that must be deployed in designing crisis management frameworks. Capacity-building of constituents, skills and vocational training, labour market institutions form a strong nucleus of the crisis management framework. The Survey further recognizes that post-crisis management cannot be done in isolation.

International and regional cooperation, as well as coordination between and among Member States, should be mobilized and strengthened to achieve positive results. Furthermore, beyond governments driving the crisis recovery strategies, societies must be intentional in harnessing the opportunities presented by public–private interventions by providing an enabling environment for a holistic recovery, growth and investments. These must be at the core of our programmes as an Organization and as Member States, if the wheel of the vicious cycle of crisis situations will be turned to produce stability and new wealth. The realities, challenges and opportunities identified by the General Survey require intentional and collaborative action by critical actors, individuals, multinationals, societies and governments rising to their respective responsibilities and harnessing the social, economic, political and technological resources at their disposal to entrench peace and resilience in our world.

Nigeria is particularly drawn to the Survey as it aligns with our internal crisis experiences and national priorities for recovery. The transformative policy thrust of our Government aims to reposition Nigeria as a prime global investment destination. Nigeria's renewed hope agenda is hinged on the vision of pursuing and instituting sustained social economic prosperity for our country through obtaining job creation, skills and vocational training, inclusiveness, food security, poverty eradication, economic growth, access to capital, improving security for life and property, the rule of law and the fight against corruption. These priorities are aimed at building a more just and equitable society recognizing that the foregoing are critical components for national growth and development, as well as laying a springboard for international integration. Finally, the Nigerian Government commends the Office for the recommendations put forward, particularly as it relates to standards-related actions and technical cooperation. We, however, call on the ILO to recognize the peculiarities and difficulties faced by the emerging economies of some Member States and to deploy programmes and technical support to these Member States as required or requested.

Worker member, Argentina – I am speaking on behalf of the trade union confederations of Argentina, and also the Trade Union Federation of the Americas (CSA) and the International Trade Union Confederation (ITUC), to express our gratitude to the Committee of Experts for this General Survey on Recommendation No. 205.

As observed by the Committee of Experts in the General Survey, climate-related crises are on the increase around the world. We experience them through increasingly intense storms, heat waves and cold snaps, droughts, floods, forest fires and the spread of endemic disease. These phenomena compromise our countries' infrastructure, damage productive capacity and

jeopardize employment opportunities and working conditions. In Argentina, progress in addressing the climate crisis has stagnated, or even gone backwards.

The fiscal austerity policy applied to environmental and just transition policies is part of the Government's climate crisis denial ideology.

The downgrading of the Ministry of the Environment, which today is an under-secretariat, is evidence of this.

It is worth recalling that the International Court of Justice stated in its advisory opinion that governments' climate obligations apply to all States, whether or not they are party to the main climate agreements.

In my country, budget cuts have extended to sensitive areas of public policy such as health, education and social protection. There are constant waves of public sector lay-offs, including in bodies involved in crisis management and response.

All frontline workers lack job security, and they have made demands for wage increases and the recognition of their job qualifications. We therefore stand by those essential health, transport and education workers.

It is an intolerable injustice that persons who were, and are, on the front line in the response to all crises suffer trade union persecution and austerity. We welcome the fact that, in its General Survey, the Committee of Experts urges Member States to "take measures to support and protect employment in the public sector [...] through adequate staffing and working conditions". The Committee also highlights the importance of "improving working conditions and increasing investment for frontline workers".

The State's withdrawal from areas of high social sensitivity is a serious matter while the impact of crises particularly affects sectors whose rights have historically been violated. We advocate for an intersectional approach in all resilience, crisis management and just transition policies.

The curtailment of public works in my country, for example, deprives the affected communities of the opportunities that intensive investment programmes in jobs focused on such infrastructure can bring in prevention, preparation, response and recovery, as well as the building of resilient societies. Both Recommendation No. 205 and the General Survey reaffirm the importance of tripartite social dialogue, recognizing the participation of employers' and workers' organizations as a prerequisite for successful crisis management.

Argentina is suffering a widespread trend of weakened or absent institutionalized tripartite social dialogue, including in relation to crisis management tools and bodies.

The workers of Argentina, together with regional and global trade union confederations, reaffirm the defence of fundamental labour rights and advocate for institutionalized tripartite social dialogue. These do not weaken governments' capacity to respond to crisis; on the contrary, the defence of fundamental rights and their effective application, as well as institutionalized tripartite social dialogue, strengthen public policy, rendering it more coherent, comprehensive and effective in crisis prevention and management.

Interpretation from Arabic. **Government member, Egypt** – We are proud to participate in this important discussion on the General Survey on employment and decent work for peace and resilience. We thank the Committee of Experts and those who have participated in the preparation of an exhaustive report that addresses one of the most important matters in the modern world of work. This discussion is taking place at a time when the world is facing growing difficulties, including armed conflicts, economic crises, natural disasters, climate

change and technological changes; all challenges that have a direct impact on the labour market and on States' capacity to ensure comprehensive, sustainable growth. We are convinced that employment and decent work are pillars of social stability, strengthened social coherence, and peace and prosperity.

In recent years, therefore, Egypt has adopted a series of measures and legislation, as well as national programmes intended to create decent jobs, strengthen social protection and develop human skills and competencies, since they constitute an integral part of creating resilient societies. In the face of challenges, we have adopted a new Labour Code and a new employment strategy that aims to secure comprehensive growth and human capital and to respond to trends in the labour market. We have also strengthened our partnership with the private sector, supporting entrepreneurship and small and medium-sized enterprises, which are drivers of employment and development. Egypt is also implementing a vast social protection programme targeting the most disadvantaged groups. This includes, for example, solidarity programmes such as the informal work fund. We are working to integrate women, young people and persons with disabilities into the labour market, and to combat forms of forced labour, forced child labour and trafficking in persons, in order to achieve economic growth and create new remunerative employment.

We also reiterate the importance of the General Survey, which recalls the role of social dialogue in crisis management. We therefore emphasize the need to support mechanisms for social dialogue between the public authorities and employers' and workers' organizations, since those organizations constitute an essential tool for balancing the needs of economic development against those of social justice. In that connection, we have strengthened the Higher Social Dialogue Council, which now has legal personality and an independent budget. The success of our efforts requires strengthened respect for national priorities, as well as technology transfer and capacity-building. The Arab region is facing complex problems, regional crises of all kinds that create economic and social pressure. Egypt therefore recalls the importance of strengthening the role of the International Labour Organization and of support for Member States, in particular developing countries, through the implementation of development programmes and initiatives intended to create more flexible and more inclusive resilient labour markets.

This year, we are marking the centenary of the creation of the Committee on the Application of Standards. We highlight the historic role played by the Committee over the last century in strengthening respect for international labour standards and consolidating the principles of social justice and tripartite dialogue. We stress the need to maintain the technical, neutral and objective nature of the ILO supervisory mechanisms in order to strengthen trust among Member States and ensure the effectiveness of international labour standards in facing today's challenges. In conclusion, we recall our support for the objectives and principles of the International Labour Organization and our desire to cooperate with all social partners and Member States to ensure decent work, sustainable development, peace and prosperity for all.

Worker member, Pakistan – I am speaking on behalf of the workers in Pakistan who are among those already heavily affected by multiple crises including consequences of armed conflicts in the region as well as natural disasters such as tragic floods in 2022, which submerged a third of the country and affected 33 million people in Pakistan. I wish to raise the issue of the need for social dialogue and involvement of the trade unions in the design, development, monitoring, implementation and review of crisis management.

Recommendation No. 205 is clear that lasting peace can be established only if it is based on social justice. Social dialogue based on respect for freedom of association and the effective

recognition of the right to collective bargaining plays a crucial role in shaping policies to promote social dialogue and social justice. The General Survey confirms that social dialogue is a cornerstone of crisis management. Pakistan reported about conducting consultation as part of the whole-of-society approach. We support broad consultation but it is important to ensure that consultation with trade unions and employers' organizations is given a special place when it comes to impacts of crisis response and recovery measures on employment and workplaces. I want to recall that the General Survey emphasized that, in line with Recommendation No. 205, crisis response must not be used to circumvent social dialogue or to introduce legislative reforms that are aggressive and incompatible with international labour standards.

I also wish to cover the topic of decent work and jobs with rights as part of crisis response. Pakistan reported that more than 1.4 million jobs were created as part of their tsunami programme which they started in 2019. We support job creation, but as part of crisis response, we need to show that precarious jobs are not a solution. For crisis recovery to be successful and sustainable in the long term, we need jobs with rights. All countries including Pakistan should align responses with the Decent Work Agenda. The recovery and reconstruction framework after conflict or disasters should be linked to the long-term decent work strategy through extended social dialogue to ensure that initiatives create inclusive job opportunities, reinforce social cohesion and promote resilience against future crisis situations. Such an approach should be applied to all stages of interventions including during humanitarian development and peacebuilding efforts. This is why responding to and preventing crises must be rooted in decent work, social protection, freedom of association, collective bargaining and social dialogue. These principles are not optional. Indeed, they are obligations stemming from international labour standards and the institutional/constitutional ILO mandate.

Worker member, Fiji – I wish to speak in solidarity with the workers of the Maldives who cannot be present due to their Government's failure to ensure a tripartite delegation to this Conference. First, I would like to make a point about the disastrous impact crises have on basic civil liberties of workers and employers, including their right to life, freedom from inhumane treatment, freedom from arbitrary arrest and detention, freedom of assembly and freedom of opinion and expression. In the context of crisis response, recovery and prevention, it is an absolutely crucial role to promote workers' collective rights, including the fundamental right to bargain collectively and for the purpose of furthering their rights and interests. We note the observation made by the General Survey that governments should do the utmost to support collective bargaining, including in times of crisis. We note that the Committee of Experts specifically observed that where such agreements are few in number or completely non-existent, this often signals a lack of trust between the parties and the need to rebuild confidence and strengthen national frameworks. The General Survey cited in this regard observations made by the Committee of Experts in 2021 in regard to compliance by the Maldives with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We note that many countries whose economies benefit significantly from the hospitality sector restrict workers' collective rights in the false conviction that ensuring business operations is more important than social dialogue with workers' representatives. This used to be the case of the Maldives, where labour organizing in the country's booming resort industry was prohibited and later restricted. It was only in 2023 that the Parliament of the Maldives passed the Industrial Relations Bill followed by the first official registration of a workers' trade union. This historic achievement is the culmination of an 11-year journey in strategic planning and unwavering struggle by workers and unions in the Maldives. Support to business continuity should never be given at the expense of workers' fundamental rights. On the contrary, businesses should be supported on condition that they create decent jobs, respect workers' rights and bargain in good faith. Recognizing the importance of freedom of

association, social dialogue and collective bargaining for developing sustainable long-term crisis response policies is of particular importance for the Maldives.

The Maldives is an island nation highly vulnerable to sea level rise, therefore exposed to adverse impacts of climate change. The country has actively participated in the recent proceedings in the International Court of Justice (ICJ) concerning the issuing of an advisory opinion regarding the obligations of States in respect of climate change. We note that the ICJ has confirmed that States' duties in this area are derived from human rights laws. Another international tribunal, the Inter-American Court of Human Rights, has at the same time issued an opinion in which it explicitly recognized that States have an obligation to involve employers' and workers' organizations in transition planning. In view of these recent legal developments, it is even more urgent for all countries, including the Maldives, to review their protective labour legislation in order to evaluate the effectiveness of the national collective bargaining institutions and processes to adopt progressive labour reforms that grant collective rights and basic labour protection to all workers.

Worker member, Democratic Republic of the Congo – I speak on behalf of the workers of the Democratic Republic of the Congo, who are severely impacted by the adverse effects of numerous crises, including armed conflicts, the recent global COVID-19 pandemic, and the growing negative impacts of climate change.

Forced labour and child labour in the Democratic Republic of the Congo constitute a widespread human rights crisis, fuelled by armed conflict and the global demand for strategic minerals. Hundreds of thousands of adults and children are subjected to modern forms of slavery in the mining and agricultural sectors and through human trafficking. Workers are exploited in hazardous artisanal mines without even basic protective equipment. Even in regulated mines, workers employed by subcontracting enterprises face extreme exploitation, including wages that are too low to live on, hazardous working conditions and excessively long working hours. They are frequently subjected to physical violence and reprisals.

In response to these crises, Recommendation No. 205 emphasizes the importance of eliminating forced or compulsory labour, including trafficking in persons, and child labour. The Committee of Experts recalls that measures to prevent these crimes, punish those responsible and assist victims must be adapted to the crisis context. In the case of the Democratic Republic of the Congo, forced labour is exacerbated by the armed conflicts in the country. Armed groups themselves use forced labour in illegal mining. To put an end to these practices, it is essential that those responsible for these crimes are prosecuted and that support for non-State armed groups is ended.

The traceability and regulation of global supply chains also need to be significantly improved. The Democratic Republic of the Congo possesses more than 50 per cent of the world's cobalt reserves. The criminal violations of workers' rights in the cobalt mines of the Democratic Republic of the Congo involve international technology and automotive enterprises that depend on these minerals for the production of rechargeable batteries used in electric vehicles, smartphones and renewable energy technologies. Such multinational enterprises often promote their products and services as being part of the green transition that we all so desperately need. Meanwhile, they derive profits from the criminal exploitation of workers and children in the mines. This situation must change. We need greater transparency in global supply chains. National and multinational enterprises must identify, prevent, where necessary mitigate, and in all cases report on how they address, their actual and potential adverse impacts on workers and their rights.

Another factor contributing to workers' exposure to crimes such as forced labour and child labour is the ineffectiveness of labour inspection in the Democratic Republic of the Congo. Recommendation No. 205 is clear: reinforcing labour inspection, in accordance with the Labour Inspection Convention, 1947 (No. 81), which our country has ratified, is a key element of an effective response to crises. Without this, it is impossible to ensure that reconstruction is based on the rule of law and to prevent future crises. The General Survey notes that labour inspection services face recurrent challenges worldwide, such as insufficient resources and a shortage of inspectors, problems that are often exacerbated in times of crisis. We call on our Government and all ILO Member States to ensure the application in practice of Convention No. 81, and to support national labour inspection services by providing adequate material resources, legal autonomy and ongoing training, as part of their response to crises.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran participates in this Conference at a time when the country's world of work and production is confronted with both structural and sudden challenges arising from regional tensions and imposed illegal war and the continued imposition of unjust unilateral sanctions. This situation goes beyond economic fluctuation. It directly targets the very concept of decent work and the sustainability of the labour market. According to official data during the one-year period leading up to summer 2025, nearly 237,000 individuals left the labour force, 72 per cent of whom were formerly in formal employment. Furthermore, a reduction of 597,000 formally insured persons during critical periods clearly indicates a forced shift in employment patterns from the formal to the informal sector. We also condemn direct attacks on civilian education and research infrastructure. The destruction or psychological insecurity in educational environments such as the bombing of the Minab school deprives the young generation of their fundamental right to learning. The forced transition to online education in the context of technology-related sanctions and digital inequality has exacerbated the educational gap among different incomes.

Nevertheless, the Government in collaboration with its social partners has been implementing intelligent national responses under the initiative entitled "resilience through steadfastness". This includes the draft public employment programme, support for micro and home-based businesses through the thousands of bazaars, arenas and exhibitions, the provision of low-cost facilities conditional on the retention of workers, the launch of the electronic food voucher scheme and the expansion of unemployment insurance capacities. The delegation of the Islamic Republic of Iran requests the ILO to go beyond the condemnation of wars and sanctions and to provide the Islamic Republic of Iran with the technical expertise needed for skills rebuilding and virtual learning models. We further call upon the ILO to adopt a clear position regarding the detrimental effects of sanctions on the right of access to work.

Worker member, Zimbabwe – I would like to raise the urgent issue of criminalization of legitimate trade union activities in crisis contexts. Trade unions in Zimbabwe have been repeatedly victimized during political conflicts and called terrorist organizations by politicians. For example, in 2012, the then acting spokesperson of the ruling party publicly called the Zimbabwe Congress of Trade Unions (ZCTU) a "terrorist organization" and a "trojan horse" for the opposition Movement for Democratic Change Alliance (MDC Alliance). This Government of Zimbabwe must fully implement the numerous observations of the Committee of Experts and bring laws and practice into full compliance with Convention No. 87 for an effective response to the accelerating global policy crisis. We need full respect for workers' trade union rights. I also wish to underline the critical importance of education. Universal education is the primary foundation for stabilizing societies during crisis and preventing future systemic collapse.

When an economic, health, or environmental disaster strikes, traditional socio-economic infrastructures fracture. Universal access to basic education ensures that children and marginalized populations maintain structural continuity, psychosocial support and access to critical survival information. The General Survey highlights efforts by the Government of Zimbabwe to align national education programmes with post-crisis recovery needs. The trade unions endorse these efforts. However, we see serious gaps, such as ignoring precarious employment conditions for teachers, a lack of dedicated plans for the informal economy, and under-resourced vocational centres that lack basic utilities or internet connection, especially in rural areas.

These gaps must be addressed, or they will nullify the utility of any modernized curriculum. I also want to talk about social protection for crisis response. In Zimbabwe, more than 75 per cent of the workforce is employed in the informal economy, completely locked out of workplace-based safety nets. Casual labour, cross-border traders and agricultural workers have no access to health insurance, sick leave or pensions. Domestic workers are explicitly excluded from statutory workplace accident and injury compensation schemes. In our view, the state social protection is ad hoc, underfunded, fragmented and fundamentally reactive.

We demand coherent and systemic action that includes indexed minimum wages and all public pension payouts, full inclusion of trade union representatives on the boards of regulators, and extension of social security nets to all those excluded categories such as informal or domestic workers. I would like to underline the need to support migrant and refugee workers often concentrated in precarious informal or low-wage sectors. These workers lack the institutional safety nets available to citizens, making them exceptionally vulnerable to exploitation, sudden unemployment and social exclusion during disruptions. Addressing their plight requires shifting from short-term humanitarian relief to comprehensive long-term development policies and protective legislative frameworks. As part of such action, we call on all countries, including Zimbabwe, to withdraw their reservations to Article 17 of the 1951 Convention relating to the status of refugees.

Article 17 dictates that contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country regarding their rights to engage in wage-earning employment. By maintaining reservations to this Article, States legally restrict refugees from accessing formal labour markets on equal terms. This restriction forces many into the informal economy, perpetuates systemic poverty and deprives the host country of regulated tax revenue, and the use of the full skill sets of its migrant population.

Lastly, I also want to refer to the critical topic of gender equality. Global frameworks increasingly recognize that crises are not gender-neutral. From climate-induced disasters, like cyclone Idai in Zimbabwe, to socio-economic emergencies, women experience distinct vulnerabilities such as heightened exposure to gender-based violence, the disruption of informal livelihoods and a disproportionate burden of unpaid care work. Consequently, ensuring a woman's perspective in crisis response and prevention policies is not merely a matter of human rights. It is a prerequisite for effective resilience. We therefore call for:

(1) action that includes women in the design of disaster risk reduction;

(2) adoption of gender-responsive economic resilience initiatives;

(3) effective implementation of prohibition of discrimination in employment and occupation, to avoid clustering women in inferior jobs; and

(4) eradication of workplace sexual harassment and "sextortion" (demanding sexual favours in exchange for hiring, promotion, or retaining a job) and comprehensive enforcement of the Violence and Harassment Convention, 2019 (No. 190), to institute mandatory independent workplace investigation committees and criminalize gender-based economic coercion.

Worker member, France – It is now well established that strong collective bargaining mechanisms and respect for freedom of association play a major role in strengthening resilience and responding effectively to crises. Let us recall what should, in fact, go without saying: it is the workers themselves who know the most about the work and the conditions under which it is carried out. The most appropriate solutions to a crisis can only be found with their involvement.

As the Committee of Experts observes, while France is among the countries in which collective bargaining played a decisive role in managing the COVID-19 crisis, the General Survey nevertheless notes that "crisis situations are frequently accompanied by abuse of workers' rights". This was the case in our country, where disproportionate restrictions were placed on the right to strike during the pandemic. As documented by the International Trade Union Confederation (ITUC), abuse of this fundamental right has proliferated in the country in recent years. As rights defenders, we know all too well that temporary restrictions on freedoms very often continue long after the exceptional periods during which they were introduced.

The ability to manage a crisis effectively also depends on having the necessary resources. In this respect, the Committee of Experts notes a number of criticisms raised by the General Confederation of Labour (CGT), according to which "cooperation between civil society organizations, social partners and the Government has become increasingly formal and less effective owing to the significant reduction in public subsidies to associations. This leads to fewer human resources for monitoring discussions and greater financial insecurity for organizations with regard to their ability to monitor projects or provide responses in times of crisis."

This situation is all the more striking given the alarming state of labour inspection. The need to strengthen labour inspection services and to comply with international labour standards in this area is of vital importance. In France, the facts speak for themselves:

- inspection units have been abolished despite an expanding inspection remit and the ever-increasing complexity of labour law;
- only 1,878 labour inspectors for a total of 21,031,900 private-sector employees and 3.186 million administratively active self-employed workers in the second quarter of 2025;
- the frequent undermining of the independence of labour inspectors.

These are all structural violations of the principles established the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), both ratified by France.

Nevertheless, it should be acknowledged that certain measures taken by the Government during the COVID-19 pandemic, particularly to provide financial support to small and medium-sized enterprises, contributed to sustaining economic activity. Among these were various State-guaranteed loans and partial unemployment measures, which helped to preserve many jobs. However, the indiscriminate and unconditional granting of substantial State financial support to the largest enterprises is far more questionable. In this respect, the General Survey notes that "In France, the authorities penalized employers who had unlawfully declared

workers as being on *activité partielle* (part-time work) while requiring them to continue working full-time, classifying such cases as undeclared work liable to incur penalties, possibly including criminal penalties, and liable for the reimbursement of public funds."

These were commendable measures but woefully insufficient. More than ever, it is essential that assistance granted to enterprises – particularly in times of crisis – is made conditional on respect for workers' fundamental and trade union rights. This includes collective bargaining and collective agreements, social protection, occupational safety and health, and the creation of decent jobs accompanied by those same rights.

Only by addressing these challenges in a meaningful way can we, through tripartite action, effectively promote peace and resilience.

Interpretation from Arabic: **Worker member, State of Palestine** – I take the floor on behalf of the Palestinian workers' delegation while also bringing a broader perspective to this important discussion on the General Survey. The General Survey reminds us that crisis response cannot be limited to emergency humanitarian relief in situations of war, occupation, displacement and violence.

The world of work becomes central to resilience, dignity, recovery and peacebuilding. The ILO's role in crisis prevention and response must remain firmly anchored in international labour standards. In the State of Palestine, workers are living through an unprecedented crisis. Destruction of livelihoods, workplaces and essential services has deprived hundreds of thousands of workers and their families of income, social protection and decent working conditions. Unemployment has reached unprecedented levels with the degradation of working conditions.

Unemployment has reached unprecedented levels, particularly in Gaza, which is compounded by poverty and food insecurity. In the West Bank, settler violence and movement restrictions continue to undermine workers' access to employment and livelihoods. This is not only a humanitarian crisis; it is a labour rights crisis that destroys jobs, expands the informal economy, weakens labour institutions and exposes workers to exploitation. The State of Palestine is not an isolated case. Across the Arab region and the broader Middle East, workers continue to suffer the consequences of conflict, occupation, economic crisis, climate shocks and forced displacement.

These challenges affect countries such as Yemen, Syria, Lebanon, Libya, Iraq and the Islamic Republic of Iran. The rights of workers take a back seat. We cannot accept such an approach. Rights should become more necessary than before. Therefore, we call for the full implementation of Recommendations No. 205 on employment and decent work for peace and resilience.

Recommendation No. 205 clearly recognizes that recovery and reconstruction must be built on decent work, fundamental rights at work, social dialogue, social protection, equality and non-discrimination. Of course, with the active participation of workers' and employers' organizations, this should be part of any plan towards achieving these goals. We also underscore the importance of freedom of association and collective bargaining provided for under Conventions Nos 87 and 98. Trade unions must be protected, and they should be consulted and not ignored, and should be empowered. We cannot achieve rights-based recovery if workers are denied the ability to organize, to negotiate and to participate in decisions affecting their lives and livelihoods.

Social protection is also essential in line with Convention No. 102 and Recommendation No. 202. Any crisis response must ensure income security, access to healthcare, and protection

of displaced and unemployed workers, taking measures that target support for women, youth, migrant workers and workers in the informal economy. Humanitarian assistance should reinforce labour rights, not replace them. We call on the ILO and its constituents to make sure that crisis response, recovery and reconstruction programmes in the State of Palestine and across the region are guided by international labour standards, in particular Recommendation No. 205. Reconstruction should not lead to vulnerability in employment or the perpetuation of exploitation.

We must make sure that any employment opportunity is accompanied by protection and fair wages. Peace and democracy are part and parcel of life at work, and without stability and protection we cannot achieve peace. Respect for civil rights and the rule of law is necessary to build confidence. Our message is clear: workers should not be the invisible victims of crises and they should be enjoying the protection of ILO instruments. This should apply not only to Palestinian workers but also to workers across the region and of course the principles of this Organization and decent work should be at the heart of all of this.

Observer, World Health Organization (WHO) – The World Health Organization welcomes the General Survey on employment and decent work for promoting peace, preventing crises and building resilience. WHO is working to advance decent work standards across the full spectrum of health workforce policy from pandemic preparedness and protection in conflict to international recruitment and retention recognizing that decent work is both a labour rights imperative and a foundation for resilient health systems.

Health and care workers are on the front lines of every emergency, yet they face precarious employment, occupational hazards, violence, burnout, unequal wages and, in conflict settings, attacks on healthcare. Women who make up 67 per cent of the health workforce bear the greatest burden. As the Committee of Experts notes, the WHO pandemic agreement adopted by the World Health Assembly last year includes provisions that require States' parties to ensure decent work, protect the safety, mental health and well-being and strengthen the capacity of the health and care workforce. It extends those protections to other essential workers during pandemic emergencies. These are health and labour standards commitments.

In conflict and humanitarian settings, WHO systematically monitors documents and condemns attacks on healthcare. Since late 2017, more than 5,000 health workers have reportedly been affected by attacks across 27 countries and territories. In keeping with the General Survey's call for international cooperation frameworks, the World Health Assembly last month adopted amendments to the WHO global code of practice on the international recruitment of health personnel, extending its recommendations to the care workforce and to pandemics and emergencies requiring surge support. The ILO, OECD and WHO Working for Health Programme, a partnership established one decade ago, supports countries to plan, educate, employ and protect their health and care workforce. The WHO global health and care workers compact sets out concrete commitments on safe working conditions, fair pay, mental health support and freedom from violence and harassment.

WHO stands ready to work with the ILO and Member States to turn standards into coherent national policies that protect health and care workers and build lasting resilience.

Observer, Public Services International (PSI) – I will refer to a limited number of issues raised by the Committee of Experts that are of significant importance for us.

The Committee of Experts indicates that conflicts are at their highest level since the Second World War and notes with deep concern that the world of work is a primary casualty,

if not a direct target, of modern warfare. According to the Internal Displacement Monitoring Centre (IDMC), the number of displaced persons has doubled in a decade and, in 2025, for the first time in history, wars displaced more people than floods and other natural disasters.

Some parties to armed conflict have deliberately attacked civilians and civilian infrastructure, such as hospitals, water supplies, schools and universities. For example, in the first 12 days of attacks against the Islamic Republic of Iran, around 10 million displacements from inside Iran and from other cities were recorded. Displacements are still happening right now in Palestine, Lebanon, Sudan, the Democratic Republic of the Congo and many other places. Moreover, as conflicts and wars escalate, attacks against health workers and emergency services have increased and there is a risk that they will become the norm. Hunger is increasingly being used as a weapon of war. Data compiled by Insecurity Insight reveal 21,403 incidents in 15 countries where food supplies have been deliberately targeted since 2018.

Furthermore, in recent years, artificial intelligence has played an increasingly prominent role in wars and armed conflicts, ranging from its use for mass surveillance to lethal autonomous weapons. The dangers of an uncontrolled expansion of artificial intelligence systems for the machinery of war are very real and far greater than we could have ever imagined and must be addressed with urgency. The Pope has denounced the culture of power driving the rapid rise in artificial intelligence, warning that this technology must be subject to the most rigorous ethical constraints as it infiltrates everything from work to war.

The Committee of Experts also indicates that a thorough understanding of risks and vulnerabilities is fundamental to preventing or reducing the impact of crisis situations. One of the major risks that we are currently facing is that of an increasingly monopolized world. Corporate monopolies are on the rise. Economic power, essential goods and services, and critical infrastructure are becoming ever more concentrated in the hands of a few dominant actors. For example: (i) almost 60 per cent of the calories consumed globally come from only four crops – soya, corn, rice and wheat – and around three quarters of the production of these crops comes from just five countries; (ii) two enterprises alone own around 40 per cent of the global seed market; (iii) four enterprises alone control 44 per cent of the global agricultural machinery market; and (iv) four enterprises alone dominate 62 per cent of the agro-chemical market. This monopolization poses a specific risk: the possibility that individual disruptions or failures could lead to a systemic failure. We have seen this type of meltdown during the 2008 financial crisis, the COVID-19 pandemic and now in the Strait of Hormuz conflict. The concentration of power and inequalities weaken us. The technological quick fixes proposed by billionaires are not the solution.

We need to change course and build more inclusive and resilient societies in which people and their well-being, nature and the environment, are the main priority. After analysing global data from 150 countries between 1995 and 2009, researchers have determined that inclusive societies with high state capacity experience significantly fewer casualties and disruptions caused by natural disasters such as floods and earthquakes. Strong States have the resources necessary to manage crises, while accountability ensures that aid is distributed fairly. Furthermore, inclusive systems, with high-quality public services, promote social cohesion, agile response strategies and vital safeguards against abuse.

To conclude, almost all reconstruction efforts following a natural disaster or armed conflict, or in response to situations such as the COVID-19 pandemic, have been tainted or consumed by corruption. We must therefore intensify our efforts to combat corruption and protect the workers who denounce it.

Observer, Education International (EI) – I stand before you in disbelief at the presence of a delegation from the Iranian regime and in the state-manufactured "Khaneh Kar". This, while genuine workers and teacher leaders rot in prison, is a blatant affront to the tripartism at the very heart of the ILO's mandates.

I hope we agree that modern democracy begins in the workplace, in trade unions and in schools. But what we witness in the Islamic Republic of Iran, under autocratic rule and neoliberal economic policies, is the sustained persecution of trade union activists and the systematic dismantling of already fragile labour organization, stripping workers and teachers of their last defence against inequality. Hence, full implementation of ILO Conventions Nos 87, 98 and 100 is an inescapable necessity, a modest but vital step to workers' genuine control, and one the Islamic Republic has consistently and frequently ignored.

While the poverty line is about 300 US dollars per month, teachers subsist on around 150 and workers on an average of 120. Workers and miners frequently lose their lives or their capacity to work due to unsafe working conditions that are well known to those in power – yet left unresolved.

Since the murder of Mahsa Amini in September 2022 and the subsequent "Woman, Life, Freedom" uprising in the Islamic Republic of Iran, hundreds of teachers have been arrested, imprisoned or dismissed from their posts for lawful trade union activities. Workers and labour activists in the steel, oil, mining, transportation and Haft Tappeh sugar cane industries and the Syndicate of Workers of Tehran and Suburbs Bus Company have faced comparable persecution and repression. January 2026 witnessed yet another uprising, which once again met a brutal crackdown. Tens of thousands were killed within just two days and many more arrested. And yet the people of the Islamic Republic of Iran are standing, continuing their struggle for a democratic Islamic Republic of Iran.

We ask you to stand with them. Demand the following from the Iranian Government: (i) immediate restoration of all lines of communications; (ii) stop all executions; (iii) release all imprisoned workers, trade union activists and human rights defenders; (iv) permission for Human Rights Watch and the ILO to freely communicate and engage with independent trade unions inside the Islamic Republic of Iran; and (v) guarantee fair wages and safe working conditions for all workers.

Long live international solidarity.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – Today the world faces multiple interconnected crises. Armed conflicts, climate change, natural disasters, economic instability, food insecurity and forced displacement affect millions of workers and their communities. The workers represented by the IUF, agricultural and plantation workers, fishers, food processing workers and others across food supply chains are among those most exposed to these challenges.

Our members continue working through pandemics and lockdowns. They are planting and harvesting in conflict zones where bombs and drones fall and continue working in the former battlefields which remain contaminated by mines. For them, Recommendation No. 205 has special significance. It provides a vital framework to ensure that crisis response and recovery are grounded in decent work, social justice and respect for fundamental rights. In this regard, we would like to highlight the importance of recently adopted ILO policy guidelines for the promotion of decent work in the agri-food sector. These guidelines offer practical direction for applying the principles of Recommendation No. 205 in one of the world's most important

and vulnerable sectors. Together, the two instruments provide a strong road map for building resilient, inclusive and sustainable agri-food systems.

The vulnerabilities facing agri-food workers are always intensified during crises. Conflicts disrupt production and distribution. Extreme weather destroys crops and livelihoods, and economic shocks undermine incomes and employment. Workers who are already vulnerable become even more exposed to exploitation, poverty and even threats to their lives.

For this reason, implementation of Recommendation No. 205 should go hand in hand with implementation of the ILO agri-food policy guidelines. The guidelines promote stronger labour protections through agri-food value chains including safe and healthy working conditions, living wages, formal employment, gender equality, skills development and effective social dialogue. These are not only development objectives. They are essential foundations of resilience.

Workers who enjoy labour rights and social protection are better equipped to withstand crises. Enterprises with strong social dialogue can respond more effectively to shocks. Food systems built on decent work are more sustainable and resilient. The guidelines also address the widespread challenge of informality in agriculture and food production. Informal workers are often the first to lose their livelihoods during crises and the last to benefit from recovery. Recommendation No. 205's emphasis on inclusive labour market policies and expanded social protection provides an important framework for extending protection and support to these workers.

Occupational safety and health is another area of strong convergence. Agricultural workers continue to face some of the highest rates of workplace injuries and fatalities. Climate change is increasing exposure to heat stress and other occupational risks. The policy guidelines call for stronger prevention measures and greater worker participation in health and safety systems, while Recommendation No. 205 reinforces the need to protect workers during emergencies and reconstruction.

Both instruments also recognize the essential role of social dialogue. Trade unions, employers and governments must work together to address immediate crisis impacts and long-term structural challenges. Through their trade unions, workers must have a meaningful voice in decisions concerning food systems, climate adaptation recovery programmes and rural development. For us, social dialogue and collective bargaining are fundamental pillars of resilience. The IUF calls on governments, employers, international organizations and development partners to fully integrate the principles of Recommendation No. 205 and the ILO policy guidelines on the promotion of decent work in the agri-food sector into their policies, programmes and investments.

Observer, Confederation of University Workers of the Americas (CONTUA) – On behalf of the workers of Mexico, represented by the Trade Union Confederation of the Americas (CSA), the International Trade Union Confederation (ITUC) and CONTUA, we welcome this General Survey as a fundamental technical and political contribution to the world of work in these fragile times. While we share the concerns raised previously by our group, we wish to draw attention now to the defence of peace as the foundation of any sustainable policy, to the outstanding debt of global supply chains and to corporate responsibility in response to crises.

For Mexican trade unionism, peace and the commitment of the Community of Latin American and Caribbean States (CELAC) are non-negotiable: they require absolute respect for sovereignty, self-determination and an end to unilateral pressure and blockades, such as the blockade experienced by the Republic of Cuba, and the situation in Palestine and other parts

of the world, in violation of all international standards. However, peace is also under threat from modern forms of slavery and child labour, which persist in our region, and which are exacerbated by the climate crisis and disasters that displace entire communities. It is imperative that responses to crises are not used as excuses for further exclusion.

In Mexico, historic steps have been made in terms of recovery of wages and trade union democracy. However, the report of the Committee of Experts reminds us that vulnerability continues to have structural roots: fraud involving false self-employment and a lack of corporate responsibility. It is also important to highlight the abuse by digital platforms and forms of on-demand recruitment which, since the COVID-19 pandemic, have left thousands of self-employed and informal workers without income or the right to healthcare. We reaffirm that combating the misclassification of workers as bogus self-employed must be a central pillar of any strategy for the transition to formality.

We also wish to underscore the situation of frontline workers and workers in public sectors that are crucial to recovery, such as health, transport, agriculture and construction. It is an unacceptable contradiction for these sectors, which are vital to the functioning of our societies, to suffer the highest levels of job insecurity, informal employment and anti-trade union persecution. To ensure an effective and sustainable response, it is urgent to reconsider the legal restrictions and violations in practice of rights in these sectors, given that Recommendation No. 205 calls for decent work and social dialogue at all stages, including prevention.

Corporations cannot continue to hide behind voluntary measures. We insist on moving decisively towards a binding treaty on enterprises and human rights. We demand the guarantee of living wages and social protection floors that are not contingent on the type of contract but take account of the dignity of the worker.

The Committee of Experts' report is a call to action. We urge governments to comply with standards and to make a genuine commitment to social justice. There will be no resilience as long as employer impunity remains the response to crises.

Employer members – The Employer members support the General Survey's emphasis on strengthening international cooperation in crisis response and recovery. International cooperation should support employment, decent work and sustainable enterprises through coordinated practical and context-sensitive approaches. From the Employer members' perspective, effective international cooperation must align with national priorities and realities.

Too often employment considerations are addressed only in later stages of recovery efforts. We therefore stress that employment and enterprise support should be integrated from the outset as central components of crisis response strategies. In this regard, we recognize the important role played by the ILO through technical expertise capacity-building and tripartite engagement. Support for strengthening the national capacities of employers' organizations can also contribute significantly to improving national implementation capacities and sustaining social dialogue through periods of crisis. Effective international cooperation should therefore promote policy coherence, strengthen national capacities and support uptake on the ground.

Looking forward to making Recommendation No. 205 operational, as we look ahead, the Employer members wish to emphasize that the value of the General Survey lies not only in its analysis but in its contribution to practical applications. Recommendation No. 205 provides a valuable and forward-looking framework, the effectiveness of which will depend on how it is applied in practice. As the General Survey rightly recalls, employment and decent work

contribute to peace building and resilience in a virtual circle. From an employer's perspective, making this virtual circle operational requires a strong focus on employment creation, enterprise sustainability and economic recovery supported by policy flexibility, context-sensitive approaches, effective coordination, support for SMEs and business continuity and pragmatic and results-oriented social dialogue. Above all, it requires viable enterprises operating within enabling policy environments.

The Employer members reaffirm their readiness to contribute to job creation, enterprise development and partnership in crisis response and recovery efforts. Achieving peace, resilience and decent work requires strong enterprises, as partners, supported by proportionate pragmatic and economically grounded policies because ultimately stability is what enables enterprises to operate, employments to grow, people to build their livelihoods and society to recover and move forward.

Worker members – The rich discussions held today on the General Survey underscore the continued relevance and timeliness of Recommendation No. 205. The Preamble to the ILO Constitution opens with the following statement: "Universal and lasting peace can be established only if it is based upon social justice". This commitment to peace was subsequently reaffirmed in the Declaration of Philadelphia and, more recently, in the Centenary Declaration. The originality and specificity of the ILO's mandate in this regard lies in the central place it accords to decent work and social justice as factors for preventing crisis and as essential elements of recovery.

Decent employment, social justice, and effective social dialogue contribute directly to preserving social peace by enabling harmonious societal development that leaves no-one behind. Such harmony is essential to building a prosperous society. Conversely, failure to respect decent employment standards, the lack of work opportunities, the growing precariousness of workers, degrading working conditions, the absence of social protection or the marginalization of trade unions make societies more vulnerable to the emergence of crises and further hinders reconstruction efforts. The Worker members therefore welcome the examination by the Committee of Experts of Recommendation No. 205 which aims to serve as a concrete and effective guide from prevention to recovery, for contribution to peace through the promotion of work and decent employment. The international situation unfortunately continues to demonstrate the relevance of this Recommendation.

Throughout our discussions we have referred to numerous countries facing crisis situations. We have heard the contributions of Workers' delegates from the State of Palestine, Ukraine, the Islamic Republic of Iran, Sudan and the Democratic Republic of Congo who are directly confronted with situations of armed conflict. We also heard the voices of delegates from France, Argentina, Zimbabwe, Brazil, Mexico, Morocco and Pakistan whose countries are facing various crises including those linked to environmental degradation or the COVID-19 crisis. The examples mentioned have confirmed for us the relevance of the step-by-step and multidimensional approach advocated by Recommendation No. 205, which seeks to combine humanitarian action with the establishment of political and institutional measures that include longer-term recovery and development objectives. We have reaffirmed observations made by the Committee of Experts that the countries that are best able to cope with the emergence of crises are those that are characterized by strong institutional coordination, active involvement of social partners and the integration of crisis response measures into broader national strategies relating to development, universal social protection, universal education, training and vocational guidance and full employment and decent work for all.

Conversely, we identified during our discussion, and as highlighted in the General Survey, obstacles to the effective implementation of Recommendation No. 205. These include, in particular, limited access to social protection, aggressive labour reforms excluding growing numbers of categories of workers from basic labour protection and collective rights, the absence of institutionalized social dialogue, the prevalence of the informal economy and insufficient investment in the capacities of labour inspection, administration and justice. Another point raised during our discussions concerned the support to enterprises as part of crisis response and prevention such as grant programmes, state-guaranteed loans, relaxed repayment schedules or microfinance schemes. The Worker members wish to underline that such support, especially when it comes from public funds, should not be unconditional and merely encouraging employers to create decent jobs. Supporting business continuity is relevant to the ILO mandate only if it is conducive to realizing labour rights of workers. As defined in paragraph 11(4) of the 2007 ILO conclusions concerning the promotion of sustainable enterprises, an enabling environment for such enterprises must respect universal human rights and international labour standards.

The Worker members would like to make similar observations regarding support being given as part of crisis response and prevention to the cooperation between multinational and national enterprises for the purpose of strengthening labour rights due diligence. Such support should be conditional on and conducive to respecting workers' rights in global supply chains. We also wish to underline the importance of multilateralism in the prevention and remediation of humanitarian crises. We express our deep concern about the decline in mutual assistance which also affects institutions such as the ILO. Strong international solidarity is an essential factor for peace and we call on all Member States to strengthen their participation in local, regional and global bodies and institutions dedicated to assistance and solidarity.

In this regard, we strongly reaffirm our support for strengthening the role of the ILO in coordinated international crisis management efforts. The ILO should maintain and reinforce its leadership in promoting international labour standards, decent work and employment as essential pillars of such response. We call on the ILO to strengthen its institutional capacity and operational means, and call on all Member States to provide it with the capacity to carry out these missions effectively. To achieve the full implementation of Recommendation No. 205, the Worker members recall the crucial importance of the continued provision of technical assistance by the ILO, including in the design of crisis response measures. In this context the normative advice provided by the Committee of Experts remains essential and should continue to be strengthened. We need more guidance on how to apply ILO Conventions and Recommendations in the context of crisis prevention, response to recovery and resilience. As the world continues to face complex global challenges the Workers' group sees the need for a dedicated agenda item for the International Labour Conference. We therefore call for scheduling a general discussion on the subject of peace, social justice and social dialogue.

The General Survey has shown us the extent to which social dialogue can play a crucial role in the prevention, management and reconstruction phases following the occurrence of a crisis. We therefore wish to draw attention to the need for support for capacity-building for trade unions in the context of crisis prevention, response and resilience.

Lastly, the Worker members wish to recall that, according to the information presented in the General Survey, as of December 2025, eight years after the adoption of Recommendation No. 205, about 40 per cent of ILO Member States have failed to report to the Office on the submission of ILO Recommendation No. 205 to the competent national authorities as required by the ILO Constitution. In view of the significance of Recommendation No. 205, we strongly

encourage all Member States that have not yet taken the necessary steps to give full effect to this obligation to do so without delay.

Chairperson – This concludes our discussion of the General Survey.

Before continuing, I would like to inform the Officers of the Committee that we have received a request from the Government of the Islamic Republic of Iran to exercise its right of reply with respect to the statement made yesterday by the Observer of Education International (EI) during the discussion of the general Survey. I shall allow the requester to exercise this right; the reply should not be longer than two minutes.

Government member, Islamic Republic of Iran – The delegation of the Islamic Republic of Iran exercises its right of reply in response to the statements made during Tuesday afternoon's general discussion session by a representative appearing as a worker observer worker on behalf of Educational International. The remarks delivered were wholly without factual basis and amounted to nothing more than politically motivated propaganda serving the interests of those hostile to the Iranian people. We wish to place on record our strong objection to the content of that intervention and to provide the correct context for the benefit of the Committee. We note with profound concern that this intervention took place at a time when the legitimate and duly mandated representatives of Iranian workers have been prevented from attending this Conference due to circumstances entirely beyond their control, namely the devastating consequences of unlawful and inhuman military strikes against the Iranian people which have caused widespread destruction of critical civilian infrastructure including airports and civilian aircrafts, rendering travel impossible.

It is a matter of deep regret and moral outrage what while thousands of Iranian workers and their families – including hundreds of innocent children, including 168 schoolgirls from a primary school in Mina who were killed by missiles and bombs – have lost their lives and while millions of Iranian workers have been rendered unemployed due to the deliberate destruction of infrastructure and industrial facilities leaving their livelihood in ruins, a speaker appearing as a worker observer has chosen to misrepresent the facts and to deflect attention from those truly responsible for these tragedies. In doing so, this intervention has effectively played a role in a troubling conflation of victim and perpetrator. The delegation of the Islamic Republic of Iran wishes to express its expectation that the Workers' group is a body mandated to defend the rights and dignity of workers worldwide. We will speak with one voice in support of more than 20 million Iranian workers and their families who are enduring the devastating hardship as a direct consequence of unlawful aggression against their country and will fulfil its historic responsibility to stand unequivocally on the side of those workers in their time of need. We reserve the right to respond further as necessary.

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

Observations concerning particular countries (Part II of the CEACR Report – page 89)

Afghanistan, Equatorial Guinea, Gambia, Guinea-Bissau, Haiti, Saint Lucia 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:

Gambia. The Government has sent all reports due.

In addition, written information was received from the Governments of **Haiti** 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:

Afghanistan, Equatorial Guinea, Guinea-Bissau, Haiti, Saint Lucia and **Yemen.**

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

Countries mentioned in paragraph 44 of the General Report – page 55

State	Conventions Nos
Antigua and Barbuda	– Since 2023: Conventions Nos 185 and 188
Barbados	– Since 2024: Convention No. 190
Central African Republic	– Since 2024: Convention No. 190
Comoros	– Since 2023: Conventions Nos 97 and 143
Djibouti	– Since 2022: Convention No. 183
Iraq	– Since 2022: Convention No. 185
Kenya	– Since 2024: Convention No. 188
Saint Lucia	– Since 2023: Convention No. 155
Tonga	– Since 2022: 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:

Central African Republic. The Government has sent the first report on the application of Convention No 190.

Djibouti. The Government has sent the first report on the application of Convention No 183.

Kenya. The Government has sent the first report on the application of Convention No 188.

In addition, written information was received from the Government of **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, Barbados, Comoros, Iraq, Saint Lucia, Tonga and **Vanuatu.**

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

Observations on serious failure to report (Part II of the CEACR Report – page 89)

Antigua and Barbuda, Comoros, Djibouti, Iraq, Saint Lucia, Tonga and **Vanuatu.**

Since the last session of the Committee of Experts, a first report has been received from the following country: **Djibouti.**

In addition, written information was received from the Government of **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, Iraq, Saint Lucia, Tonga and **Vanuatu.**

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

Countries mentioned in paragraph 50 of the General Report – page 56

Afghanistan, Albania, Armenia, Barbados, Belarus, Belize, Bosnia and Herzegovina, Canada, Central African Republic, Congo, Croatia, Cuba, Czechia, Djibouti, Dominica, Equatorial Guinea, France (New Caledonia), Gambia, Guinea-Bissau, Haiti, Jamaica, Kenya, Kyrgyzstan, Marshall Islands, Nicaragua, North Macedonia, Papua New Guinea, Romania, Saint Lucia, Singapore, Solomon Islands, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United States of America, Uzbekistan 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:

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

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

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

Bosnia and Herzegovina. The Government has sent all replies to the Committee's comments.

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

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

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

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

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

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

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

In addition, written information was received from the Governments of **Congo, Croatia, Dominica, France (New Caledonia), Haiti, Jamaica, Kyrgyzstan, Romania, Saint Lucia** and **Uganda.**

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, Barbados, Belize, Central African Republic, Congo, Croatia, Czechia, Djibouti, Dominica, Equatorial Guinea, France (New Caledonia), Guinea-Bissau, Haiti, Jamaica, Kenya, Kyrgyzstan, Marshall Islands, Nicaragua, North Macedonia, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United States of America and **Yemen.**

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

Countries mentioned in paragraph 98 of the General Report – page 74

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

Since the last session of the Committee of Experts, **Comoros, Djibouti, Fiji, Kyrgyzstan** and **Romania** have sent reports on unratified Conventions and Recommendations.

In addition, written information was received from the Governments of **Dominica, Haiti, Kyrgyzstan, Romania, Saint Lucia, San Marino** 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:

Afghanistan, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Palau, Saint Lucia, San Marino, Syrian Arab Republic, Timor-Leste and **Tuvalu.**

6. Failure to submit instruments to the competent authorities

Countries mentioned in paragraph 110 of the General Report – page 77

Bahrain, Brunei Darussalam, 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, Vanuatu and **Yemen.**

Written information was received from the Governments of **Bahrain, Brunei Darussalam, Dominica, Grenada, Haiti, Hungary, Lebanon, Liberia, Saint Lucia, Saint Vincent and the Grenadines** 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:

Bahrain, Brunei Darussalam, 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, Vanuatu and **Yemen.**

B. Written information received from Governments concerned by serious failure

Bahrain

In reference to the recent observations issued by the Committee of Experts concerning the alleged non-submission of international labour instruments by the Government of Bahrain, we would like to clarify and reaffirm Bahrain's position regarding this matter. It is important to emphasize that the Kingdom of Bahrain has consistently demonstrated its commitment to fulfilling its international obligations under the framework established by the International Labour Organization (ILO).

Bahrain's Government adherence to its international commitments is rooted in its constitutional principles and legal obligations. According to the Constitution, all international treaties and Conventions ratified by Bahrain are integrated into the domestic legal system and are subject to the procedures outlined by national law. The process for the ratification and implementation of ILO Conventions involves thorough review and approval by the Council of Ministers, which acts as the competent authority for such matters. This process ensures that all Conventions and Recommendations adopted at the International Labour Conference from 2000 to 2023 have been duly considered and ratified in accordance with established legal procedures.

Furthermore, Bahrain's Government has maintained transparency and accountability in its reporting obligations. The Government is committed to submitting comprehensive reports to the International Labour Office during each reporting cycle. These reports detail the procedural steps undertaken with regard to the submission of Conventions and Recommendations to the competent authority for ratification. Such reports are prepared in accordance with ILO guidelines.

Considering the above, we respectfully request that the Committee of Experts consider Bahrain's consistent efforts and the comprehensive legal and procedural framework that underpins its compliance with international labour standards.

We remain committed to maintaining transparency and fulfilling our obligations in a manner that aligns with both national laws and international commitments.

Brunei Darussalam

The Government of Brunei Darussalam reaffirms its commitment to the constitutional obligations of the ILO, specifically the duty to submit newly adopted instruments to the competent national authorities. The Government acknowledges the concerns raised by the Committee regarding the serious failure to submit and wish to reiterate that the national governance framework relies on the multi ministerial review process.

This practice ensures that any instrument brought before the highest competent authority is accompanied by a thorough assessment of its impact on national legislation and socio-economic priorities.

Phase 1: Technical review by the Department of Labour and the Ministry of Home Affairs

Phase 2: Formal transmittal to policy-holding ministries and agencies for their evaluation

Phase 3: Consolidation of inter-agency feedback to determine the feasibility of ratification or otherwise

Phase 4: Formal communication and reporting to the International Labour Organization

The Government wishes to highlight that the process for recently adopted instruments is active. In this regard, the Department of Labour has transmitted the instruments to the relevant agencies with a clear deadline for reply. While formal replies from certain agencies are currently pending, the Department of Labour continues to engage in constant follow-up.

To ensure consistency, the Government will apply the same procedure to previously adopted instruments. The Department of Labour will transmit these instruments to the relevant ministries and agencies through official letters, accompanied by a set deadline for their review and feedback. The substantive evaluation of feasibility for ratification or otherwise will rest with the respective ministries and agencies. The Department of Labour will monitor progress and follow up before the prescribed deadlines to ensure timely responses, after which consolidated feedback will be communicated to the ILO.

Given their subject-matter mandates, technical expertise and dedicated legal advisory capacity, the Department of Labour has identified the relevant ministries and agencies as the competent authorities for the purpose of reviewing each instrument. This ensures that the evaluation is undertaken by institutions with the appropriate jurisdiction and expertise.

To address the bottleneck in inter-agency communication and move towards full compliance with article 19 of the ILO Constitution, the Government will implement the following:

- Enhanced tracking: Monitoring system within the Department of Labour to track the status of instruments currently with external/respective agencies/ministries;
- High-level engagement: Should technical-level replies remain pending, the Department of Labour will escalate these consultations to a senior policy level to ensure timely responses;
- Continuing dialogue: Continued communication with the ILO Regional Office has been maintained to ensure the reporting format meets the Committee’s expectations.

The Government notes the list of pending instruments requiring submission and will ensure that these items are prioritized. The Government remains committed to strengthening its institutional process and to fulfilling article 19 obligations through the established governance channels. The Government looks forward to providing further updates accordingly.

▶ Mapping of instruments to competent authorities

Session	Instrument	Responsible ministry/agency	Status
96th Session (2007)	• Work in Fishing Convention, 2007 (No. 188) • Work in Fishing Recommendation, 2007 (No. 199)	Department of Fisheries, Ministry of Primary Resources and Tourism	Under review by the relevant Ministry/Agency
99th Session (2010)	HIV and AIDS Recommendation, 2010 (No. 200)	Ministry of Health	Under review by the relevant Ministry/Agency
100th Session (2011)	• Domestic Workers Convention, 2011 (No. 189) • Domestic Workers Recommendation, 2011 (No. 201)	Department of Labour, Ministry of Home Affairs	Under review by the relevant Ministry/Agency
101st Session (2012)	• Social Protection Floors Recommendation, 2012 (No. 202)	Department of Community Development, Ministry of Culture Youth & Sports	Under review by the relevant Ministry/Agency
103rd Session (2014)	• Protocol of 2014 to the Forced Labour Convention, 1930 • Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)	Department of Labour, Ministry of Home Affairs	Under review by the relevant Ministry/Agency
104th Session (2015)	• Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)	Department of Labour, Ministry of Home Affairs	Under review by the relevant Ministry/Agency
106th Session (2017)	• Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)	Department of Labour, Ministry of Home Affairs	Under review by the relevant Ministry/Agency
108th Session (2019)	• Violence and Harassment Convention, 2019 (No. 190) • Violence and Harassment Recommendation, 2019 (No. 206)	Royal Brunei Police Force, Prime Minister's Office	Under review by the relevant Ministry/Agency
111th Session (2023)	• Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191) • Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207)	Safety, Health and Environment National Authority	Under review by the relevant Ministry/Agency

Session	Instrument	Responsible ministry/agency	Status
	• Quality Apprenticeships Recommendation, 2023 (No. 208)	Manpower Planning Office (PPTM)	Under review by the relevant Ministry/Agency

Congo

The Republic of the Congo is still due to provide first reports concerning the application of the Minimum Age Convention, 1973 (No. 138), the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), the Work in Fishing Convention, 2007 (No. 188) and the Maritime Labour Convention, 2006 (MLC, 2006). At last, and thanks to the support that the country has received since 2023 from International Labour Office experts in this regard, coordination work could begin, notably with the administration of maritime affairs, two members of which participated at the 113th Session of the International Labour Conference in 2025, the agenda of which included the MLC, 2006. The aim was to enable them to better understand the Republic of the Congo's obligations concerning the ILO Constitution and to build helpful relationships to this end. In the context of this new synergy, the work undertaken in 2024 on the preparation and submission of the reports relating to the application of the Conventions mentioned above, has developed significantly. Therefore, the first report on the MLC, 2006, has been completed and may be submitted without delay. The reports of Conventions Nos 152 and 188 are being finalized, in consultation with the experts in the relevant areas. They will be submitted as part of the cycle from 1 June to 1 September 2026. Discussions on this issue were held in April, with both the social partners (employers and workers) and the ILO country office based in Kinshasa. The training being carried out on international labour standards for the Government focal point and two social partners (an employer and a worker) and which will continue in Turin, from 25 to 29 May, will enable the provision of additional tools to the Republic of the Congo.

Croatia

At the outset, the Government wishes to reaffirm its steadfast commitment to the fulfilment of all constitutional and reporting obligations arising from Croatia's ILO membership. Croatia attaches particular importance to the effective functioning of the ILO supervisory machinery and remains firmly committed to maintaining constructive and transparent cooperation with the Committee of Experts, the Conference Committee, and the International Labour Office.

In this regard, the Government wishes to underscore that considerable efforts have been undertaken in recent years to strengthen institutional capacities and ensure the more timely fulfilment of all standards-related obligations. These efforts are reflected, inter alia, in the increased number of ILO instruments submitted to the competent committee of the Croatian Parliament, in accordance with Croatia's obligations relating to the submission of instruments adopted by the International Labour Conference.

The Government further wishes to inform the Committee that preparations are currently underway for the submission of the Domestic Workers Convention (No. 189) and Recommendation (No. 201), 2011 to the competent parliamentary committee, as a preliminary step in the national procedure leading to ratification.

With respect to the pending reporting obligations referenced in the Office's communication, the Government wishes to clarify that the relevant reports concerning both ratified and non-ratified Conventions have already been prepared. In this context, the Government further wishes to inform the Committee that the reports on the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) have already been submitted to the Office. The remaining reports are currently undergoing the final stage of internal review and verification to ensure their completeness, consistency and substantive quality. Consultations with the social partners concerning the content of the outstanding reports are expected to take place within the next two weeks, following which the reports will be finalized and transmitted to the Office without delay.

The Government wishes to emphasize that all efforts are presently directed towards ensuring the submission of all outstanding reports immediately following the 114th Session of the International Labour Conference.

The Government deeply regrets that these reports could not be submitted within the prescribed time frame and wishes to express its sincere apologies for the delay. Croatia consistently strives to ensure a high standard of reporting, including the submission of comprehensive and substantive replies to all comments, observations and direct requests issued by the Committee of Experts. Achieving this objective may, on occasion, require additional time due to procedural requirements at the national level, including coordination among several competent ministries, public authorities and other relevant institutions responsible for matters falling within the scope of the respective Conventions. Nevertheless, the Government remains fully committed to addressing the current delay as a matter of priority and to ensuring the regular and timely fulfilment of all reporting obligations.

The Government avails itself of this opportunity to renew to the Committee the assurances of its highest consideration.

Dominica

The Government of the Commonwealth of Dominica attaches the highest importance to its obligations under the ILO framework and remains fully committed to strengthening compliance with international labour standards.

In relation to the matters raised, we wish to provide the following updates:

1. Replies to comments of the Committee of Experts

   The Government recognizes the need to strengthen its responsiveness to comments issued by the Committee of Experts and is currently undertaking a review process to ensure that outstanding observations are addressed in a comprehensive and timely manner.

2. Reports on unratified Conventions and Recommendations (past five years)

   The Ministry is actively preparing the required reports on unratified Conventions and Recommendations. It is our intention to submit the outstanding report no later than 1 September 2026, in accordance with the reporting cycle.

   We confirm that a full submission was made on 1 September 2024. Please find attached supporting documentation for ease of reference.

3. Submission of instruments to the competent authorities

We wish to inform the Office that the process for submission of instruments (Conventions and Protocols) to the Cabinet of the Commonwealth of Dominica and subsequently to Parliament commenced in 2025. However, following initial consideration, the Cabinet requested additional information, resulting in the temporary withdrawal of the submission for further review.

The Ministry is currently finalizing the required supplementary documentation and clarifications. It is anticipated that the revised submission will be resubmitted to the Cabinet shortly and thereafter transmitted to Parliament, with a view to completing the process before the end of 2026.

The Government acknowledges the technical assistance available through the international labour standards specialist, Mr Shingo Miyake, and appreciates the continued support of the International Labour Standards Department and the Decent Work Technical Support Team. We remain open to further cooperation to strengthen our compliance framework.

The Government remains committed to full engagement with the Conference Committee and will, if required, provide both written and oral information for the sitting scheduled for 2 June 2026. Please accept assurances of our continued cooperation with the ILO.

France (New Caledonia)

We have, in good time, informed the competent authorities of the Committee of Experts' warning regarding the "serious failure to respect reporting and other standards-related obligations" due to the non-submission of the implementation reports by the Government of New Caledonia in 2025. All comments that the Committee on the Application of Standards may make in this regard during the Conference will also be transmitted without delay to the authorities concerned.

Further to the events of 2024, the Government of New Caledonia, in coordination with the metropolitan administration, has taken various measures to respond to the crisis and support the territory's return to stability. In this context, the competent services of the New Caledonian Government, including in the area of work and employment, have been heavily engaged. More broadly, New Caledonia still faces a particularly constraining economic and social situation. The New Caledonian Congress therefore adopted in 2025 a fiscal, social and budgetary reform plan, aimed at backing the territory's recovery and adaptation. Under these circumstances, the production of implementation reports has met with delays. The Caledonian authorities nevertheless remain fully aware of the importance of the relevant international commitments and are pursuing the measures needed for their implementation. The metropolitan administration also continues to provide its backing to New Caledonia in order to support this territory in its stabilization efforts.

The French Government thanks the Committee of Experts for this warning and will continue to raise the awareness of the competent authorities of the New Caledonian non-metropolitan territory of the need to continue their efforts to ensure compliance with the obligations relating to ILO standards.

Grenada

The Ministry of Legal Affairs, Labour and Consumer Affairs formally submitted a set of outstanding ILO instruments to the Cabinet for consideration, in accordance with article 19 of the ILO Constitution. These instruments were duly considered by the Cabinet on 10 November 2025.

The following instruments adopted by the International Labour Conference during the period 2007–25 have been transmitted for review and possible domestication into national law and practice:

- Work in Fishing Convention (No. 188) and Recommendation (No. 199), 2007;
- HIV and AIDS Recommendation, 2010 (No. 200);
- Domestic Workers Recommendation, 2011 (No. 201);
- Social Protection Floors Recommendation, 2012 (No. 202);
- Protocol of 2014 to the Forced Labour Convention, 1930 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203);
- Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205);
- Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019;
- Safe and Healthy Working Environment (Consequential Amendments) Convention (No. 191), Recommendation (No. 207), 2023, and the Quality Apprenticeships Recommendation, 2023 (No. 208);
- Biological Hazards in the Working Environment Convention (No. 192) and Recommendation (No. 209), 2025.

This action reflects Grenada's commitment to regularizing its compliance with obligations under article 19 and ensuring that ILO instruments are duly presented to the competent authorities for consideration.

The Government reaffirms its commitment to the ILO and to fulfilling its obligations thereunder, including the timely reporting on the application of ratified instruments. It further expresses its continued support for the principles of decent work, social justice, and the strengthening of international labour standards.

Haiti

The Government of the Republic of Haiti presents its compliments to the Committee and to the Committee of Experts, and wishes to reiterate its firm commitment to the supervisory system of the ILO, of which Haiti has been a Member since 1919.

The Government recognizes the delays experienced in submitting certain reports on ratified Conventions and the replies to comments made by the Committee of Experts, and regarding other obligations under the ILO Constitution.

These delays are the result of a particularly difficult situation that the country has been facing for several years. The Republic of Haiti is experiencing a multifaceted crisis characterized in particular by an ongoing deterioration of the security situation, prolonged institutional instability, widespread displacement and other major disruptions affecting the normal functioning of the public administration.

The security situation, marked by a rise in armed violence and the occupation of several strategic routes in the country by armed groups, has considerably limited the movement of administration personnel, disrupted the continuity of public services, and affected the operational capacity of national institutions.

These difficulties have particularly affected the Ministry of Social Affairs and Labour (MAST), which is responsible for coordinating the preparation and transmission of reports under ILO standards-related obligations. The logistical, human, technical, and administrative constraints experienced in recent years have had a direct impact on the capacity to collect, consolidate and regularly transmit the information required.

Furthermore, the prolonged absence of a functional Parliament has been a significant constraint regarding certain obligations related to the submission of instruments to the competent authorities, in accordance with the provisions of the ILO Constitution.

Despite these exceptional constraints, the Government reaffirms its willingness to progressively strengthen compliance with its international labour standards commitments.

In this regard, a special commission has been established to identify overdue reports, coordinate the collection of information available from the relevant institutions and expedite the preparation of reports and replies required by the ILO supervisory bodies.

The Government also indicates that efforts are under way to reinforce institutional coordination mechanisms and to improve compliance with international labour standards obligations.

In this respect, the Government requests strengthened technical assistance from the International Labour Office in order to support the national authorities with the drafting and gradual submission of overdue reports, the strengthening of institutional reporting capacities and the preparation for the transition towards the new thematic reporting system that will be progressively implemented as from 2027.

The Government reaffirms its commitment to taking the necessary steps to gradually resolve the situation and strengthen its cooperation with the ILO supervisory mechanisms.

Hungary

Hungary remains fully committed to the work of the ILO and to the fulfilment of its obligations related to international labour standards. We highly value our long-standing cooperation with the ILO and the support provided by the Office.

At present, the formation of the new Government is still under way at the operational level. Once all new ministries have been established, the competent authorities will take the necessary steps to submit the relevant Conventions and Recommendations to the National Assembly.

In this regard, we kindly ask for your patience and understanding during this transitional period.

Please be assured that Hungary remains devoted to constructive cooperation within the framework of the ILO.

Jamaica

The Government of Jamaica takes seriously its obligations under the Constitution of the ILO and acknowledges the delays in the submission of reports for the 2025 reporting cycle, replies to comments of the Committee of Experts, and the submission of instruments to the competent authorities.

With respect to the outstanding reports and replies to comments made by the Committee of Experts, the Government advises that work is currently under way to finalize the outstanding

submissions. The Government previously communicated that several reports were already in draft and regrets the delays encountered due to competing national priorities in completing the reporting cycle. Efforts continue to advance the preparation, review and consolidation of the outstanding submissions in consultation with the relevant ministries, agencies and tripartite stakeholders. The Government is making every effort to finalize the outstanding reports and replies by the end of August 2026.

The Government notes that the preparation of reports under ratified Conventions requires extensive inter-ministerial coordination, stakeholder consultation and technical review processes, which have contributed to delays in the completion and submission of reports. Jamaica is also continuing efforts to strengthen institutional and technical capacity to support more timely and efficient reporting processes.

Regarding the submission of instruments to the competent authorities, the Government is currently reviewing the outstanding instruments and the applicable national procedures required for their formal submission and consideration in keeping with its obligations under the ILO Constitution.

Jamaica appreciates the continued support and technical cooperation provided by the International Labour Office and the ILO Decent Work Team and Office for the Caribbean and looks forward to continued collaboration aimed at strengthening reporting compliance, institutional coordination and capacity-building efforts.

The Government remains committed to constructive engagement with the supervisory system of the Organization and to fulfilling its obligations under the ILO Constitution.

Kyrgyzstan

In light of the recent comments by the Committee of Experts regarding the non-submission or incomplete submission of information in response to the Committee's requests, the Government provides the following clarifications.

Kyrgyzstan has been a Member of the ILO since 1992. Over 34 years of membership, it has ratified 55 Conventions, 8 of which are fundamental. At the same time, work is continuing on the ratification of other Conventions. The Government attaches great importance to cooperation with the ILO and to fulfilling its obligations under the ILO Constitution.

The main factors affecting the timeliness of preparation and the accuracy of the materials submitted to the Committee of Experts include the limited human and technical resources of the relevant departments, as well as the need for inter-departmental coordination of information with various government bodies. In a number of cases, the process of compiling consolidated information required the collection of statistical and analytical data from several departments and social partners, which also affected the timing of the submission of responses.

The Government wishes to inform the Committee that measures are currently being taken to improve the preparation and timely submission of responses to comments and requests from the supervisory bodies.

The Ministry of Labour, Social Security and Migration is currently taking a number of measures aimed at improving cooperation with supervisory bodies and the ILO and ensuring the timely fulfilment of obligations relating to international reporting. In this regard, the Ministry is expanding its cooperation with employers' organizations and trade unions in preparing materials on the application of international labour Conventions. Furthermore, the

ongoing digitalization of the labour and employment sector will enable the Ministry to respond promptly and comprehensively to the Committee of Experts' requests.

The Government also wishes to emphasize that Kyrgyzstan continues to engage actively with the ILO supervisory system and relevant standard-setting processes. In this regard, the Violence and Harassment Convention, 2019 (No. 190), and the Private Employment Agencies Convention, 1997 (No. 181), were ratified in 2024–2025, and work is currently under way to ratify two of the ILO's fundamental Conventions – the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Occupational Safety and Health Convention, 1981 (No. 155).

The Ministry reaffirms its readiness for further constructive cooperation with the ILO and the Committee, as well as its interest in receiving technical and expert support on matters relating to the strengthening of the national system for the application of international labour standards. The Government is committed to full cooperation with the Committee and stands ready to provide oral information at the sitting scheduled for 2 June 2026.

Lebanon

Submission to the competent authorities

The Ministry of Labour, in accordance with the constitutional provisions in force, has already submitted the files relating to Conventions and Recommendations to the Council of Ministers.

On 11 June 2025, the Ministry of Labour received a letter from the Council of Ministers requesting the communication of the above files on Conventions and Recommendations to the most representative groups of employers and workers, in accordance with the ILO guidance set out in the Handbook of procedures relating to international labour Conventions and Recommendations, based on the content of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), even when the Convention has not been ratified by the State concerned.

The Ministry communicated the files covered by the correspondence to the General Confederation of Labour and the Association of Industrialists of Lebanon. On 10 September 2025, the Ministry received the views of the General Confederation of Labour.

As a result of the devastating war experienced by Lebanon, it was not possible to complete the required procedure for the submission of the file to the competent authorities in accordance with the applicable rules. It should be noted that the Ministry is in a dangerous area and is constantly the target of attacks, which has made it necessary to move to temporary premises to which around 60 per cent of the personnel has been transferred. The Ministry is currently engaged in the progressive transfer of the rest of the personnel, despite the danger. That will make it possible for the Ministry to continue its work to complete the required submission procedure.

Failure to comply with reporting requirements on Conventions under supervision by the Organization

Lebanon supplied reports on the application of international labour Conventions on 1 September 2025. With regard to later reports, it has not been possible to finalize them within the time limits due to the war; the Ministry therefore undertakes to provide the required documents within four months, thereby confirming its compliance with the requirements of the Organization.

Coordination with the follow-up team

A follow-up team has been appointed by the Organization to help the Government comply with its obligations, and the Government takes this opportunity to reaffirm its will to continue its communication and technical cooperation with the team appointed by the Organization. It should be noted that the continuation of this communication has only been prevented by the situation of war. It should be noted that several preliminary meetings have been organized in this respect, during which the Ministry has demonstrated full cooperation.

Moreover, in accordance with international standards, a parallel regulatory process has been launched, in line with the guidance provided by the Organization on the establishment and implementation of tripartite social dialogue, through the creation of a special dialogue commission at the national and sectoral levels, in parallel with the existing tripartite bodies.

A draft decree has been drawn up for the establishment of a national dialogue commission bringing together the social partners, ministries and stakeholders. The Organization will be informed once the regulatory and legislative processes have been completed.

The delay that has occurred is due to force majeure, and must not be interpreted or considered as a failure of compliance with the obligations deriving from Lebanon's membership of the Organization. For this reason, the Lebanese Government, as represented by the Ministry of Labour, calls for the circumstances outlined above to be taken into account, and for additional time and greater flexibility to be granted for the provision of reports to the Organization and submission to the authorities. The same applies to the steps already set in motion with a view to increasing conformity with international standards through the amendment of existing texts or the drafting of new texts, where necessary.

Liberia

Kindly accept our esteemed compliments for the level of support the ILO has been giving to Liberia to meet its reporting obligations and to advance decent work practices in our world of work.

Importantly, Liberia has been facing a series of technical constraints and legal issues and, at one point, struggled with a national workers' leadership crisis which affected our reporting trend with the ILO, leading the Committee of Experts to record failure on our part to meet certain reporting obligations. Amid these challenges, we would like to acquaint the office that Liberia has been making some tremendous efforts towards improving decent work within the working environment.

One of the most difficult situations that posed challenges to our efforts in labour administration was the impasse that long lasted within the workers' leadership of the Liberia Labour Congress. That leadership crisis prevented us from having a united workforce in our tripartite arrangement and to reach consensus on most of Liberia's obligations with international labour treaties. Fortunately, through the institution of social dialogue, the issues surrounding the impasse have now been resolved, and we once again have a united workforce within the Liberia Labour Congress.

Additionally, we adopted the National Strategic Plan (2025–2029) on Creating Decent Jobs and Employment for a Stable Labour Market and Economic Growth in Liberia. We also formulated and launched Regulation No. 19 on Occupational Safety, Health, and Welfare in the Workplace while remaining focused on the implementation of the recommendations contained in the Direct Contacts Mission report.

On the implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Liberia is making every effort to bridge the gap between the Decent Work Act of 2015 that governs workers in the private sector, and the Civil Service Standing Orders that govern workers in the public sector.

While it is true that the jurisdiction of the Ministry of Labour does not extend to workers in the public sector, there have been achievements in the organization of national teachers that cut across both sectors and health workers in the private sector – a step that once challenged our labour administration procedures.

Liberia recognizes the importance of harmonizing the Decent Work Act of 2015 and the Civil Service Act/Standing Orders, especially where segments of either law limit the rights of workers in any form. Such provisions will be amended to ensure compliance with international labour standards. While we are working to resolve these inherited social justice and legal issues that are reflected in the report of the Committee of Experts, we wish to inform the ILO that we continue to face significant technical and resource constraints.

In view of the foregoing, the Government, during this this critical period of our labour regime, seeks the support of the ILO through technical assistance (training of labour administrators), as well as the allocation of resources to various programmes that will strengthen labour administration and reform our labour laws through the implementation of the Decent Work Country Programme, which will help us overcome these challenges and improve our reporting obligations under all international labour treaties.

In conclusion, Liberia remains committed to being in compliance with all treaties and recommendations of the ILO, as we make every effort to improve our world of work.

Romania

The Government would like to formally inform the International Labour Office that Romania consistently ensures the rigorous application and monitoring of ratified international labour standards. Driven by this commitment and our ongoing cooperation with the Office, Romania has fully updated its statutory submissions, ensuring that all reporting obligations under the relevant Conventions are currently fully met, up to date, and with no overdue reporting obligations.

Specifically, we have complied with the following:

(1) Response to the Committee of Experts' comments: All requested information in response to the comments made by the Committee of Experts for has been transmitted.

(2) Reports on ratified Conventions (article 22): All required reports under article 22 of the ILO Constitution are duly submitted.

(3) Reports on unratified Conventions and Recommendations (article 19): Romania has duly submitted its national responses aligned with the latest article 19 questionnaires for the current General Survey cycles established by the Governing Body.

We would like to reiterate Romania's firm commitment to its obligations as an ILO Member State and our full cooperation with the supervisory bodies. We trust that this information will be reflected in the updated compliance records and status lists prior to the special sitting on 2 June 2026.

Furthermore, in accordance with the provisions of article 19, paragraphs 5, 6, and 7 of the ILO Constitution, the Government has completed the formal procedure for the submission of the instruments adopted by the International Labour Conference at its recent sessions to the

national competent authorities. On this date, the instruments listed in the annex were officially submitted to the Parliament of Romania.

In this context, we would like to highlight Romania's enduring commitment to the international labour standards, as we consistently strive to ensure full alignment with the values and instruments of the Organization.

Following the recent ratification of the Violence and Harassment Convention, 2019 (No. 190), we are pleased to inform you that Romania has formally initiated the internal institutional process for the ratification of the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), in close consultation with the most representative social partners. Upon completion, this milestone will ensure that Romania has successfully ratified all ten fundamental Conventions. This endeavour, coupled with the current submission of the Biological Hazards Convention, 2025 (No. 192), reflects our national priority to ensure a safe and healthy working environment for all workers, in line with the ILO's fundamental principles.

Through these actions, Romania continues to consolidate its position as a proactive Member State, dedicated to the effective implementation of the Decent Work Agenda.

Saint Lucia

The Government of Saint Lucia acknowledges the importance of timely compliance with obligations arising under articles 19 and 22 of the Constitution of the ILO and reiterates its firm commitment to strengthening national mechanisms to ensure improved reporting and engagement with the supervisory system.

In this regard, the Government is pleased to inform the Committee that Saint Lucia has already submitted three reports under article 22 and is actively working toward the submission of six additional reports, within the upcoming months. These efforts form part of a broader and deliberate national strategy aimed at addressing long-standing reporting deficiencies and strengthening institutional capacity in relation to international labour standards.

To support this initiative, the Department of Labour has identified and assigned two dedicated officers whose primary responsibility is the strict preparation and coordination of article 22 reports and related reporting obligations. These officers have received specialized guidance and technical support through training initiatives facilitated by the ILO, including direct guidance and continued assistance from Mr Shingo Miyake of the ILO Decent Work Team and Office for the Caribbean. The Government remains deeply appreciative of the continued technical cooperation and support provided by the ILO, in this regard.

Further, Saint Lucia recently ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and has since established the National Tripartite Advisory Committee (NTAC) as a formal mechanism to strengthen tripartite consultation and social dialogue on matters concerning international labour standards and labour governance. The NTAC subsequently convened its inaugural meeting on May 18, 2026, marking an important step in operationalizing the Committee's mandate and advancing coordinated stakeholder engagement on labour matters.

The establishment of the NTAC reflects the Government's adoption of a more holistic and institutionalized approach to addressing reporting obligations and strengthening engagement with the ILO supervisory system. Through this mechanism, the Government intends to enhance consultation, coordination, and shared responsibility among Government,

and employers' and workers' representatives in matters relating to labour standards, reporting obligations, and broader labour policy development.

Furthermore, it is noted that Article 5(d) of Convention No. 144 provides, among others, that the NTAC is to be consulted on article 22 reports. Implementation of Convention No. 144 and the establishment of the NTAC will, therefore, strengthen reports from Saint Lucia to the ILO supervisory system.

Additionally, the Government has appointed designated points of contact across various government ministries and agencies to support the collection and coordination of information required for the preparation of ILO reports. To strengthen the effectiveness of this framework, an ILO Reporting Orientation Session was convened on 31 March 2026, during which, these officers received guidance from representatives of the ILO and officials of the Department of Labour, concerning their respective roles, reporting requirements, and the practical processes involved in the preparation of ILO reports. This initiative has significantly improved awareness of reporting obligations and has enhanced inter-ministerial coordination and data-gathering efforts.

The Government of Saint Lucia fully recognizes the importance of the ILO supervisory system in promoting compliance with international labour standards and remains committed to taking all necessary measures to improve its reporting performance and engagement with the ILO. The Government further values the continued support and technical cooperation provided by the International Labour Office and looks forward to continued collaboration in strengthening national capacity in this area.

Saint Vincent and the Grenadines

Please be advised that the concerns have been noted. The Government remains committed to fulfilling its obligations as a Member of the ILO. The country is currently in a transitional phase following the establishment of the new administration. The Department further assures that the foregoing matters will be referred to the competent authority and brought to its attention for appropriate action.

San Marino

In reference to the recent observations published by the Committee of Experts regarding the failure to comply with article 19 of the ILO Constitution, the Government clarifies and reaffirms San Marino's commitment to fulfilling its international obligations within the framework established by the ILO and to strengthen compliance with international labour standards.

We reiterate that San Marino complies with the principles of the ILO and the contents of the international labour standards adopted through the various Conventions. To date, San Marino has ratified 26 Conventions, 25 of which are in force. Specifically, 8 out of 10 fundamental Conventions, 1 out of 4 governance Conventions, and 17 out of 178 technical Conventions.

To this end, we are pleased to report that on 19 May 2026, the Congress of State of the Republic of San Marino officially began the ratification process of the Occupational Safety and Health Convention, 1981 (No. 155) adopted in Geneva on 22 June 1981, of the related Protocol and of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) adopted in Geneva on 15 June 2006, and in doing so, consequently adopting and recognizing the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), the international treaty adopted by the ILO on 12 June 2023 which

aims to update ILO standards to formally include occupational health and safety among the Organization's fundamental principles and rights. The Secretary of State for Foreign Affairs, the Secretary of State for Labour, and the Secretary of State for Health have seized the opportunity to benefit from greater tools in San Marino to promote a culture of prevention in matters of health and safety at work by adhering to the aforementioned Conventions. The aim is to help prevent workplace accidents and occupational diseases and create an increasingly safe and healthy working environment through coordinated action involving all relevant social partners. San Marino also plans to ratify two governance Conventions regarding the labour inspectorate.

With this letter, we would like to give you back the picture of San Marino regarding failure to supply reports for the past five years on unratified Conventions and Recommendations. We also take the opportunity to inform you that it has also been fulfilling the other article 19 obligations by replying to direct requests on the submission to the competent authority of the instruments adopted by the Conference.

The Government, with the valuable support of the ILO, has invested heavily in recent years at the functional and organizational levels to ensure compliance with the reporting and monitoring obligations provided by articles 19 and 22 of the ILO Constitution, a fundamental constitutional requirement of the ILO system. We would like to reiterate our commitment and willingness to address these obligations with maximum transparency and within the established time frames. To this end, we appreciate the availability of technical support from the International Labour Standards Department to strengthen our compliance framework and ensure compliance with the required obligations.

Timor-Leste

The Ministry of Foreign Affairs and Cooperation of the Democratic Republic of Timor-Leste has the honour to reiterate the Government’s commitment to fulfilling its obligations under the ILO framework, while acknowledging that timely reporting and submission of ILO instruments are essential. Timor-Leste underscores its ongoing efforts to strengthen capacity and coordination among line ministries and other stakeholders to meet ILO standards.

Furthermore, the Secretary of State for Vocational Training and Employment (SEFOPE) of Timor-Leste has requested technical assistance from the ILO Decent Work Technical Support Team in Bangkok. Mr Jajoon Coue, the ILO International Labour Standards Specialist, will provide targeted training for SEFOPE and other relevant government officials on ILO reporting obligations and will work on a practical road map to address the backlog of reporting related to unratified Conventions and their implementation.

The Ministry of Foreign Affairs and Cooperation avails itself of this opportunity to renew to the International Labour Standards Department (NORMES) the assurance of its highest consideration.

Uganda

The Government submits the present information in a spirit of full cooperation with the ILO supervisory system. The information below highlights new legislative, policy and institutional developments which had not yet been examined by the Committee and which directly respond to pending comments under the relevant Conventions. In addition, Uganda has submitted detailed reports to the International Labour Standards Department covering the 2025 and 2026 reporting cycles, including the report concerning the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

I. Legislative reforms and new legal instruments

The Employment (Amendment) Act, 2026 was assented to by the President in April 2026. This is a significant post-examination development with direct relevance to several ratified Conventions. The Act enhances protection for workers against unjust dismissal and strengthens the power of labour officers to adjudicate labour disputes. It further repeals provisions of the Labour Disputes Arbitration and Settlement Act, Cap. 227, which were contradictory with the provisions of the Employment Act, Cap. 226

The Labour Unions Bill 2024, which revises the Labour Unions Act Cap. 228, was presented to Cabinet in November 2024. The Cabinet deferred the Bill and requested further consultations with social partners, including employers' and workers' organizations. Consultations have since been concluded and the Bill is being prepared for resubmission to the Cabinet. This reform is directly relevant to 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).

Consultation workshops on the Workers Compensation Amendment Bill 2024 were conducted with social partners in 2024. The Bill is part of a broader effort to update Uganda's social security and occupational safety legislative framework.

II. New policy frameworks and strategies

Uganda launched its Third Decent Work Country Programme (DWCP III) for 2025–30, signed jointly with the ILO. The Programme aligns employment strategies with ILO priorities, focusing on job creation, rights at work, social protection, and social dialogue. It specifically designates promoting safe, dignified and violence-free workplaces as a core outcome and includes strengthening labour administration and tripartite institutions. DWCP III replaces the previous programme and constitutes a new framework not yet reviewed by the Committee.

A revised National Employment Policy (NEP 2024) is in its final stages of adoption, awaiting Cabinet approval. The new Policy addresses structural challenges including high informality, insufficient job creation, and persistent youth unemployment. Key features include:

(i) strengthening labour administration and enforcement, including improved labour inspection capacity and inter-agency coordination;

(ii) mainstreaming vulnerable groups (youth, women, persons with disabilities) through targeted interventions including the Jua Kali programme, the SENTE programme, and the National Apprenticeship and Graduate Volunteer Scheme;

(iii) promoting transition from informal to formal employment through legal reforms, expanded social protection, and sector-specific formalization strategies;

(iv) an inter-ministerial coordination framework for implementation with clear accountability mechanisms and performance indicators.

Uganda has adopted its Fourth National Development Plan (NDP IV) for 2025/2026–2029/2030, which integrates employment promotion as a central macroeconomic objective. NDP IV prioritizes labour-intensive growth, agro-industrialization, information and communication technology (ICT), and infrastructure development, with specific sectoral job creation targets. This supersedes NDP III (2020–25) and introduces a new planning framework not previously examined by the Committee.

A new National Equal Opportunities Policy was finalized in financial year 2024/25. It provides a consolidated framework for mainstreaming equality across all employment sectors

and is relevant to the implementation of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The National Gender-Based Violence Action Plan was finalized in financial year 2025/26. It addresses workplace gender-based violence alongside broader societal interventions, complemented by the annual 16 Days of Activism campaign. In financial year 2024/25, the Ministry of Gender, Labour and Social Development (MGLSD) inspected 13 gender-based violence shelters for compliance with national standards.

III. New institutional mechanisms and operational developments

The National Labour Market Information System (LMIS) was formally launched by the President on 1 May 2025. The LMIS is managed by the MGLSD in partnership with the Uganda Bureau of Statistics (UBOS). It provides disaggregated data by sex, age, region and economic sector, and is specifically designed to guide evidence-based policy-making on employment trends, unemployment, underemployment, and skills gaps. This addresses a long-standing request by the Committee of Experts.

Regarding labour inspection capacity, as of May 2026, Uganda has 190 labour officers and inspectors deployed across 135 districts, 10 cities, and 39 municipalities, up from prior periods. New operational developments include:

(i) In 2024, a nationwide training programme was conducted for over 170 labour officers, covering workers' compensation assessment, child labour identification and elimination, forced labour, trafficking in persons, and National Social Security Fund (NSSF) compliance enforcement.

(ii) In 2025, a further training workshop for 190 labour officers focused on conducting social security inspections.

(iii) In 2025, 20 labour officers participated in a benchmarking visit to Rwanda to strengthen cross-border learning and improve inspection methodology.

(iv) In financial year 2024/25, 1,018 workplace meetings on safety and health standards were registered; 884 workplaces were inspected for OSH compliance; 1,495 workplaces were registered for OSH compliance; and 1,113 statutory equipment inspections were conducted.

(v) The Department of Labour, Industrial Relations and Productivity (DLIRP) inspected 167 external recruitment agencies and 66 pre-departure training institutions in financial year 2024/25 for compliance with safe migration standards.

A pilot online gig work programme was launched in January 2024 by the ILO in partnership with the MGLSD. The programme equips youth with digital work skills and job linkages to help them enter the growing gig economy. This is a new pathway to self-reliance for young people not previously reported upon.

IV. New developments in labour migration and refugee employment

The new Guidelines for External Recruitment Agencies were issued in 2024, together with a draft Pre-Departure Training Curriculum for Migrant Workers. These instruments address coercive labour practices including debt bondage and restriction of movement. They are implemented alongside bilateral labour agreements (BLAs) and are directly relevant to the Violence and Harassment Convention, 2019 (No. 190), and the forced labour Conventions.

Uganda is concluding new BLAs with Kazakhstan and Germany, scheduled for finalization in financial year 2026/27. A labour attaché has been deployed in the Kingdom of Saudi Arabia to monitor conditions and support Ugandan migrant workers in dispute resolution. These represent new arrangements not yet before the Committee.

The Generating Growth Opportunities and Productivity for Women Enterprises (GROW) Project, funded by the World Bank and implemented by the MGLSD and the Private Sector Foundation Uganda, has been extended to all districts, municipalities and cities including refugee-hosting districts. The project now includes a dedicated component for refugee women ("Growth Opportunities for Refugee Women"), providing skills development, access to microfinance and mentorship.

Uganda is implementing the Jobs and Livelihoods Integrated Response Plan (JLIRP) targeting the creation of 200,000 sustainable jobs for refugees and host community members by 2025. The Plan supports vocational training, apprenticeship schemes, enterprise development, agricultural value chains and the recognition of prior learning (RPL) for informal skills certification.

V. Updated Labour Market Statistics

According to the UBOS Labour Market Survey (LMS) 2025, disseminated on 16 April 2026, Uganda's working-age population (aged 14–64 years) stands at 57.6 per cent of the total population, translating to approximately 26.4 million people, of whom only 11.8 million are employed. The national unemployment rate is 12.2 per cent, with women more affected (13.9 per cent) than men (10.8 per cent), and youth aged 15–24 recording the highest rate at 17.9 per cent. Beyond unemployment, a broader measure of labour underutilization – encompassing the unemployed, the underemployed, and those available but not actively seeking work – reveals that approximately 7.7 million Ugandans are in labour distress, pushing the overall underutilization rate to 41.6 per cent. The services sector has emerged as Uganda's largest employer, absorbing 50.5 per cent of the workforce, followed by agriculture at 37.1 per cent and industry at 12.4 per cent. Women are particularly prominent in the services sector, accounting for 56.4 per cent of its workforce. Informality remains a defining challenge, with 89.2 per cent of employed persons working outside the formal economy, rising to 91.9 per cent in rural areas and as high as 95.1 per cent among youth aged 15–24. The formal sector employs approximately 2.37 million people with 155,240 reported vacancies, while the informal sector employs 7.35 million with 305,364 vacancies. The UBOS has committed to producing quarterly labour market updates going forward to support more timely, evidence-based policy planning.

C. Discussion by the Committee

Chairperson – We will now continue our work with the examination of cases of serious failure by Member States to respect their reporting and other standards-related obligations. Before giving the floor to the Vice-Chairpersons for their introductory remarks on this issue, I would like to refer to the working methods of the Committee in relation to the examination of cases of serious failure by Member States to respect their reporting and other standards-related obligations.

The Committee has established specific criteria to determine cases of "serious failure". These criteria are set out in document D.1, which is available on the Committee's webpage. Cases of serious failure are identified by the Committee of Experts in the respective sections of its General Report. It should be recalled that the following criteria have been 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”: the first reports on ratified Conventions have not been supplied for three or more 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 regarding 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.

With a view to taking into account the information received from Governments since the meeting of the Committee of Experts, the Office has prepared document CAN/D/SF, which has been available since yesterday on the Committee’s webpage, in which updated information is compiled in this respect. Indeed, some Governments have since provided the information and reports requested, for which reason they are no longer included on the list of cases of serious failure. Moreover, the document compiles the written information received from Governments on such failures, as set out in Part V of document D.1.

I will invite the representatives of the Governments of the countries referred to in the present document, who have registered on the list of speakers, to provide information and explanations to the Committee. When they take the floor, the Governments are requested to provide information in a single statement on all the cases of serious failure which concern them. The Governments concerned may, in particular, place emphasis on the difficulties encountered in fulfilling their obligations and indicate the areas in which ILO technical assistance and cooperation would be pertinent. This information will make it possible for the Committee to gain a better understanding of the situation in the country and will be useful to the Office in responding to Government requests. At the end, I will once again give the floor to the two Vice-Chairpersons for their concluding remarks, following which I will submit the draft conclusions to the Committee for its approval, in accordance with the working methods.

I now declare discussion open and invite to two Spokespersons to make their introductory remarks.

Employer members – The Employer members take note of the Committee of Experts’ assessment of reporting obligations in their report. We welcome the measurable progress recorded this year, notably the increase in the overall percentage of reports received and in particular the improvement in the number of reports submitted before the 1 September deadline. We also acknowledge the higher number of first reports received and join the

experts in expressing appreciation to those Governments that made special efforts to comply. At the same time, the report confirms that serious challenges remain.

A substantial share of reports continues to be submitted after the deadlines, and a number of Governments still fail to report over several years. As the Committee of Experts rightly underlines, late and missing reports disrupt the functioning of the supervisory system, delay feedback to Governments and the social partners and prevent the Committee from focusing on its thematic priorities. The Employer members reiterate the importance of full compliance with the reporting obligations under articles 19, 22 and 35 of the ILO Constitution, including the obligation to prepare reports in consultation with the most representative employers' and workers' organizations. Reports that are complete, accurate and timely remain at the foundation of the ILO's regular supervisory system. Once again, the persistently high volume of observations and direct requests raises concerns about whether ratification is taken with sufficient seriousness.

While progress is noted, these figures still suggest that ratification is often undertaken without adequate preparation. As the Employer members already stated, ratification should not be treated as a political signal or the end of a process, but rather as the beginning of a sustained commitment to implementing international labour standards in law and in practice. This entails the acceptance of binding legal obligations, including the obligation to report regularly on implementation. For this reason, we stress again that efforts to promote ratification must be accompanied by thorough pre-ratification assessments carried out in close consultation with the social partners. These assessments must cover not only a country's capacity to implement a Convention in law and practice, but also its capacity to report on this implementation. Therefore, ratification should only take place where both capacities can be ensured, and this remains essential for the sustainability and credibility of the standards system.

With respect to Governments' compliance with reporting obligations, the Employer members note a modest improvement in the overall reporting rate compared with last year and a clear increase in reports submitted before 1 September, representing 54.9 per cent of the reports requested compared to 42.4 per cent in the previous session. We also note with particular appreciation that 55 of 87 first reports due on the application of ratified Conventions were received by the end of the Committee's session. However, the fact that more than 25 per cent of reports received were still submitted after the deadline remains unacceptable. The Employer members therefore urge all Governments to make every effort to submit their reports in time and in full.

The Employer members are also concerned by the persistent failure of ten countries to submit their first reports over a period of two or more years. While we welcome the Governments that have submitted 15 first reports this year, the continued non-reporting is not acceptable. We echo the Committee of Experts' call on the Governments concerned to make special efforts to submit these overdue reports without delay and to make full use of ILO technical assistance where administrative or structural challenges exist, as these reports are essential for the Committee's initial comprehensive assessment of compliance. We also note with concern that, this year, information has not been received from 37 countries as regards many of the observations and direct requests made by the Committee. While we appreciate the fact that 14 Governments have since provided written information concerning their failure to report, this reticence to provide information weakens the dialogue-based nature of the supervisory system.

Where Governments face systemic reporting difficulties, transparency as to the reasons for these difficulties can help to identify appropriate and targeted solutions. With respect to article 19 obligations, we acknowledge the strong response rate to this year's General Survey questionnaire, while noting with concern that a number of countries continue to fail to report on unratified Conventions and Recommendations. These persistent gaps must be addressed. We also observe that certain countries appear repeatedly across different categories of reporting failure, including under articles 19 and 22 and with respect to first reports. While we recognize that in some countries political institutional or administrative constraints can hinder timely reporting, these challenges do not diminish the obligation to report, and we strongly encourage these Governments to make every possible effort to seek comprehensive support from the Office to address reporting shortcomings in a coordinated and sustainable manner.

In this context, the Employer members welcome the streamlining of reporting under article 22, including the progressive introduction of thematic implementation reports. While recognizing that this reform may initially create additional demands not only for the Office, but also for Governments and the social partners, over time, these reforms are expected to deliver tangible improvements by making reporting more structured, coherent and transparent. The reform will hopefully contribute to a more focused supervisory process while remaining responsive to national circumstances. Against this background, we welcome ongoing efforts within the supervisory system to strengthen follow-up in cases of serious failure, including through improved coordination and more focused support aimed at improving compliance. The Employer members wish to reaffirm the importance of social partners participation in the regular supervisory system. Under article 23(2) of the ILO Constitution, Governments are required to communicate their reports to representative employers' and workers' organizations. This obligation is essential to ensure that supervision reflects realities on the ground. We observe that the social partners submitted 898 observations to the Committee of Experts this year compared to 786 last year, 154 of which were communicated by employers' organizations and 744 by workers' organizations. While this is a commendable increase from last year's submissions, input remains limited and we trust the Office will continue to provide technical assistance, including capacity-building to the social partners where needed to enable them to submit relevant observations to the Committee of Experts. Active participation by the social partners ensures that the monitoring of standards remains truly tripartite. For its part, the International Organisation of Employers (IOE) continues to support employers' organizations in submitting relevant up-to-date information to the Committee of Experts on the application of ratified Conventions, particularly as this is critical in highlighting the needs and realities of sustainable enterprises in the implementation of ratified Conventions in law and in practice.

We trust that the Committee of Experts in its assessments will give due consideration to the comments from employers' organizations, as well as any additional comments made by employers' representatives in the discussions during this Committee. To conclude, the Employer members emphasize that the effectiveness of the ILO's supervisory system depends fundamentally on timely, complete and high-quality government reporting, complimented by meaningful participation of the social partners. While the 2026 report shows encouraging signs of improvement, significant shortcomings remain. We support efforts to modernize and streamline reporting, including digital tools and the new article 22 streamlining process, and we hope that these reforms will lead to better compliance over time. However, such efforts will succeed if they are accompanied by pre-ratification assessment and also renewed attention to the consolidation and simplification of the ILO

standards themselves. Only then can supervision focus on the most critical issues facing the world of work and deliver real value to all constituents.

Worker members – The current sitting covering serious failures to respect reporting and other standards-related obligations is an important part of our work. It offers us the opportunity to remind everyone, and particularly Member States, of the fundamental nature of compliance with these obligations. Without this continuous dialogue between the ILO and its Member States, our Organization could not function properly.

And that is precisely the reason why these obligations were included in the ILO Constitution. The work of the ILO, and in particularly of our Committee and the Committee of Experts, is based on the reports provided by Member States and on the observations made by trade unions and employers' organizations.

If Member States do not fulfil their obligations, they prevent the ILO from giving effect to its mandate, to which the Member States have nevertheless subscribed. The assessment of the implementation of ILO standards in Member States is an essential stage before being able to provide them with the necessary support to ensure the effective implementation of ILO instruments. It is not a mere administrative matter, but often relates to respect for the dignity and rights of workers deriving from ILO standards.

The issue of the administrative burden involved in these reporting obligations must not be overlooked. It is particularly in this light that the tripartite constituents have agreed to develop the reporting procedures. It is not a secret for anyone that the Workers' Group has some concerns regarding these developments. The reform must in not in any event result in a dilution of the comments made or a lowering of the quality of the information provided to the ILO. We are therefore calling on the Office here and now to prepare an in-depth evaluation of the reform with the objective of preserving the effectiveness of the supervisory procedures.

A significant number of Member States have been called upon to provide the Committee with written explanations on serious failures to comply with reporting and other standards-related obligations. That shows the extent of the work that still has to be done.

With regard to the number of reports provided, we note a slight improvement in relation to last year. Moreover, according to the report of the Committee of Experts, there was a significant increase in the reports provided before 1 September. We can only encourage Member States to continue these efforts and to strengthen this trend.

The regular provision of reports is essential to the dialogue that must be take place between the ILO and its Member States. A certain number of Member States have still failed to provide the reports requested under article 22 of the Constitution for over two years. Seven Member States were in this situation when the report of the Committee of Experts was published. One Member State, the Gambia, has since rectified its situation and we thank it for that.

The replies provided to the observations and requests made by the ILO supervisory bodies are essential to continue feeding into the dialogue between the ILO and its Member States. Unfortunately, certain Member States do not give effect to these observations and requests. At the time of the publication of the report, 37 Member States had not replied to the majority, or all of the observations and direct requests made to them. In the meantime, 11 Member States have rectified this situation. We encourage them to continue along this path and invite the other Member States to also take the necessary action.

Moreover, the Committee of Experts, with the support of the Office, has established a procedure of urgent appeals over the past few years to improve compliance with the reporting obligations of Member States. Under this procedure, a case can be examined in depth on the basis of the information that is publicly available. This sends a clear message that the failure to provide reports cannot in any event offer a way out of the process of supervising compliance with ILO instruments. Indeed, one case that is on the long list has also been the subject of an in-depth examination in the absence of a report following the urgent appeal issued by the Committee of Experts. It is the case of the Congo for the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152).

With regard to the reform of the reporting mechanisms which, this year, has resulted in the suspension of the system of urgent appeals, except in the case of first reports which have not been provided for three or more years, we hope that the procedure will be fully re-established as soon as possible.

With reference to first reports, their importance needs to be recalled. First reports enable the ILO to have a detailed overview of the implementation of a Convention. At the time of the publication of the report, ten Member States had not yet provided a first report for at least two years. Kenya, Djibouti and the Central African Republic were on the list, but have since provided information to the ILO, for which we thank them.

We will therefore only have urgent appeals this year for the failure to comply with the obligation to provide a first report for three or more years. This year there are seven Member States to which such an urgent appeal has been made. We call on these Member States to respond favourably and as soon as possible to the appeal made by the Committee of Experts.

In the same way as the Committee of Experts, we also welcome the 15 first reports that have been provided this year which had been due for two or more years.

We all recognize the importance of General Surveys. The drafting of these General Surveys is also based on the reports provided by Member States. The contributions made by everyone to these reports enables the ILO to identify possible areas for action and for Member States to find inspiration in the measures taken elsewhere. And yet, it is to be regretted that, when the report was published, 17 countries had not provided any reports for General Surveys for the past five years. In the meantime, five Member States have provided such a report, for which we thank them.

The submission to the competent authorities of the instruments adopted by the ILO is also essential as it allows Member States to give effect to the outcome of ILO standard-setting at the national level. And yet, we are bound to note that, when the report was published, no fewer than 22 Member States had not submitted to their competent authorities the instruments adopted by the ILO at the previous seven sessions of the Conference. And in the meantime, none of them have rectified the situation. We hope that they will take the necessary measures to inform the competent authorities of the ILO's standard-setting activities.

It is positive to note that an obligation that touches upon the very essence of the ILO has been complied with for several years by all Member States, that is the requirement to indicate the representative organizations of workers and employers to which copies of the reports and information provided to the ILO are communicated. Tripartism lies at the heart of ILO action. And while compliance with this formal obligation is universal, we will see, during our work, that the effective operation of real tripartite social dialogue is still far from being universally achieved.

During the course of this special sitting of our Committee, the 49 Member States concerned have been given the opportunity to provide written information on the serious failures identified. Nineteen of them have taken this opportunity. We thank them for that, which shows their commitment to our Organization and provides the Committee with information on the reasons for the difficulties encountered and the opportunity to provide the appropriate assistance. However, we regret that so few Member States have taken this opportunity.

However, our attention has been drawn to one written contribution. The written information provided by the Government of Liberia seems to suggest that responsibility lies with the Liberia Labour Congress for the failure to comply with standards-related obligations. We wish to clarify, here and now, that compliance with standards-related obligations is primarily the responsibility of the Government. If differences of views emerge between the Government and the social partners, they can perfectly well be reflected in the reports provided by the Government to the ILO.

On the basis of the information compiled by the Office, it should be noted that, between the time when serious failures by Member States are outlined in the report of the Committee of Experts and the holding of this special sitting, eleven Member States have provided information in response to all their failures to comply with reporting obligations and six member States have responded to some of the failures identified. We encourage these Member States to continue their efforts. There nevertheless remain many Member States which have not yet taken specific action in this respect.

Government representative, United States of America – With respect to the status of the United States' report on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), we are in the process of completing US government-wide approval of the report with the aim of transmitting it to the ILO as soon as possible.

Worker members – The present sitting on cases of serious failure to comply with reporting obligations reminds us of the importance of permanent dialogue between Member States and the ILO. These are the reporting obligations which organize and give substance to this permanent dialogue. In becoming members of the ILO, Member States undertake to comply with these obligations. If not, dialogue may be interrupted. Such permanent dialogue is a demanding for Member States and we must recognize that. And yet, Member States need to be convinced that this requirement also serves the purpose of tripartite dialogue with the social partners, which is a fundamental value promoted by the ILO.

As we have indicated, the procedures for this dialogue will change following the reform of the reporting system decided upon by the Governing Body. As one of the purposes of this reform is to facilitate the process of reporting by Member States, we hope that over the next few years we will see a significant reduction in cases of serious failure, and that this will also be reflected in the quality of the reports provided.

While it is inevitable that the new system will suffer from teething problems, we must work together to ensure that the new reporting system does not prejudice the effectiveness of the supervision of standards.

We are already seeing the appearance of initiatives to inform and train the tripartite constituents in the new reporting system, as illustrated by the opening to the public of a webinar developed by the ILO International Training Centre in Turin in collaboration with the Standards Department within the framework of the International Labour Standards Academy.

We have no doubt that the ILO will increase the number of initiatives to train and inform the tripartite constituents of this deep-rooted reform.

We have taken note of the written information provided and the difficulties encountered by certain Member States, and we are pleased to note that these Member States generally have recourse to ILO technical assistance, and that the ILO systematically responds to such requests with great efficiency. The Office is making many efforts to help Member States and is placing many tools at their disposal.

We make regular reference by way of reference to the website Managing ILS Reporting and the online Handbook of procedures of the ILO supervisory system. We hope that these valuable tools will be updated to reflect the development of the reporting system. We also encourage the Office to give the maximum visibility to the development of these tools and encourage Member States to follow them attentively.

As I have already noted, the training of government officials responsible for preparing these reports is essential to ensuring compliance with reporting obligations. And this is precisely a central mission of the ILO International Training Centre in Turin. Government officials who have participated in training in Turin come back better equipped, which is reflected in the improvement of compliance with reporting obligations.

It is also impossible to underestimate the vital role played in this regard by ILO offices and the expertise of the many standards specialists in the field. It is essential for the ILO's tripartite constituents to provide the Office with the necessary resources to continue and even strengthen the many means already deployed in this respect. In the context of activities to promote international labour standards, additional resources could also be allocated to technical assistance and support activities for Member States and the social partners in order to enable them to comply with their standards-related obligations and encourage them to engage actively in ILO tripartite dialogue.

We regret that certain Member States appear to be deliberately ignoring their reporting obligations. The approach adopted towards these Member States should be firmer than towards Member States experiencing proven technical difficulties or with insufficient capacity. The urgent appeal system is a first response, but it applies without distinction to Member States that are acting in good or in bad faith. A further step could be taken in relation to the latter.

It is important to reiterate that the difficulties encountered by certain Member States in complying with their reporting obligations must not discourage them from ratifying other Conventions.

We have taken due note of the commitments expressed by certain Governments and we hope that they will be followed up by action in practice to ensure full compliance with their obligations. It is essential for all these Governments, and particularly those that have not provided any information to our Committee, to bring an end to these serious failures as soon as possible. Technical assistance from the Office will be fundamental in enabling Member States to comply with their standards-related obligations.

Employer members – We have no further comments. We rely on our comments at the beginning of the discussion.

Chairperson – The government representative of Libya has requested the floor to provide information to the Committee regarding the cases of failure to submit reports that were discussed yesterday. On an exceptional basis, we will grant the floor to the government

representative due to the difficulties the country encountered in registering with our Committee.

Government representative, Libya – The State of Libya would like to express its appreciation to the Chairperson for showing flexibility in accommodating our request to speak before the Committee. It is not our will not to engage with the Committee. It was actually due to technical problems.

The delegation of the State of Libya is pleased to express its deep appreciation to the Committee of Experts for the substantial contributions it provides in supporting Member States in enhancing their compliance with international labour standards. The Government reaffirms its full commitment to cooperating with the supervisory mechanisms and its dedication to developing its national legislation.

The Government wishes to clarify that the delay in completing the procedures related to submitting international instruments to the competent authorities does not reflect a lack of political will or insufficient follow-up. Rather, it is linked to a set of exceptional institutional circumstances that the country is experiencing during the transitional phase. These circumstances have led to irregular procedural coordination channels between the executive authorities and the competent legislative authorities responsible for ratification, which have directly affected the administrative process of transmitting international instruments, despite the technical efforts undertaken by the Government. In this context, the Government established a tripartite Committee composed of representatives of the Government, employers and workers.

This Committee is mandated to examine the observations of the Committee of Experts, review international Conventions and assess their compatibility with national legislation. The Tripartite Committee has completed its work and submitted clear recommendations regarding a number of Conventions it deemed compatible with the national legislative framework and implementable without conflict with existing laws.

The Tripartite Committee also recommended referring these Conventions to the legislative authority for consideration of ratification. However, the complex institutional arrangements prevailing during the delicate transitional phase have prevented the completion of the necessary legislative procedures at this time.

Despite these challenges, the Government affirms that it has begun taking practical steps to strengthen compliance including developing a unified administrative pathway for transmitting international instruments once the appropriate institutional conditions are in place. Hence, activating the role of the Tripartite Committee, updating its working mechanisms and enhancing cooperation with the International Labour Office while requesting technical assistance to support legislative harmonization efforts.

The Government, while undergoing a delicate transitional phase, emphasizes that the challenges it has faced in fulfilling the procedural obligations under article 19 of the ILO Constitution were institutional circumstances beyond its control. The Government remains fully committed to restoring full compliance with these obligations as soon as the appropriate conditions allow. The Government finally reiterates its appreciation to the Committee of Experts and the Conference Committee and affirms its readiness to provide any additional information and to continue joint efforts to further harmonize the national legislation with international labour standards.

Conclusions of the Committee

The Committee takes note of the oral information and explanations provided by the Government representatives of the United States of America and Libya, as well as the written information submitted by the Governments of Bahrain, Brunei Darussalam, Congo, Croatia, Dominica, France (New Caledonia), Grenada, Haiti, Hungary, Jamaica, Kyrgyzstan, Lebanon, Liberia, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Timor-Leste and Uganda. The Committee welcomes the fact that, as in the previous year, an important number of countries (19 countries) have submitted written information to the Committee this year.

The Committee notes in particular the specific difficulties mentioned by some Governments in complying with their constitutional obligations related to reporting and the submission to the competent authorities of the instruments adopted by the International Labour Conference. The Committee also takes note of the commitment made by some Governments to comply with these obligations in the near future. The Committee recalls that the Governments can avail themselves of ILO technical assistance to comply with their reporting obligations. The Committee wishes to recall that the responsibility to comply with standards-related obligations lies on Governments and blame cannot be put on employers' or workers' organizations when failing to comply with those obligations.

However, the Committee regrets that the Governments of Afghanistan, Antigua and Barbuda, Barbados, Belize, Central African Republic, Comoros, Czechia, Djibouti, Equatorial Guinea, Gabon, Gambia, Guinea-Bissau, Iraq, Kenya, Marshall Islands, Nicaragua, North Macedonia, Palau, Papua New Guinea, Saint Kitts and Nevis, Sierra Leone, Singapore, Solomon Islands, Syrian Arab Republic, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu and Yemen have not addressed the Committee 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 system of supervision. It also stresses the importance of respecting the deadlines for submitting such reports. The Committee expresses the firm hope that the Governments of Afghanistan, Guinea-Bissau, Equatorial Guinea, Haiti, Saint Lucia and Yemen will ensure compliance, in the future, with their reporting obligations, particularly under the streamlined and modernized reporting system and decides to mention 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 first reports on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of Antigua and Barbuda, Barbados, Comoros, Iraq, Saint Lucia, Tonga and Vanuatu will submit the first reports due as soon as possible and decides to mention these cases in the corresponding paragraph of its General Report.

Concerning urgent appeals, the Committee underlines the fundamental importance of sending the detailed information requested in the first reports on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of Antigua and Barbuda, Comoros, Iraq, Saint Lucia, Tonga and Vanuatu

will submit the first reports due as soon as possible and decides to mention 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 aforementioned Governments have not sent the first reports due.

The Committee expresses the firm hope that the suspension of urgent appeals, with the exception of first reports, be lifted as soon as possible in order to reinstate the full practice of urgent appeals that proved an efficient instrument to engage with countries failing to comply with standards-related obligations.

Concerning the failure to provide information in response to comments made by the Committee of Experts, the Committee underlines the fundamental importance of clear and complete information in response to the comments of the Committee of Experts in order to permit continued dialogue with the Governments concerned. The Committee expresses the firm hope that the Governments of Afghanistan, Barbados, Belize, Central African Republic, Congo, Croatia, Czechia, Djibouti, Dominica, Equatorial Guinea, France (New Caledonia), Guinea Bissau, Haiti, Jamaica, Kenya, Kyrgyzstan, Marshall Islands, North Macedonia, Nicaragua, Papua New Guinea, Saint Lucia, Singapore, Solomon Islands, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United States of America and Yemen will supply the requested information in the future, and decides to mention 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 stresses the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations. The Committee expresses the firm hope that the Governments of Afghanistan, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Palau, Saint Lucia, San Marino, Syrian Arab Republic, Timor-Leste and Tuvalu will comply with their obligation to supply reports on unratified Conventions and Recommendations in the future. The Committee decides to mention these cases in the corresponding paragraph of its General Report.

Concerning the failure to submit instruments to the competent authorities, the Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-setting activities. The Committee expresses the firm hope that the Governments of Bahrain, Brunei Darussalam, 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, Vanuatu and Yemen will comply with their obligation to submit Conventions, Recommendations and Protocols to the competent authorities in the future. The Committee decides to mention 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 stresses the importance it attaches to the constitutional obligation, under article 23, paragraph 2, of the

Constitution, of governments to communicate copies of the reports and information supplied to the Office to employers' and workers' organizations. The Committee recalls that the contribution of these organizations is essential for the evaluation of the application of Conventions in national legislation and in practice, with a view of their participation in ILO supervisory mechanisms.

The Committee welcomes the fact that, over the past three years, all Member States have identified 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 constitutes a positive indication of the strengthening of tripartite social dialogue and encourages all ILO Member States to continue to establish genuine tripartite social dialogue. The Committee decides to mention this positive development in the relevant paragraph of the General Report and to encourage Member States to continue moving in this direction.

III. 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 Myanmar

The Government of Belarus has repeatedly presented the necessary counterarguments in relation to the unfounded, politically motivated accusations against it of non-compliance with 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), failure to implement the recommendations of the Commission of Inquiry and ILO bodies, and persecution of trade union activists for the allegedly peaceful exercise of lawful activities.

Taking into account that Belarus will once again be considered by the Committee on the Application of Standards during the 114th Session of the International Labour Conference, the Government is forced to reiterate its comments regarding the actual state of affairs on the issues raised.

The events of 2020 had nothing to do with processes of social dialogue in the labour sphere or the legitimate exercise of trade union or other civil rights and freedoms. The protest activities, artificially instigated by destructive forces, were not caused by economic or social reasons, were illegal in nature, and had the goal of seizing power through unconstitutional means.

Citizens who were brought to justice and are serving (or have served) sentences in places of imprisonment, and who appear on lists of opponents, committed specific criminal offences; many of them admitted their guilt. Their illegal actions had no connection with real trade union work to protect workers' rights and the peaceful exercise of guaranteed freedoms. No demands of an economic or social nature were made during the illegal actions.

The Government has repeatedly explained the grounds for holding these individuals accountable. In most cases, the charges concerned extremist or terrorism-related crimes. Some citizens were members of the foreign-funded extremist group "Rabochy Rukh" ("Labour

Movement"), whose activities were aimed at destabilizing the situation in the country and causing damage to the economy (including the illegal shutdown of strategic enterprises, the collection and transmission of classified information about the activities of large industrial facilities to external actors, economic sabotage to destabilize workforces, the preparation of sabotage and extremist acts, and pressure on law enforcement officials).

Systematic attempts by Belarus's opponents to portray these individuals as victims of an anti-union campaign or political repression are driven by a desire to use ILO mechanisms to exert undue pressure on Belarus for geopolitical purposes.

Trade union status does not give citizens and organizations carte blanche to violate the law or engage in destructive activities detrimental to the interests of society and the State. Generally recognized international standards, including ILO Conventions Nos 87 and 98, do not contain provisions that allow for violations of national law. By ensuring that those who committed the crimes were brought to justice, the Belarusian authorities did not violate any international obligations.

At the same time, no one is persecuted for trade union activity in Belarus. On the contrary, legitimate trade union work is encouraged.

Belarus has created all the necessary conditions to ensure that its citizens can freely exercise their right to freedom of association, and that trade unions can be freely established and carry out their lawful activities without external interference or discrimination. Guarantees of trade union rights are enshrined in legislation and implemented in practice. Unlawful restrictions on trade union rights and the creation of obstacles to the exercise of their powers are not permitted. Citizens of the country freely and actively exercise their right to join trade unions. Today, the national trade union centre, represented by the Federation of Trade Unions of Belarus (FPB), represents the interests of approximately 4 million citizens, a figure that speaks for itself.

In turn, trade unions, their leaders and activists freely carry out their activities aimed at protecting the labour and socio-economic rights and interests of workers, improving the standard of living and social security of citizens, including through interaction with government agencies and employers within the social partnership system.

Any claims that trade unions and citizens of Belarus are persecuted for trade union activities or for the lawful and peaceful exercise of civil rights and freedoms are absurd and unfounded. Such claims are tools of information warfare employed by opponents of Belarus, as well as by politically motivated individuals and organizations that shamelessly exploit human rights issues and international platforms to discredit the country, strengthen sanctions, weaken its economy and social sphere, and destabilize public sentiment in order to change foreign policy priorities and the vector of integration.

In view of the above facts, calls addressed to the Belarusian authorities for the immediate reversal of court decisions, the release of citizens punished for allegedly lawful trade union activities, the removal of all charges against them, and the restoration of their rights, with the provision of compensation, have no objective basis and border on interference in the internal affairs of a sovereign State.

At the same time, the Government of Belarus, for objective reasons, cannot fulfil the relevant requirements of the ILO supervisory bodies, since there are simply no citizens in the country who would be punished for the lawful and peaceful exercise of trade union or other civil rights and freedoms. Persons held in places of detention and positioned as "innocent victims of repression" are brought to legal responsibility for committing unlawful acts.

In response to the accusations levelled against the Government regarding its disregard for the recommendations of the Commission of Inquiry and ILO bodies, and its failure to provide any new information on their implementation, we note that detailed information and comprehensive explanations have already been submitted to the International Labour Office on numerous occasions as well as during the consideration of the "Belarusian case".

The national legislation and law enforcement practices do not contradict the country's obligations to comply with ILO Conventions Nos 87 and 98.

Trade unions have every right to hold mass events to protect the interests of their members. The procedures for organizing and conducting such events do not conflict with the principles of freedom of association and are fully consistent with the International Covenant on Civil and Political Rights. Legislative norms that provide for punishment for violations of these procedures, which have serious negative consequences, are aimed at preventing socially dangerous unlawful acts that threaten the life and health of citizens. These norms are not a deterrent to the exercise of the right to freedom of lawful and peaceful assembly.

Amendments to legislation on mass events and to the Criminal Code, aimed at combating the organization, preparation and commission of actions that infringe upon the independence, territorial integrity and sovereignty of the State, the foundations of the constitutional order and public safety, were a necessary step to bring the legal framework into line with the challenges Belarus faced in 2020 as a result of a planned attack on the State by unfriendly forces.

To defend the interests of workers and resolve any labour disputes that arise, trade unions are guaranteed the right to organize and conduct strikes. The ban on putting forward political demands during strikes is a justified international practice (that is, enterprises should not be turned into levers of pressure to achieve political goals).

Trade unions have the right to cooperate with trade unions of other countries and, at their discretion, to join international and other trade union associations and organizations.

The legislation on foreign gratuitous aid does not prohibit trade unions from receiving such aid for public benefit or socially significant purposes. The aid registration procedure is simple and can be completed quickly. The prohibition on receiving and using such aid for political and propaganda purposes applies to all organizations (not just trade unions). This prohibition is based on national security interests and is unjustifiably linked to Articles 5 and 6 of Convention No. 87.

In the context of the pressure exerted on Belarus, the implementation of demands, transmitted through ILO bodies, to loosen controls on funds coming from abroad, to relieve trade unions and citizens of responsibility for gross violations of the law during mass events and to legalize political strikes, will create conditions for an increased destructive influence on the situation in the country. These demands do not meet national interests, do not serve the purpose of ensuring the well-being of citizens, are aimed at destroying the foundations of state stability and constitute interference in the internal affairs of the country, which is contrary to the principles, goals and objectives of the ILO.

In view of the accusations that the Government is ignoring the recommendations of the Commission of Inquiry, we note that detailed information on their implementation, confirming the illegality of the anti-Belarusian campaign launched within the ILO and the application of article 33 of the ILO Constitution to Belarus, has been repeatedly sent to the International Labour Office for the attention of the bodies authorized to consider this matter.

The Government, in cooperation with the social partners and the International Labour Office, carried out extensive work, as a result of which 10 of the 12 recommendations (Nos 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12) were implemented. Recommendations 9 and 10 have been implemented to the extent that they do not conflict with national interests. In implementing the recommendations, the Belarusian side strictly followed the agreements reached with the International Labour Office and jointly developed action plans. ILO bodies have repeatedly noted with interest the measures taken, stating that progress has been made.

In view of the ongoing attempts to "harm" Belarus by discrediting the FPB and depriving it of its right to represent workers' interests within the ILO, we note the absence of any objective grounds to question the legitimacy, independence and representative nature of the national trade union centre.

The FPB is the only trade union association that extends its activities throughout the country and is the largest public organization, uniting the absolute majority of workers in all sectors of the economy in all regions of Belarus. The FPB includes 15 member organizations – sectoral trade unions at the national level – with, as already noted, a total membership of approximately 4 million people.

At the regional level, the activities of the FPB member organizations are coordinated by organizational structures – six regional associations and the Minsk City Association of Trade Unions. The organizational structure of FPB member organizations includes: 83 regional (Minsk City) organizations of sectoral trade unions; 5 united sectoral trade union organizations; 493 district and city organizations; 75 united trade union organizations; and 23,670 primary trade union organizations.

Thus, the FPB is the most representative association of workers in Belarus in terms of the number of trade union members whose interests it represents.

As for the question raised by opponents about the "authenticity" of the FPB as a genuine trade union centre, its independence from government bodies, political parties and other public associations and organizations is clearly stated in its Charter. The FPB independently develops and approves its Charter, determines its structure, elects its governing and audit bodies, organizes its activities, and conducts its own personnel 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 independence of the FPB is confirmed by the basic principles of its organization and activities, including: voluntary membership and withdrawal; equal rights and obligations of all member organizations, as well as their organizational and financial independence; collegiality and transparency in the work of the elected bodies of the FPB and their regular reporting to member organizations and the FPB Congress; and the participation of all member organizations in the formation of the elected governing and audit bodies of the FPB through elections at the Congress and the FPB Council from among representatives recommended by trade unions and delegates to the Congress and the FPB Council.

The FPB governing bodies are the FPB Congress (the highest governing body), the FPB Council (the governing body between Congresses), and the FPB Council Presidium (the governing body between FPB Council meetings). The FPB Chairperson, his/her deputies, the FPB Council, its Presidium, and the FPB Audit Commission are elected at the FPB Congress.

In accordance with the Charter, the property (monetary funds) of the FPB is formed from entrance and membership fees, funds received from entrepreneurial, educational, publishing and other activities, voluntary donations and other sources not prohibited by law.

The activities of the FPB are not controlled or financed by the Government of Belarus.

The inclusion of representatives of the FPB, as the most representative organization of workers in the country, in the tripartite delegations of Belarus to participate in sessions of the International Labour Conference is carried out in full compliance with the ILO Constitution.

Unfounded claims by opponents of Belarus about the alleged control of the FPB by government authorities, calls to limit the legitimate participation of the FPB in the work of the International Labour Conference, and the practice of blocking the participation of FPB representatives in meetings of the Workers' group, which contradicts ILO principles, are blatant attacks on the legitimate right of Belarusian workers to freedom of association, which require condemnation and the harshest assessments from the ILO tripartite constituents.

Belarus is an ILO member, pays membership fees in good faith and has every right to ensure that its representative workers' and employers' organizations participate freely in the activities of the ILO and can freely, in a spirit of open dialogue, express their position on any issues concerning the situation in the country.

At the same time, the Government insists that it is illegal and unfounded to position structures unrelated to Belarus as representatives of the national trade union movement.

We would like to once again draw the attention of the ILO bodies and tripartite constituents to the fact that the Belarusian Congress of Democratic Trade Unions (BKDP), as well as the organizations that were previously a part of it, no longer exist. A small group of former leaders and activists of the BKDP, who continue to discredit Belarus abroad, cannot objectively be considered a trade union association with the right to represent the interests of the country's workers.

The group of individuals calling themselves the BKDP does not carry out any activities in Belarus, is based abroad and has no connection to the national trade union movement. It does not represent the interests of Belarusian workers, as the trade unions that were part of the BKDP have de facto and de jure ceased their work, have no members or primary organizations at enterprises in the country, and do not carry out activities to protect the labour and socio-economic rights and interests of workers. The group is financed by organizations and structures acting in the interests of foreign states that pursue unfriendly policies towards Belarus, that is, they do not meet the criteria of representativeness and independence.

In fact, today, a destructive cell operates under the guise of the BKDP, whose activities are limited to promoting an anti-Belarusian agenda using ILO instruments and procedures. In this regard, information provided by "the BKDP representatives" should be viewed critically, since it does not at all reflect the real situation in Belarus.

In view of the above circumstances, the International Labour Office, ILO bodies and constituents, the Workers' and Employers' groups, as well as international organizations and structures have no legal basis for interaction with "the BKDP representatives". At the same time, the Government of Belarus cannot be obligated to provide comments in response to appeals from illegitimate structures not associated with the country.

Statements by Belarus' opponents about the absence of "genuine" and "independent" trade unions in the country (due to the cessation of the BKDP's activities) and, as a consequence, social dialogue, demonstrate a complete misunderstanding of the situation.

In Belarus, a system of social partnership has been created and is functioning, within the framework of which government bodies, trade unions and employers successfully interact in the development and implementation of the State's socio-economic policy through negotiations, consultations and the rejection of confrontation and social conflicts. Such approaches make it possible to take into account the social and labour interests of various strata and groups of society as much as possible, as well as to support the stable economic and social development of the State.

Trade unions and employers actively participate in the development and updating of legislation, act as equal partners with government bodies in dialogue within the framework of advisory bodies – councils on labour and social issues – and initiate and participate in collective bargaining on the conclusion, amendment and supplementation of tariff (sectoral) agreements and collective bargaining agreements at the enterprise level. National trade unions and employer associations are parties to the General Agreement for 2025–2025 signed with the Government, which regulates relations in the social and labour sphere at the national level and serves as the basis for tariff (sectoral) and local agreements, and collective bargaining agreements at the enterprise level.

Thus, based on the facts presented above, it can be concluded that there were and are no objective grounds for applying article 33 of the ILO Constitution to Belarus and for adopting a resolution during the 111th Session of the International Labour Conference (June 2023) calling for a review of relations with Belarus.

The "Belarusian case", discussed several times a year at ILO forums, is built on distorted facts, false accusations against the Government and the desire of the country's opponents to use ILO instruments and mechanisms to put pressure on Belarus. Moreover, the subject matter of the claims brought against Belarus significantly exceeds the scope of the ILO mandate, which has been repeatedly noted by the Organization's tripartite participants and is unacceptable.

All this points to a dead-end situation, the way out of which can and should be the rejection of unlawful pressure on Belarus, the prompt repeal of the 2023 anti-Belarusian resolution and all subsequent discriminatory decisions, the acceptance of the realities and sovereign interests of the country, the legal recognition of the FPB as a genuine workers' association, and the resumption of full cooperation with the Government of Belarus.

If the necessary measures are not taken now, ILO budget funds will continue to be spent on fruitless meetings on the "Belarusian case", reports, conclusions and recommendations from ILO bodies based on unreliable information, and the activities of the ILO Special Envoy, who is simply forced to repeat the politicized narratives of Belarus's opponents.

In the current situation, the Government of Belarus does not see the political or practical expediency of interacting with the missions proposed to be sent to the country or with the appointed ILO Special Envoy, and opposes attempts to coordinate efforts with other United Nations agencies to exert pressure on the country.

At the same time, the Government of Belarus reaffirms its commitment to fundamental principles and rights at work and expresses its readiness for constructive dialogue with the International Labour Office and ILO bodies, subject to the condition that the realities and sovereign interests of the Republic of Belarus are duly taken into account.

In this regard, the Government of Belarus calls on all ILO tripartite constituents and the Committee on the Application of Standards to pay due attention to this information, which

reflects the actual state of affairs on the issues raised by ILO bodies. This will help prevent further unfounded and politically motivated decisions regarding Belarus within the ILO.

Discussion by the Committee

Chairperson – The Committee will resume its work this morning with a special sitting on Belarus.

As you know, at its 111th Session in 2023, the International Labour Conference adopted a resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus. In adopting this resolution, the Conference decided to hold at its future sessions a special sitting of the Committee for the purpose of discussing the application of Conventions Nos 87 and 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 item was placed on the agenda of the Committee. I would like to draw the attention of the Committee members to the written information provided by the Government of Belarus on the application of the recommendations of the Commission of Inquiry, which has been published on the webpage of the Committee, in the section dedicated to the special session. I also wish to inform you that, at its 356th Session last year, the Governing Body requested the ILO Special Envoy to Belarus to provide all relevant information to the Committee at its third special sitting on Belarus. In this regard, I welcome the ILO Special Envoy to Belarus, Mr Lelio Bentes Corrêa, and invite him to take the floor to present his report on the situation.

Special Envoy to Belarus – It is an honour to address the Committee for the first time following my appointment by the Governing Body in June last year.

At the outset, I wish to congratulate your Committee on the occasion of its 100th anniversary. For a century, this Committee has been an essential pillar of the ILO supervisory system, providing a forum in which representatives of governments, employers' and workers' organizations review measures taken by Member States to give effect to the provisions of the Conventions they have ratified.

Your Committee constitutes a unique platform for tripartite dialogue on the application of ratified international labour standards. Your work is closely interlinked with that of the Committee of Experts, which is also celebrating its centenary. Over the years, both supervisory bodies have demonstrated that sustained and rigorous supervision grounded in constructive dialogue can have real, practical and tangible effects within various domestic legal systems and consequently on the daily lives of working women and men. The positive results achieved by both Committees as elements of a mutually reinforcing supervisory machinery rests on a careful balance between independence and legal expertise, on the one hand, and tripartite participation and dialogue, on the other. The system as a whole is built on dialogue, cooperation, trust and accountability.

It is important to underline these defining features of the ILO's century-old supervisory system as you are about to examine the case of Belarus and its compliance with the two freedom of association Conventions.

While it is your third Special Sitting on Belarus, this case is not new. Over the past 25 years, Belarus has been regularly requested to appear before your Committee – 13 times in connection with the measures taken to implement the recommendations of the Commission of Inquiry. This period was marked by thorough monitoring by the ILO supervisory bodies,

sustained technical assistance of the Office, engagement with the Government and some positive outcomes achieved through dialogue with the social partners at both the national and international levels. Unfortunately, recent years have seen a rollback of progress and a growing stalemate despite the stated good intentions of all parties.

My mandate as conferred by the Governing Body echoes the conclusions of your Committee and is designed to serve as a bridge between the ILO supervisory bodies and the Government. I wish to underline that my mandate does not originate from the article 33 resolution, but rather from a pragmatic objective: to help identify a way forward in a situation where the Government calls for the repeal of the supervisory bodies' decisions and the 2023 Conference resolution, while the only pathway back to the regular supervisory cycle is for the Government to fulfil its obligations and implement the decisions of the supervisory bodies. My mandate is not political. It is independent and grounded in trust and dialogue.

Mr Deputy Minister, I wish to once again invite your Government to take into account the mutual benefits of overcoming the deadlock situation we find ourselves in. I reaffirm my availability to engage with you in a spirit of impartiality, transparency and good faith.

The resolution invites ILO constituents to take appropriate measures to contribute as far as possible to the implementation by Belarus of the recommendations of the Commission of Inquiry adopted over 20 years ago. Esteemed delegates, there are various ways in which you can respond to this call by the Organization of which your country is a member. One such contribution would be to facilitate my dialogue with the Belarusian authorities.

Many of you emphasized the importance of dialogue at the last special sitting. I would warmly welcome all constructive engagement in this regard. Pursuant to my mandate, I must engage with all social partners referred to by the Commission of Inquiry, including the BKDP. To date, it is the only workers' organization among those mentioned in the report of the Commission of Inquiry to have engaged with me. I therefore call upon the others, including the Belarusian employers' and workers' organizations, to do the same.

In parallel, and in line with my mandate, I have engaged with a range of international actors. As reported to the Governing Body at its last November and March sessions, within the United Nations system, my team and I work in collaboration with representatives of the Office of the United Nations High Commissioner for Human Rights, the Group of Independent Experts on the Situation of Human Rights in Belarus, and the United Nations Special Rapporteurs on the situation of human rights in Belarus, on the rights to freedom of peaceful assembly and of association, on the independence of judges and lawyers, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Moreover, I have held discussions with the European Economic and Social Committee and the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission. I would like to emphasize and, hopefully, reassure all concerned that these exchanges are aimed solely at finding solutions and ensuring that workers and employers in Belarus can exercise their freedom of association rights as enshrined in Conventions Nos 87 and 98.

While I welcome the release in 2025 of Mr Aliaksandr Yarashuk, Mr Hennadz Fiadynich and Mr Maksim Senik, it is concerning that the passports of Mr Yarashuk and Mr Fiadynich have not been returned and their pensions not reinstated. I have been informed that Mr Senik's passport was recently annulled.

More than 50 trade union leaders and labour activists remain under criminal prosecution, including at least 19 who are still detained. I am particularly concerned by the serious health condition of Mr Vatslau Areshka, who has become blind during imprisonment. His life and well-being are at risk. I therefore reiterate my urgent humanitarian appeal to the Government of Belarus for his immediate release.

If there is one message I would like you to retain, it is my firm commitment to supporting Belarus in meeting its obligations under the freedom of association Conventions. I remain fully open to dialogue with the authorities, the FPB and employers' organizations active in the country in order to hear their views and identify concrete proposals on addressing the outstanding ILO requests.

Ultimately, it is essential that we all work together to ensure lasting respect for freedom of association in Belarus for the benefit of its workers, employers and society as a whole. I stand ready to engage and to facilitate that journey.

Chairperson – Many thanks, Mr Bentes Corrêa, for the information provided to the Committee. For this discussion, we have 42 speakers on the list. In light of this, the Officers have decided to reduce the speaking time of delegates speaking in their individual capacity from five to three minutes. I will now invite the Government representative of Belarus, the Deputy Minister of Labour and Social Protection, to take the floor.

Interpretation from Russian: **Government representative** – The Committee is again considering the Belarusian case today. This is the third sitting of the Committee, which is the result of the most unfair and mistaken decision of the entire history of the ILO. I am talking about the 2023 resolution on Belarus lobbied by unfriendly forces to escalate pressure on our country.

This resolution is a case in which the instruments and mechanisms of the United Nations institutions are used not for the purpose of developing current problems or protecting human rights and freedoms, but as a lever of undue pressure. The goal of this pressure is clear: destabilization of Belarusian society, change of power, undermining state sovereignty and reversal of integration processes. Belarus has long been forced to change its course and foreign policy priorities through legal sanctions and attempts at isolation. Unfortunately, the ILO was drawn into this process through the efforts of those who support pressure on Belarus.

We keep asking ourselves: how did this happen? How did the bodies of the ILO – the oldest, most authoritative international organization – end up as pawns in a geopolitical game, instruments for the implementation of political orders? Everybody understands that the world today more than ever needs a fair, constructive dialogue and balanced decisions. We should not incite confrontation, but work towards resolving conflicts and achieving stable development.

We believe that the ILO is capable of becoming and should become an example of a platform for healthy dialogue, which is a prerequisite for peaceful development for individual countries and the international community.

But any dialogue will be effective only if the interests of the parties are respected, when its participants are constructive, listen to each other and operate with reliable information. That is why for many years we have been calling on ILO Member States and bodies to respect the interests of Belarus and its people and refrain from unjustified pressure, false narratives and speculation regarding the observance of trade union and human rights in the country.

We will never tire of repeating: discrediting Belarus, pressurizing our country and attempting to isolate it are at a dead end. We reject double standards and interference in internal affairs, and we will never, under any pressure, take measures that do not serve the interests of the State and the people. There is only one way out of this situation, and we have spoken about it many times.

The ILO bodies should abandon the false perceptions relating to Belarus that have been imposed on them. It is precisely the assessment of the situation on the basis of facts that is the condition for restoring cooperation which, in turn, determines the usefulness of ILO membership. The main obstacle to effective dialogue is the unfounded statements based on assessments and recommendations by opponents of Belarus. I once again emphasize the actual state of affairs in the country. The Belarusian authorities are accused of suppressing peaceful and legal protests aimed at resolving economic and social issues, but the facts tell a completely different story.

The events of 2020 were not related to social dialogue and the implementation of trade union rights. No economic or social demands were put forward. The protest activity was stimulated by external forces and the goal of a coup d'etat. These were the grounds for holding those who violated the law accountable. This means that the events of 2020 cannot be interpreted as peaceful and legitimate actions by trade unions to protect workers' rights. They do not fall within the scope of the Conventions and should not be considered at the ILO level. Any attempts to present the situation in a different light are manipulations. Our opponents deliberately misrepresent the concepts. They describe illegal actions as peaceful protests and those who committed crimes as victims of anti-union or political repression. Human rights are a favourite tool of Western countries to justify interference in internal affairs, pressure and sanctions policies.

However, trade union status does not grant the right to break the law. By holding those who have committed crimes accountable, the Belarusian authorities are not violating international norms and obligations. In this regard, the calls addressed to the Government of Belarus to overturn court decisions, release citizens appearing on the known lists, drop all charges against them, restore their rights and provide compensation have no legal basis. What is this if not interference in internal affairs and support for destructive activities? Do the ILO bodies not understand that such recommendations do not follow from the ILO Conventions and go beyond the mandate of the Organization?

For objective reasons, Belarus cannot fulfil the demands regarding individuals allegedly persecuted for trade union work. The fact is that there are no citizens in the country who are serving sentences for the legal and peaceful exercise of trade union rights and freedoms. Let me emphasize once again: those portrayed as victims of repression are not. Criminal prosecution and punishment of those who commit crimes is standard practice in any State. We urge everyone to face the truth and stop speculating about the persecution of trade union activists in Belarus.

Trade unions in Belarus have always been a vital part of civil society, an equal partner in the social partnership system. Trade union activities to protect the labour and socio-economic rights of citizens are only encouraged. In Belarus, citizens freely and actively exercise their right to freedom of association, creating and joining trade unions. The national trade union centre – the FPB – represents the interests of approximately 4 million people, a figure that speaks for itself. All trade unions are independent from government authorities and operate without outside interference or discrimination.

Guarantees of trade union rights are enshrined in the law and implemented in practice. Restricting trade union rights or creating obstacles to their work is prohibited. Legislation and practice do not contradict the ILO standards on freedom of association. Trade unions have the right to hold mass events. The procedure for holding lawful, peaceful events fully complies with the provisions of the International Covenant on Civil and Political Rights.

The Labour Code guarantees the right to strike. The ban on raising political demands during strikes is a justified international practice. Trade unions fully cooperate with trade unions in other countries, join international associations and have the right to receive foreign aid for socially significant purposes. The ban on the use of foreign aid for political work applies to all organizations in the country and is based on national security interests. Demands that Belarus loosen control on foreign funding, legalize political strikes and liberalize procedures for holding mass events do not serve the country's interests. They are aimed at creating conditions for destructive external influences.

Another example of disinformation and manipulation is the claim that Belarus has failed to implement the recommendations of the Commission of Inquiry and has failed to provide new information on this issue. However, ILO bodies are well aware that serious work has been carried out in this direction. That is why progress in implementing the recommendations was noted and the issue of the country's compliance with the Conventions was removed from the agenda of the Conference. Today we can confirm that the vast majority of the Commission of Inquiry's recommendations, 10 out of 12, have been implemented.

Detailed information on this issue has repeatedly been provided to ILO bodies. However, the Government's arguments are systematically ignored. Our opponents, driven by a desire to denigrate Belarus as much as possible, see no moral obstacles. They found an opportunity to increase pressure by discrediting the national trade union centre – the FPB. For several years, attempts have been made, without any real reason, to deprive the FPB of its powers at the Conference. The Workers' group is blocking the participation of representatives of the FPB in its meetings at the site of the Governing Body. What else can we call such actions if not a direct attack on the right of Belarusian workers to freedom of association? On what grounds are they being denied the right to be represented at the ILO? Is this based on the unsubstantiated claims of the initiators of the odious anti-Belarusian resolution or because the FPB is engaged in constructive dialogue with the Government? What is this if not a violation of ILO principles?

The FPB has always been and remains a free, independent and the most representative association of workers in the country. It is the largest public organization. It comprises 15 sectoral trade unions representing, I repeat, 4 million workers across all sectors of the economy and all regions. The FPB's independence from government bodies, political parties and other organizations is clearly stated in its Charter. It is a real trade union centre, the authenticity and independence of which is confirmed by the principles of its organization and activities.

The FPB has independently developed its own Charter, determines its structure and elects its governing and auditing bodies. It provides for voluntary membership and withdrawal, equal rights and responsibilities of member organizations, their organizational and financial autonomy, collegiality and transparency in the work of elected bodies, and accountability to member organizations. The activities of the FPB are not overseen, controlled or financed by the Government. The inclusion of representatives of the FPB in the tripartite delegation of Belarus to the Conference is carried out in full compliance with the ILO Constitution.

In this regard, the monitoring of the situation concerning the formation of the delegation of Belarusian workers by the Credentials Committee makes no sense. This is an example of

inefficient use of ILO resources. At the same time, the practice of blocking the FPB's participation in ILO meetings by the Workers' group requires condemnation and the harshest evaluation.

Belarus is an ILO Member State; it pays contributions and has every right to ensure that its representative workers' and employers' organizations participate freely in the activities of the Organization. At the same time, we insist on the illegality of positioning individuals who have no connection to Belarus as representatives of the national trade union movement. I am talking about the main source of the false information about Belarus – a group of individuals operating abroad calling themselves the BKDP.

There used to be an association under this name in the country and the Government tried to establish dialogue with it. However, in 2020, the BKDP's focus shifted completely from protecting workers' rights to openly destructive actions against the interests of society and the State. As a result, their activities were legally terminated by the Supreme Court. This association of trade unions no longer exists. However, the former leaders of the BKDP continue to adhere to an anti-State line and cannot come to terms with this decision. For them, trade union status is an opportunity to further advance the anti-Belarusian agenda at the ILO in the interests of countries pursuing a policy of isolation and restrictions against Belarus.

That is why these people call themselves the only independent trade union association in Belarus. At the same time, the so-called BKDP is just a small group of former trade union leaders and activists. There are no members or primary organizations of trade unions that were previously part of the BKDP in the country's enterprises. The reasons are clear: workers need real trade unions and do not want to be drawn into dubious political adventures.

Representatives of the BKDP are based abroad. Their activities promoting false narratives about Belarus to justify sanctions are financed by foreign sponsors. All this does not correspond to the status of a trade union, genuine independence and representativeness that the BKDP claims to have.

As we have repeatedly pointed out to the Office and ILO bodies, there are no legal grounds for dialogue with the BKDP as a structure that has no relation to workers in Belarus. The participation of the BKDP in meetings on the Belarusian case and their positioning as representatives of the country's workers are unacceptable.

At the same time, our opponents' statements about the absence of genuine and independent trade unions in Belarus and, consequently, the absence of social dialogue, demonstrate a total misunderstanding of the situation. Belarus has a successfully functioning social partnership system. Trade unions' employers are fully engaged in the development and implementation of socio-economic policies.

The rejection of confrontation by the parties and the resolution of any issues through negotiations allow us to take into account the interests of all groups in society as much as possible and maintain the stable economic and social development of the State.

Thus, based on the facts presented, it can be concluded that there were and are no objective grounds for applying article 33 of the ILO Constitution to Belarus and for adopting the 2023 resolution calling for a review of relations with our country. The Belarusian case is considered several times a year by the ILO. It is built on distorted facts, false accusations against the Government and our opponents' desire to use the ILO to pressure Belarus.

Moreover, the subject matter of the complaints addressed to us does not correspond to the ILO mandate, which has been noted more than once and which is unacceptable. We

understand that there is a campaign against Belarus at the ILO, which is part of the information and sanctions war declared against us. It is unlikely that our opponents will stop any time soon, and I am sure that today we will hear a new batch of reality-distorting accusations.

In this regard, I urge everyone to face the truth and stop following the anti-Belarusian rhetoric out of simple inertia. I ask national delegations and ILO bodies to be more selective in their use of information from the former BKDP leaders and Western countries. Do not allow yourself to be misled and manipulated again.

The Belarusian case, built on a politicized approach, has long since exhausted itself. Repeating unfounded demands against Belarus will achieve nothing. No self-respecting country will follow recommendations that ignore the real state of affairs and are aimed at destabilizing the situation.

The Government of Belarus still hopes that common sense will prevail within the ILO and that Member States' contributions will no longer be wasted on fruitless sittings, identical conclusions, recommendations and reports.

I would specifically address the members of the Committee. It is within your power to change the situation and return the discussion to a framework which is consistent with ILO principles. The shortest and most effective way forward is to reject the unfair conclusions regarding Belarus and call on the ILO supervisory bodies to abandon their policy of undue pressure, accept the realities of the sovereign interests of the country and take into account the factual information from the Government. I call on everyone to stop the politicization of the ILO, not to make unfair decisions and to return to the path of constructive dialogue and full cooperation with the Belarusian side.

Employer members – We want to thank the Government of Belarus for their presence here this morning in this special sitting. We have taken note of the written and oral information they have provided on this case. At the outset, let us confirm that both Conventions were ratified by Belarus in 1956, and that the Employers' group would like to highlight the importance of States' compliance with these two Conventions, which are both considered as fundamental Conventions. The Employer members would like to stress that this case has a long-standing history in the ILO.

Since 1997, the Committee of Experts has issued numerous observations and the case has been dealt with in various ILO supervisory committees, including this Committee, over the years. We take note of the Government's position that this case is unfounded and politically motivated, and that the events of 2020 had nothing to do with processes of social dialogue in the labour sphere or the exercise of trade union or other civil rights and freedoms.

The Employer members, however, would like to recall that, in May 2024, a High-Level Roundtable on Freedom of Association in Belarus organized by the ILO took place. Three United Nations Special Rapporteurs, including the Special Rapporteurs on Belarus, on freedom of peaceful assembly and association, and on the independence of judges and lawyers, participated in the Roundtable and presented their findings that indicated otherwise.

The ILO Governing Body has considered this case on several occasions. Most recently, at its March 2026 session, in the context of the follow-up to the resolution adopted under article 33 of the Constitution, the Governing Body:

- one, noted with growing concern that the Government of Belarus had once again provided no new information on measures taken to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies;

- two, called on the Government to review its position and to fully collaborate with the Special Envoy;
- three, once again requested the Government of Belarus with the utmost urgency to accept an international humanitarian mission to ensure that independent doctors could 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 in prison or detention;
- four, urged the Government of Belarus to submit to the Director-General all information on concrete steps taken in that regard following the 356th Session of the Governing Body by 21 September 2026;
- five, requested the Special Envoy to report back to the 358th Session of the Governing Body and further provide all relevant information at the third special sitting of the Committee.

In this regard, we pause to take note of the presence of the Special Envoy and of the report, the information that he shared with this Committee this morning, including his plea for collaboration with the Government.

In the 2024 and 2025 conclusions, the Committee, among other things, urged 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;
- furthermore, 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 who are currently in prison or detention.

Turning now to the observations of the Committee of Experts, which in its recent comments requested the Government to provide comments on the allegation that two trade unionists were unlawfully deported to Lithuania and their passports and personal medication were confiscated. The Committee of Experts further asked for the information on the allegation that more than 70 trade union and labour leaders and activists remained under criminal prosecution and 21 trade union leaders and activists were still in prison or detained.

Moreover, the Committee of Experts noted with deep regret that the Government had provided no new information on the measures taken to implement the recommendations of the Commission of Inquiry and subsequent recommendations of the supervisory bodies and its statement that it did not support the appointment of the Special Envoy.

The Committee of Experts once again deplored the absence of progress in implementing the recommendations of the Commission of Inquiry and in addressing the outstanding recommendations of the supervisory bodies. With reference to the decision of the Governing Body, the Committee urged the Government to review its position and to fully collaborate with the Special Envoy.

It further urges the Government to take concrete measures to implement the remaining recommendations of the Commission of Inquiry, subsequent recommendations of the supervisory bodies and the decisions of the Governing Body. The Committee requested the Government to provide detailed information on the specific measures taken in this regard.

Now, as in the last years and in line with previous contributions from the Employers' group, we 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. According to Article 3 of Convention No. 87, the right to organize constitutes an important aspect of the activities of employers' and workers' organizations. According to Article 11 of Convention No. 87, States must take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organize.

Taking into account all these developments, we urge the Government to start engaging in a constructive dialogue with the ILO, including meeting the ILO Special Envoy without further delay to improve the country's situation in respect of freedom of association and the right to organize. The Employer members stand ready to constructively support this process.

The national employers of Belarus also confirm, and will do so again, their commitment to cooperation and interaction. In conclusion, and based on the observation of the Committee of Experts, the Employers recommend the Government to:

- first, review its position and collaborate with the Special Envoy;
- second, take concrete measures to implement the remaining recommendations of the Commission of Inquiry, subsequent recommendations of the supervisory bodies and the decisions of the Governing Body;
- third, provide comments on the allegations that two trade unionists were unlawfully deported and that more than 70 trade union leaders and activists remain under criminal prosecution and 21 trade union leaders and activists are still imprisoned or detained;
- finally, take measures to amend without further delay several legal provisions to bring them into compliance with the Government's international obligations on freedom of association.

Worker members – In 2023, the Conference adopted a resolution under article 33 of the ILO Constitution regarding Belarus. This resolution followed many years of unsuccessful efforts to ensure compliance with the recommendations of the Commission of Inquiry established in relation to the Conventions. Article 33 represents the highest level of action possible within the ILO supervisory system. It reflects the collective determination of ILO Members to ensure compliance with ILO Conventions and values, including the fundamental principles and rights at work, where all previous efforts have failed.

The special sitting that we are holding today is part of this process. It is not intended to "harm" Belarus. It aims to finally ensure compliance with the obligations freely accepted by Belarus under the ILO Constitution and the Conventions that it has ratified. The objective is to improve working conditions in Belarus for all workers.

Freedom of association and the right to collective bargaining are at the core of this discussion. These principles recognize that workers and employers must be able to freely establish and manage their organizations in an independent manner, elect their representatives in full freedom, and organize their activities and defend their interests and rights without interference.

History, in particular the period leading up to the creation of the ILO and the adoption of Conventions Nos 87 and 98, has shown that independent workers' and employers' organizations are essential for social justice and sustainable economic development. When organizations become subject to State control, when they are not free, they lose the

independence necessary to fulfil their role. It is for this reason that Convention No. 87 places such great importance on organizational autonomy and independence.

The issues that we are facing are not new. In response to concerns about trade union rights in Belarus, an ILO mission had already visited the country in 1997 and had observed some progress at the time. However, this progress was short-lived. In 2000, a new complaint was made by several trade unions, including the BKDP. Further missions took place in 2000 and 2003. Despite these efforts, the situation has continued to deteriorate. The allegations concerned interference in trade union affairs, restrictive legislation, discrimination against trade unionists and harassment of trade union leaders and members.

In June 2003, a complaint was made under article 26 of the ILO Constitution, which led to the appointment of a Commission of Inquiry. The Commission of Inquiry concluded that independent trade unions in Belarus had been subject to significant interference and sustained efforts to bring them under State control. The Commission of Inquiry emphasized that freedom of association could only truly exist if trade unions outside official structures could organize and function freely and independently. It is important to note that the Commission of Inquiry clearly indicated that its recommendations were intended to benefit Belarusian society as a whole. Free and independent trade unions were recognized as vital players in the social and economic development of the country. All this remains true today.

The Committee of Experts and the Governing Body have clearly indicated that serious violations persist. Independent trade unions have been dismantled. Trade union leaders and members have been imprisoned. Workers continue to face serious obstacles to the exercise of their rights. Many trade unionists released from detention continue to be subject to restrictions and stigmatization, while others face forced exile, the loss of documents, unpaid pensions and separation from their families. Others remain imprisoned in conditions that have caused serious and lasting damage to their physical and mental health.

We are pleased that our brother, Aliaksandr Yarashuk, can be with us today. His experience illustrates the persistent consequences faced by trade unionists even after their release from detention. We remain deeply concerned about those who are still imprisoned, including Vatslau Areshka, whose health has deteriorated considerably during his detention. He has become blind.

The Government maintains that certain recommendations of the Commission of Inquiry cannot be implemented for national security reasons. The Worker members cannot accept this position.

The ILO supervisory system is based on dialogue, evidence and good-faith commitment. When legitimate public interests arise, they must be addressed in a manner consistent with international obligations and national circumstances. However, they cannot be used as an indirect justification to exempt a Member State from any responsibility.

The restrictions preventing workers' organizations from exercising their activities, expressing their views, organizing events or freely managing their finances affect the very essence of freedom of association. Criminalizing legitimate aspirations and rights, or subjecting them to significant national security considerations, requires the State to accept the burden of close scrutiny. The balance must tip in favour of the exercise of rights. Similarly, workers' and employers' organizations must be able to maintain relations with international organizations and receive support, as part of their right to establish and join international organizations and benefit from the administration of those organizations, including financial support, as set out in Article 5 of Convention No. 87.

These are not negotiable rights. They are an essential part of the genuine independence of workers' and employers' organizations.

We are particularly concerned at the Government's persistent refusal to make a meaningful commitment to the implementation measures adopted under the article 33 resolution. We regret the lack of cooperation with the Special Envoy of the Director-General and urge the Government to engage constructively with him and in the work that he is carrying out. We welcome the action taken by Member States, United Nations bodies and trade union organizations to support the trade unionists of Belarus and to mitigate the humanitarian consequences of forced exile and repression.

We also welcome the recommendations of the United Nations human rights mechanisms calling for a safe and enabling environment for trade union activities and the repeal of the measures dismantling independent trade unions.

The Worker members are convinced that significant progress is possible. However, this requires genuine commitment, respect for the supervisory system and specific action to restore freedom of association and the right to collective bargaining in law and practice.

In 2004, the Commission of Inquiry considered that it is, and I quote, "crucial that significant steps be taken in the immediate future to permit trade unions that are outside the FPB structure to be able to form their organizations and exercise their activities freely. It is only in such circumstances that freedom of association can be said to exist in Belarus". It is now 22 years since those recommendations were made and there are no independent trade unions outside the FPB.

The Government now claims that the BKDP is not operating in the country, even though it was the Government itself that created the conditions of forced exile preventing its leaders from remaining in the country. Any person who is involved with independent trade unions is liable to face criminal proceedings. This does not prevent the BKDP from strongly advocating respect for civil liberties and a climate of freedom that enables trade unions to truly operate in Belarus. If this is not work that benefits independent trade unions in Belarus, then I do not know what is.

In any case, it is certainly not the FPB that is carrying out this work. The Government has taken control of it. The Government was harsh with the FPB when it supported the BKDP in the past. The message sent by the Government is therefore clear: you must remain silent and be fully integrated into the Government, and lose your autonomy and your independence. But this means that you are essentially no longer a trade union. You may accomplish many good things under the control of the Government, but you are not a trade union if you cannot speak out in defence of workers, even if their opinions differ from yours. The position of the president of the FPB has been registered by the Government as a State position. It is therefore clear that the FPB is an agent of the State.

Going forward, the Government is not committing to the implementation measures adopted to improve the situation in Belarus. It says that this is a "dead-end situation".

We greatly appreciate the information concerning the measures taken by the Special Envoy and welcome his efforts. We also call for the removal of the obstacles placed in his path by the Belarusian authorities. We further welcome the measures taken by governments, in accordance with the principle of non-refoulement applied in these circumstances, to mitigate the consequences of forced deportation from Belarus, forced exile and passport restrictions. We also thank trade unions, such as the German Confederation of Trade Unions, for the work carried out in this regard.

The organization of national tripartite meetings should be expedited in order to review relations with Belarus. We further welcome the recommendations of the United Nations Human Rights Council, and particularly the adoption of measures to ensure a safe and enabling environment for trade unionists and the repeal of the legislation dismantling independent trade unions. We also appreciate the fact that the Special Rapporteur on the situation of human rights in Belarus, while welcoming the release of prisoners, also emphasized that many of the persons released, including trade unionists and civil society activists had been convicted without a fair trial.

We must all intensify our efforts to ensure that the imprisonment of trade unionists and violations of freedom of association and the right to collective bargaining are brought to an end.

As we speak, 20 of our colleagues remain in prison because their trade union organization was labelled "extremist" due to its union activities, including legitimate union claims. These colleagues are liable to penalties involving forced labour as punishment for expressing political views or opinions contrary to the political, social or economic system in place. We will continue to demand their release and request the Government to comply with the recommendations of the Commission of Inquiry.

Interpretation from Russian: **Employer member, Belarus** – Allow me to greet all of you on behalf of the Confederation of Employers of the Republic of Belarus. That is our association, our union. It brings together companies with different forms of ownership, people from different sectors and different parts of the country within the Republic of Belarus. The development and adoption of the Law on Employers' Associations was actually a great example of successful social partnership in our country because it involved all relevant partners.

A general agreement was adopted for 2025–27 and this involved the Government, a number of pan-Belarusian employers' associations and trade unions. There was a lot of active discussion about this. There was a lot of negotiation. Compromises had to be reached. Some contradictions had to be ironed out.

Flexibility was found. It all worked very successfully and that shows that social partnership is developing well in the Republic of Belarus. Despite all the difficulties we faced, we have been able to work with workers' organizations, the Government and other relevant stakeholders. We have been able to take measures focused on defending the interests of employers and workers, creating appropriate working conditions and focusing on occupational safety and health at work, in particular. This is successful social partnership, and even at this difficult time of sanctions and restrictions, we have been able to enhance the economic security of our country to ensure sustainability and effectiveness within the real economy.

What does our Employers' Confederation do? We do a number of things. We undertake joint activities in creating new jobs, for instance, in ensuring ongoing vocational training provision, enhancing the skills and certification of workers. Guaranteeing social protection for workers is pursued by our Government, and we have seen decisions taken, for instance, at the Pan-European People's Assembly, which reflect that. We also see this reflected in the Labour Code and in the Law on Employers' Associations, in the Tax Code, in the regional programmes on housing, health, education and so on.

All of the measures that are being taken are producing positive results. In Belarus, workers and employers are working in a way that is stable, and we are demonstrating the sustainable growth of our production as well as export of goods and services. It is possible for us to enjoy good industrial cooperation with many countries in different sectors of the real

economy. This includes engineering, the agrifood industry, IT, biotechnology, electronics, energy, medicine, pharmaceuticals and many other areas. One point that is worth noting is the fact that foreign business partners are showing interest in expanding cooperation with Belarusian companies on a number of innovative projects.

In saying that, we should note that industrialists and businesspeople in Belarus emphasize their willingness to renew cooperation with Western partners on projects that are of mutual interest, with mutual respect and mutual benefit.

We have seen that some business niches have been freed up and now representatives of friendly countries have stepped into them. However, we very much hope that, in the near future, the mutually beneficial relationships that we had with other businesses, relationships destroyed by sanctions, will be restored. Let me once again state that the decisions taken by the ILO focused on limiting cooperation with business in the real economy should be overturned.

We must recognize that the sanctions pressure organized by a number of ILO Member States is focused on destabilizing the joint activities of the social partners in Belarus, but it has failed. As time has shown, attempts to provoke problems with employment or with income for workers or indeed to undermine the social guarantees and social obligations of the country by the authors of anti-Belarusian resolutions and decisions taken at the Conference have not succeeded. We must recognize that success has been achieved in Belarus thanks to the effective joint work done by the Government, trade unions, including sectoral trade unions, and employers' associations. Our national social partnership will not be held hostage to political disagreement, neither internal nor external. At the Conference, we are open to joint work on the basis of mutual respect and taking into account national interests.

The employers of Belarus are responsible social partners. Once again, we see that a decision is proposed here on the so-called Belarusian case. Once again, we see that it is politicized. Once again, we see that it calls for restrictions on cooperation with the Government of Belarus and the social partners. That being so, we have less interaction between employers' organizations and the ILO, and we see that, in fact, what this does at the end of the day is create the grounds for unfair competition.

We very much hope that the expert conclusions will not go beyond the mandate of this Organization and will be established on the basis of the real achievements of social partnership in the country and the real results. That is the position of the employers of Belarus, and we hope that it will be taken into account. We call for support and solidarity from the Conference and we believe that the commitment to the most active possible interaction with employers of all countries is the way forward for us all.

Interpretation from Russian: **Worker member, Belarus** – The FPB includes in its ranks an absolute majority of workers in our country. For more than 35 years, we have represented and defended the interests of workers nationally and internationally, including in the ILO.

Trade union organizations within the FPB are active in enterprises in all economic sectors, both in the public and the private sector. We constantly monitor compliance with legislation in all working spaces. We have regular feedback from the 4 million members of our organization. That being so, today we have full and reliable information about the situation in the social labour sphere in our country. We can state with full confidence that what is happening today in the ILO is sadly the dissemination of totally false information about our country, and we are deeply concerned about the fact that, on the basis of such distorted data, ILO bodies continue

to take decisions that directly harm the rights of workers in Belarus and, in particular, insist that other States should review their relationship with Belarus.

Let me once again emphasize: such activities directly contradict the goals and objectives of the ILO and what it is supposed to be about. The ILO Constitution and other fundamental documents clearly determine that the main purpose of this Organization and indeed any relevant national and international policy is to ensure the rights of citizens in any State to work in conditions of economic sustainability and equal opportunities. Economic sanctions, the application of which is being encouraged by ILO decisions today, have a very negative effect on the basic socio-economic rights of people and hinder sustainable development. This has been repeatedly stated by the United Nations Special Rapporteur on the negative impact of unilateral coercive measures. The Special Rapporteur drew particular attention to the situation in the ILO and talked about the unacceptable adoption of decisions that encourage sanctions.

The FPB has also repeatedly raised this issue. It is the task of trade unions in any state to defend the rights of workers, both within the country and internationally. We wish to emphasize that our position on the inadmissibility of the application of unilateral economic restrictions is now shared by trade unions in many countries. In the autumn last year, we discussed this topic in Minsk, and we had an international conference that was attended by representatives of scores of countries, and they all supported a general appeal to the ILO to take realistic measures to put an end to this heinous practice.

Further, we wish to draw attention to another point. For many years, we have recently seen attempts being made to deprive workers in Belarus of the possibility to defend their interests within the ILO. Without collegial discussion involving members of the ILO, behind closed doors, a decision was taken on the non-admission of the legitimate representatives of Belarusian workers to the meetings of ILO bodies wherein the so-called Belarusian case was being discussed. Despite the official requests, representatives of the FPB did not receive the opportunity even to attend meetings of the ILO Governing Body when there was discussion of the situation in Belarus. As a result, the conclusions of Belarus once again were constructed on the basis of totally false information coming from representatives of organizations that have no connection to the workers in Belarus, that act and are funded by other States, as has already been said.

Moreover, in violation of all ILO rules and procedures, Members of that Organization positioned themselves as representatives of Belarusian workers, although none of them were elected or put forward by the workers of Belarus. In essence, there are efforts to deprive the FPB, the genuine representative of workers of Belarus, of the possibility of participating in the work of the ILO. We understand that all these unfriendly actions, all these far-fetched allegations, have a hidden political agenda and are focused on the idea of putting further pressure on Belarus, forcing our country to refrain from exercising the inalienable right of any State to self-determination. We wish to emphasize the fact that accusations against Belarus concerning non-compliance with the Conventions, as well as attacks on the FPB, are being made at a time when we have already achieved many of the goals that the ILO can only call on other countries to pursue. I will give you a few key examples.

Despite the enormous economic and political pressure, already today Belarus has achieved significant and impressive progress in the global rating on sustainable development. For instance, speaking of decent work and economic growth, today almost everyone in our country can enjoy the right to work. The level of unemployment in our country is minimal. It is only 2.5 per cent, according to the ILO's own methodology. That being so, every year we see a substantial growth in real income for the people of our country.

Furthermore, as recommended by the ILO, Belarus ensures full exercise of the right to basic social guarantees. Every citizen in Belarus can enjoy, free of charge, schooling and vocational training, full medical care, social support and pensions. We also have a fair distribution of income and a minimum level of inequality.

All of this shows the effective social partnership that we have in Belarus. The ILO calls upon all countries to build fully-fledged and respectful social dialogue and emphasizes that only when you have such dialogue, only when you have such constructive cooperation, can you resolve the most significant issues for workers. That is precisely what happens in Belarus today with the interaction of the authorities, the trade unions and employers' organizations. Our Federation is the most representative workers' organization. It participates in the development of all legislation on social and labour issues.

We have an independent position on each and every issue. Last year alone, we participated in the work on such important documents as the Labour Code, the Law on Labour Protection, as well as a number of others. And it was at the initiative of the FPB that the drafts of these laws included a number of standards that enhance guarantees of protection for workers. Furthermore, the legislation of our country gives us the exclusive right to ensure compliance with the legislation on labour issues in all organizations. Only last year, thanks to the work done by our lawyers, we were able to identify 20,000 violations of labour legislation and to remedy them.

We were also able to deal with issues of unlawful dismissal. We were able to deal with people who were being unfairly penalized or who were having some of their salaries withheld. In other words, we were taking practical steps to ensure that workers could enjoy their rights. As for the right to collective bargaining, we have organizations within our FPB system and we have actually been able to conclude more than 18,200 collective agreements with employers' organizations in different enterprises in all sectors and in all regions of the country, focusing on issues like wage levels, employment guarantees and support in difficult life situations. All of this confirms the fact that Belarus consistently and in a focused manner is indeed complying with all of the provisions of the Declaration concerning the aims and purposes of the ILO and everything the ILO is supposed to uphold.

Today, our country is in a situation where we have employment, fair and just distribution of income, and the development of collective bargaining work. We are ready for an open exchange of our experience, including through the ILO, with others in order to further promote efforts to find the best solutions for the interests of workers everywhere. We therefore call upon the ILO to do a number of things:

- Firstly, ensure transparency and objectivity when considering the situation in Belarus today – the genuine results and the experience of FPB are being ignored and are almost never included in final documents, which misleads ILO participants.
- Secondly, we call for an assessment of compliance with labour rights in the country and the results of the work done by trade unions to be analysed, not on the basis of fiction, but on the basis of real indicators that can truly influence the situation of workers in our country, looking at social coverage, employment, additional guarantees and so on.
- Thirdly, as the genuine and most representative organization of workers in Belarus, we defend the interests of our workers and we call for the repeal of decisions that are focused on restricting interaction with our country and thereby are having an adverse effect on the rights of workers in Belarus to work and on the rights of sustainable enterprises.

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

This year we commemorate the centenary of this Committee and of the Committee of Experts. Both Committees have been at the heart of the ILO supervisory system and have worked together to ensure that the ILO Member States comply with their commitment to give effect to the international labour standards that the governments, workers and employers have collectively adopted and applied at the national level in full sovereignty. It is, therefore, particularly regrettable that in this centenary year we are once again confronted with the persistent failure of the authorities of Belarus to comply with their obligations under the Conventions that they voluntarily ratified. Since the adoption of the article 33 resolution, Belarus has persistently disregarded the recommendations of the Commission of Inquiry and the subsequent recommendations of the supervisory bodies. This has been reflected in the latest findings of the Committee of Experts and the Committee on the Freedom of Association. The criminal prosecution continues with almost 850 individuals remaining in detention or imprisonment on politically motivated grounds, including many trade unionists.

A significant number of them are held in appalling and inhumane conditions that gravely endanger their physical and mental health, posing a direct threat to their lives. Many of those who have been released have not been exonerated, were forcibly deported from Belarus with their passports confiscated, and have been deprived of essential means of livelihood. Existing legislation effectively prevents them from obtaining new identity documents abroad, which further exacerbates their situation, including by making access to pensions and other rights impossible in practice. Persons allowed to stay in Belarus remain under strict surveillance and face restrictions that hinder their reintegration. This means that their punishment continues even after their release.

The dissolution of independent trade unions, including the BKDP, and the continued inability of their members to operate legally persist. Restrictions on civil liberties, including participation in peaceful assemblies and industrial action, continue to result in arrests, detention and other sanctions. Legislative measures continue to impose undue restrictions on democratic trade union activities, including access to funding, as well as restrictions preventing individuals associated with them from exercising certain professions. The above examples stand in direct contradiction to the Belarusian authorities' repeatedly stated claims of progress. We therefore call on the authorities to take without further delay all necessary measures to fully implement the recommendations of the supervisory bodies and the Governing Body and to ensure that the national legislation and practice are brought into conformity with ILO fundamental Conventions.

While the recent release of 250 political prisoners was a signal of willingness to take a step forward, we strongly urge the immediate and unconditional release and rehabilitation of all political prisoners with the full restoration of their civil and political rights and the dismissal of all charges. We urge the Belarusian authorities to refrain from further arbitrary arrests and to ensure the right to due process and a fair trial.

We call on Belarus to restore the legal functioning of independent trade unions, including the BKDP, to ensure that legitimate trade union activities are not designated as extremist activities and to ensure that workers can freely exercise their rights to freedom of association and collective bargaining.

We strongly urge Belarus to engage constructively with the ILO. We reiterate our call to the authorities to accept without further delay the humanitarian and tripartite missions and to engage constructively with the ILO Special Envoy, including by granting him the full and unhindered access necessary to carry out his mandate.

We also thank the ILO Special Envoy for Belarus for his continued efforts and for the oral update. We note with deep concern the conclusions of the Committee on Freedom of Association regarding the exclusion of independent trade unions from meaningful social dialogue as well as the strong dependence of the FPB on the authorities and the increasing state control and interference in its activities. We closely monitor the findings of the Credentials Committee and urge the authorities of Belarus to ensure that the delegates to the Conference are nominated in agreement with the most representative, genuine and independent workers' and employers' organizations.

We reiterate our call on the Belarusian regime to cease its involvement in the Russian Federation's brutal, illegal, unprovoked and unjustified full-scale invasion of Ukraine and to respect international law and international human rights obligations.

The European Union and its Member States, in line with the article 33 resolution, call on all international organizations to discontinue any activities that could directly or indirectly justify the continued lack of action to address violations of trade union rights in Belarus.

We further stress the importance of ensuring coordinated and coherent engagement between the ILO and other United Nations bodies in support of the article 33 resolution. We reaffirm our strong support for the application of the article 33 resolution, and we will take measures in line with it as needed until tangible and verifiable progress is made. We will continue to fully support and reinforce the ILO supervisory system.

Government member, Lithuania – I am delivering this statement on behalf of **Denmark, Estonia, Finland, Iceland, Latvia, Norway, Poland, Sweden**, and my own country, **Lithuania**. We align ourselves with the statement of the European Union and its Member States.

We thank the ILO Special Envoy for Belarus for his participation in the special sitting and the update presented.

It remains unacceptable that Belarus continues to disregard the recommendations of the 2004 Commission of Inquiry, the conclusions of the Committee, the observations of the Committee of Experts and the decisions of the Governing Body.

The Committee of Experts has again deplored the absence of progress, noted that the Belarusian authorities have provided no new information on implementation measures and urged them to cooperate with the ILO Special Envoy.

Independent trade unions have been liquidated. The BKDP and affiliated organizations remain unable to function legally. More than 70 trade union and labour leaders and activists remain under criminal prosecution, including in absentia trials of those in exile, while 19 are still imprisoned or detained. Meanwhile, the FPB is dependent on the authorities and treated by them as a State body. The elimination of independent trade unions and the excessive limitations on the right of strike have destroyed social dialogue in the country.

Those imprisoned or detained have been held in appalling and inhumane conditions with serious consequences for their health and dignity. International scrutiny has highlighted the need for independent doctors to visit detained trade unionists and for the ILO tripartite mission to be allowed into the country. Yet Belarus continues to refuse cooperation. United

Nations experts have warned that freedom of association is absent in Belarus and have called for the immediate release of the imprisoned trade union leaders and members.

We are equally alarmed by the treatment of those released from detention. The Special Envoy and others have mentioned that Aliaksandr Yarashuk and Hennadz Fiadynich were unlawfully deported to Lithuania and had their passports and personal medication confiscated. The ILO Governing Body urged Belarus to return their passports and restore pension payments. Mr Senik, together with other political prisoners, was forcibly deported to Ukraine. He initially left the country with a valid passport. However, the document was subsequently invalidated by the Belarusian authorities, effectively rendering it unusable. Such actions do not amount to justice or even to release. They amount to forced exile, punishment beyond prison walls and an attempt to strip individuals of their identity, livelihood and rights.

We note with concern Belarus' widening abuse of the so-called "extremism" legislation. Independent trade union activity has been targeted under this framework and the same logic is now being extended against civil society, human rights organizations and educational institutions. We note that gender discriminatory practices in the labour market remain widespread, including the concentration of women in lower paid sectors, recruitment based on marital status and parenthood, as well as the lack of adequate legislation criminalizing sexual harassment at the workplace. Human Rights Watch has documented the growing use of vague extremism laws against dissenting voices, including actors in exile.

In this regard, we condemn the decision of the Supreme Court of Belarus to designate the European Humanities University in Vilnius as an extremist organization as an assault on academic freedom and another step in the regime's campaign to silence critical thought. We stand in solidarity with the University, its faculty, students and alumni.

We unequivocally renew our demand that the Belarusian regime immediately end any and all complicity in Russia's brutal, illegal, unprovoked and wholly unjustified full-scale aggression against Ukraine, as well as in the deportation of Ukrainian children to Belarus, and fully adhere to its obligations under international law, including unequivocal respect for fundamental rights.

The authorities of Belarus should understand that a return to business as usual is not possible while they continue to imprison trade unionists, eliminate independent labour organizations, persecute workers for exercising fundamental rights and reject engagement with the ILO. This pattern of conduct is persistent, intentional and incompatible with membership in good standing in the international labour community.

(interruption)

Interpretation from Russian: **Another Government representative** – I would ask you to draw the attention of the speakers in this discussion to the need to follow the generally accepted United Nations principles with regard to the language used in relation to the country considered. My country should not be called a regime. Respectful language should be used in relation to all participants. Secondly, I would also request that attention be given to the fact that the delegation of the European Union and now the current speaking delegation are bringing into discussion elements which are not central to it. We are talking now about political tension within the region, and I would ask that these matters be kept out of the discussion we are having as they are not pertinent to it.

Chairperson – We have taken due note of the point of order raised by the delegate from Belarus. We emphasize the importance of appropriate language, and we request the next

speakers to keep to the rules for the discussion of this type of individual case. We now give the floor to the speaker to conclude the intervention.

Government member, Lithuania – All the notions have been mentioned in the United Nations General Assembly resolutions with regard to the conflict in Ukraine. So, we are not really going beyond any traditional notions which are known to the United Nations system. But I will continue.

We therefore call on the Belarusian authorities without further delay to fully implement the article 33 resolution. We call on all relevant international actors to ensure that their engagement does not directly or indirectly legitimize or facilitate the continued dismantling of freedom of association in Belarus. Until there is tangible, verifiable and irreversible progress, pressure must be maintained and coordination strengthened across the ILO, the United Nations system and among Member States. Belarusian workers deserve real representation, collective bargaining and freedom, not repression disguised as law.

Government member, Canada – I have the honour to speak on behalf of the Governments of **Australia, Japan, New Zealand, Switzerland,** the **United Kingdom of Great Britain and Northern Ireland** and my own country**, Canada**. Once again, we must echo the Committee of Experts' deep regret that no meaningful changes in law or practice have been reported by the authorities of Belarus, despite persistent calls from this Organization to fully implement the recommendations of the ILO supervisory bodies, including the 2004 recommendations of the Commission of Inquiry. For more than two decades, the authorities of Belarus have consistently failed to safeguard the rights to freedom of association and collective bargaining, demonstrating a persistent disregard for the ILO supervisory system and for the rights and dignity of Belarusian workers.

We remain gravely concerned by well documented and ongoing violations of human and labour rights, including the continued prosecution of workers and labour leaders for exercising their fundamental rights. We remain deeply concerned by reports pointing to the continued criminal prosecution of trade union leaders, many of whom remain imprisoned or subject to restriction of liberty, the use of the judicial system to repress independent trade union activities, including the increasing use of trial in absentia without fair trial guarantees and the imposition of severe criminal penalties, including lengthy terms of imprisonment for associating with independent trade unions. While we acknowledge the recent release of certain trade union leaders, including Mr Aliaksandr Yarashuk and Mr Hennadz Fiadynich, we are deeply concerned that such releases are not accompanied by exoneration or recognition of the human rights violations committed by the authorities of Belarus against them and, in some cases, are followed by deportation.

Notwithstanding this overwhelming evidence, the Belarusian authorities continue to deny any violations of the Conventions and assert that the recommendations of the Commission of Inquiry have been implemented.

Once again, we urge the authorities of Belarus to fully comply with the recommendations of the Commission of Inquiry and to immediately and unconditionally release all trade union leaders imprisoned for exercising their fundamental rights, cease all forms of repression against workers and their representatives, accept an international humanitarian mission to ensure independent medical access to detained trade unionists, and accept an ILO tripartite mission to assess the situation on the ground.

We reaffirm our strong support for the resolution adopted by the Conference in 2023 under article 33 and encourage all ILO constituents to continue taking appropriate measures

with a view to bringing Belarus into compliance with its obligations under the ILO Constitution and the Conventions. We especially welcome the work of the ILO Special Envoy to Belarus and call on the authorities of Belarus to fully engage with him in a constructive and good faith manner. We also extend our thanks to the ILO Director-General and to the Office for their sustained efforts to foster dialogue with the authorities of Belarus. In this special year marking the centenary of this Committee, we reiterate our unwavering support for the ILO supervisory system. We urge Belarus to respect its expertise and integrity and to cooperate fully with the ILO to implement without any further delay all outstanding recommendations.

Interpretation from Arabic: **Worker member, Sudan** – The Sudan Workers Trade Union Federation is honoured to participate in this discussion, stemming from our steadfast commitment to the principles of social justice and respect for the fundamental role of the trade union movement in defending workers' interests. We wish to emphasize that the FPB represents the overwhelming majority of workers in the country, bringing together more than 90 per cent of the Belarusian workforce. This makes it the legitimate and genuine representative of Belarusian workers. We commend the efforts undertaken by the FPB to monitor the implementation of labour legislation and occupational safety and health standards through its legal and technical inspection bodies. Over the past year, these bodies identified tens of thousands of violations in workplaces and worked to address and rectify them. We also welcome the recent initiatives launched by the FPB, including a free trade union hotline service that receives workers' complaints and inquiries on a daily basis. This initiative strengthens direct communication with workers and contributes to the prompt resolution of their concerns. The FPB continues to enhance workers' welfare and protection through collective bargaining. Trade union organizations have concluded more than 18,200 collective agreements with employers.

However, despite the tangible evidence demonstrating the protection of workers' rights and the independence and effectiveness of the FPB, the ILO continues to accuse Belarus of non-compliance with Conventions Nos 87 and 98. We believe it is essential to give due consideration to the information and data provided by the FPB, as it is the organization closest to workplace realities and best positioned to express the aspirations and needs of Belarusian workers. We stress the importance of listening to the Belarusian workers' representatives participating in the national delegation to the Conference and giving their views and assessments the consideration they deserve when examining any decisions or recommendations affecting the interests of workers in Belarus.

We believe that the ILO should take seriously the information provided by the FPB regarding the situation of workers and the socio-economic development of the country. The Federation represents the majority of workers across all regions and sectors of the Belarusian economy. It has a membership of more than 4 million trade union members. We call upon the Committee to adhere to the principles of neutrality, integrity and objectivity in making decisions that serve exclusively the interests of Belarusian workers. We hope that the ILO will remain mindful of the negative impact that restrictive measures may have on ordinary workers.

We advocate dialogue, technical cooperation and institutional capacity-building as the most effective means of promoting compliance with international labour standards and advancing the common objectives of the ILO. In conclusion, we express solidarity with the workers of Belarus and their national trade union centre and reaffirm our support for their right to have their voices heard within the ILO, in a manner that serves workers' interests and promotes the values of social justice and decent work to which we all aspire.

Government member, Lao People's Democratic Republic – At the outset, my delegation takes note of the report of the Committee and sincerely thanks the Belarusian delegation for comprehensive updates on the labour situation and the current ILO-related cooperation and work in Belarus. The Lao PDR commends Belarus for its continued efforts and progress made in the social and labour sphere, including in fulfilling its obligations under the ILO Conventions and mechanisms through the implementation of the decisions and recommendations adopted by the Governing Body and this Committee, among others. This includes, one, successful cooperation of the tripartite social partnership (the Government, trade unions and employers) in the design and implementation of national socio-economic policies. Two, the active participation of trade unions and employers in legislative processes on the labour and social issues. Three, the national trade union and the employers' association are parties to the general agreement for 2025–27 with the Government regarding the social and labour spheres at a national level.

We firmly believe that unilateral coercive measures, sanctions and isolation against any ILO Member State do not constitute constructive or effective approaches. Let me conclude by calling for prevention of using ILO mechanisms to put politically motivated pressure on sovereign States. We call for the resumption of constructive dialogue, engagement and cooperation with the social partners in Belarus while strictly upholding the mandate of the ILO.

Interpretation from Chinese: **Worker member, China** – We have taken note of the statements made by all parties. Our position on cases examined in the Committee has been consistent. Sanctions are not a goal. 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 the Belarusian case.

Government member, Azerbaijan – Azerbaijan welcomes the information provided by the Government of Belarus, which demonstrates the progress made in promoting social dialogue. We commend the efforts of the Belarusian Government to create the necessary conditions to ensure the effective functioning of the social partnership system in the country. We recognize Belarus' commitment to uphold international labour standards and to cooperate with the ILO within the framework of its mandate. Azerbaijan firmly believes that the promotion of labour rights should involve constructive dialogue and full conformity with the principle of national sovereignty.

Worker member, Canada – I am speaking on behalf of workers from Canada and Switzerland. The findings of the ILO Commission of Inquiry, the supervisory bodies and the application of article 33 of the ILO Constitution regarding labour rights violations in Belarus are consistently reinforced by the wider United Nations human rights system. International consensus regarding the situation in Belarus is evident in the recommendations made during successive cycles of the Universal Periodic Review, as well as in the work of United Nations treaty bodies, special procedures and the Group of Independent Experts on the Situation of Human Rights in Belarus. These bodies have documented and raised alarm at extensive human and labour rights violations, including the persecution of individuals exercising freedom of association, expression and peaceful assembly, the liquidation of independent trade unions, arbitrary arrests and the detention of trade union leaders and activists, forced labour, torture and reprisals against persons cooperating with international organizations and human rights mechanisms.

In 2026, across the fourth Universal Periodic Review cycle, a large number of United Nations Member States recommended that Belarus restore freedom of association and

freedom of assembly and end the persecution of trade unionists, human rights defenders and civil society activists.

In 2025, the Committee on the Elimination of Discrimination against Women, in its review of Belarus, addressed not only issues of gender equality, but also issues directly linked to freedom of association, noting that the destruction of independent worker representation deprives women workers from effective mechanisms to challenge discrimination, harassment, unequal pay and other violations.

The United Nations Special Rapporteur on the situation of human rights in Belarus concluded that the repression of independent trade unions forms part of a broader strategy aimed at preventing workers from exercising their rights and emphasized that State-backed trade unions cannot be regarded as genuinely independent workers' organizations.

The work of the Group of Independent Experts on Belarus provides important confirmation of the findings long documented by independent trade unions and recognized by the ILO supervisory bodies.

In a joint statement, a group of United Nations special procedures mandate holders, including the Special Rapporteur on freedom of peaceful assembly and association, the Special Rapporteur on human rights defenders, the Special Rapporteur on Belarus, the Special Rapporteur on counter-terrorism and human rights, and the Special Rapporteur on freedom of opinion and expression, expressed alarm at the continuing violations of freedom of association in labour relations in Belarus and explicitly called for the release of all imprisoned trade union leaders and members. They urged the Belarusian authorities to revoke legislation and administrative measures preventing independent trade unions from operating and to cooperate fully with the ILO and its supervisory bodies.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran takes this opportunity to express its views on the situation in Belarus. While respecting the Organization’s supervisory processes, we believe that the primary propose of these mechanisms should be to support workers and improve labour standards through cooperation and constructive dialogue. Belarus has been a member of this Organization for nearly seven decades, has ratified 51 Conventions and has implemented 10 out of 12 recommendations of the Commission of Inquiry. These actions demonstrate the country’s capacity to engage with the Organization’s mechanisms.

The Belarusian Government’s strengthened positive approach towards cooperation with the ILO and the social partners in addressing outstanding issues is worthy of recognition and deserves to be appropriately welcomed.

The Islamic Republic of Iran calls on the ILO to strengthen its technical cooperation with Belarus for better implementation of the Conventions, thereby creating the conditions for genuine progress in protecting workers’ rights to freedom of association and collective bargaining. We also emphasize the importance of maintaining space for dialogue and avoiding approaches that may hinder constructive cooperation.

We have always held the conviction that the ILO is free from politicization and the application of double standards, and we hope that the Organization will reinforce this belief by continuing to operate with transparency. We call on all members to work toward fostering genuine, fair and non-discriminatory dialogue in order to achieve world peace through social justice which is the very cornerstone of this Organization.

Worker member, Germany – I will speak on behalf of the German Trade Union Federation. Trade union work and activities are considered extremist and therefore criminal in Belarus. This means the detainment, exile or both, for those carrying out trade union activities such as Aliaksandr Yarashuk and Gennadiy Fedynich. Decree No. 278 created new hurdles for those in exile, depriving those who are abroad of getting new passports.

For trade unionists such as Maksim Senik, an expired or annulled passport means statelessness or detainment. They are losing legal protection and the possibility to work or travel. In the resolution under article 33 on Belarus, Member States of the ILO are called on to respect the principle of non-refoulement with regard to Belarusian trade unionists. Only if host countries issue documents to replace passports that enable those outside the country to live lives and travel can the strategy of the Lukashenko's regime to weaken civil society be defeated. Annulment of passports is not just a migration law question. It's a clear violation of the Convention and discrimination against trade unionists. The guarantee of a clear legal status for exiled trade unionists is essential in order to take the principle of non-refoulement into account in practice.

So, we call particularly on EU Governments to establish passport replacement papers for exiled trade unionists. At the same time, the possibility for trade unions in Belarus to travel outside the country needs to be provided. In particular humanitarian visas should be provided.

The process for application in the home country or a safe third country, a fast examination and a safe entry into the host country after a positive decision involves a calculatable risk for those affected. So, we call on Governments, in particular those in the European Union, to put together programmes for humanitarian visas and assure swift procedures. Independent trade unionists in the democratic forces in Belarus need protection and support from democratic societies in order to be able to continue their work. Governments in the European Union should show through these actions that they care about freedom of association and democratic values beyond their borders.

Interpretation from Arabic: **Government member, Sudan** – We are taking the floor in the context of the application of two Conventions by Belarus, as well as the recommendations of the Commission of Inquiry. We would like to reaffirm the need to respect principles and not to politicize the Organization. In this regard, we would like to express our concern at the creation of new supervisory mechanisms based on political positions, and the current proposal for the creation of a new mechanism, which runs counter to the rights of workers. We call for bilateral regional dialogue and the recognized technical mechanisms, and not the adoption of new mechanisms which undermine sovereignty and have nothing to do with the mandate of the Organization. We reaffirm that any policy of double standards will not find the necessary solution, particularly in the context of the current global economic conditions. We need solidarity and to remain within the framework of the ILO's mandate.

On that basis, we call for respect for sovereignty and dialogue. We call for respect for the ILO's technical capacity, far from any instrumentalization of the Organization and far from the creation of disputes that have nothing to do with its mandate.

Worker member, Italy – I am speaking on behalf of the Italian workers. We wish to draw the Committee's attention to the alarming situation of women trade unionists imprisoned in Belarus for exercising fundamental rights protected by ILO Conventions, including freedom of association and the right of workers to organize. According to the human rights organization "VIASNA", there are currently hundreds of political prisoners in Belarus, including more than 100 women, and among them are at least three trade union activists and leaders, Hanna Karneyenka, Volha Brytsikava and Hanna Ablab.

These women have been deprived of their liberty due to their legitimate trade union activities, their peaceful civic engagement and their defence of workers' rights. Their cases illustrate the continuing repression faced by independent trade unions in Belarus since 2020 and the systematic dismantling of freedom of association in the country. Hanna Karneyenka, a member of the Free Trade Union of Metal Workers (SPM), was sentenced to five years imprisonment. Volha Brytsikava, a leader of the Belarusian Independent Trade Union at the Naftan refinery, was sentenced to six years after openly opposing the war in Ukraine and defending trade union rights. Hanna Ablab, a member of the workers' initiative, Rabochy Rukh, and mother of three children, received an 11-year sentence on politically motivated charges.

These women are being held in penal colonies under harsh conditions with restricted access to healthcare, family contacts and basic necessities. Like other prisoners, they are compelled to perform labour under conditions that raise serious concern regarding compliance with international labour standards, including the prohibition of forced labour. The imprisonment of trade unionists for carrying out legitimate union activities is incompatible with the principles and rights enshrined in the ILO Constitution and the fundamental Conventions ratified by Belarus. This situation creates a climate of fear and intimidation that prevents workers from freely exercising their rights and undermines genuine social dialogue. The Italian trade unions therefore urge the Government of Belarus to immediately and unconditionally release all trade unionists detained for exercising their fundamental rights, cease all acts of harassment, intimidation and criminal prosecution against independent trade unions and their members, restore full respect for freedom of association and collective bargaining rights, ensure that all workers can organize and engage in trade union activities without fear of retaliation, cooperate fully with the ILO supervisory mechanisms, completely recognize the mandate of the Special Envoy and implement without delay the recommendation of this Committee and other ILO bodies.

The cases of Hanna Karneyenka, Volha Brytsikava and Hanna Ablab remind us that freedom of association cannot exist where trade unionists are imprisoned for defending workers' rights. We express our solidarity with them and with all workers in Belarus who continue to strive for dignity, justice and freedom.

Interpretation from Chinese: **Government member, China** – We thank the representative of the Government of Belarus for the detailed information provided. China knows that the Government of Belarus has taken practical measures to safeguard trade union rights and has gradually established a comprehensive legal framework to guarantee citizens' freedom of association. Trade unions in Belarus are able to be established freely and to carry out lawful activities aimed at protecting the rights and interests of workers.

Trade unions and industrial federations in Belarus reportedly have around 4 million members covering all sectors and regions of the country, and the legitimate trade union rights of citizens are respected. At the same time, the Government of Belarus attaches importance to the role and status of the ILO and fulfils its obligations under ratified Conventions. China's position on this case has always been consistent and clear. As a specialized agency of the United Nations, the ILO should fully respect the basic principles of international law and international relations established in the Charter of the United Nations, including sovereign equality and non-interference in internal affairs. Article 33 of the ILO Constitution represents the most serious supervisory and enforcement mechanism and presupposes a refusal by a Member State to implement the recommendations of a Commission of Inquiry. We should ensure the uniform and equal application of international law, including the Constitution of the ILO and should not expand interpretations arbitrarily or misuse such mechanisms. In conclusion, China calls on this Committee and the tripartite constituents of the ILO to fully

respect the sovereignty of Belarus and assess its social situation and compliance in a comprehensive, objective and impartial manner.

We encourage all parties to listen carefully to the views of the Government of Belarus and we expect the ILO Office to continue playing a constructive role in safeguarding the legitimate rights and interests of workers and employers in Belarus and in promoting the country's economic and social development.

Worker member, Kenya – I stand before you today on behalf of Kenyan workers and Public Service International affiliates in African and Arab countries. I speak to voice our profound condemnation of the systemic destruction of independent trade unions and basic human rights in Belarus. Since 2020, the Belarusian regime has carried out a considerable campaign of terror against its own workforce. Hundreds of activists have been arbitrarily arrested.

Today, out of hundreds of political prisoners, at least 20 of our trade union comrades remain behind bars. They have been absurdly labelled by the State as extremists and terrorists simply for defending the fundamental rights of workers. As a medical professional, I must draw the Committee's urgent attention to the harrowing case of Dr Ruslan Badamshyn. He is a prominent neurologist, a brilliant specialist and a man who dedicated his career to sharing his vast knowledge and mentoring young doctors. In a rational society, common sense dictates that highly skilled medical professionals are protected.

Society needs them to heal the sick and save lives. Yet by imprisoning Dr Badamshyn, the Belarusian State has chosen State repression over public health. They have chosen to leave patients without their doctors. They have left the entire system completely deprived of scarce vital expertise. Dr Badamshyn's unwavering commitment made him the target of a relentless escalating judicial vendetta.

First, he faced administrative harassment, being detained at least five times. The State was not satisfied. The regime then escalated the pressure, sentencing him to three years of house arrest. Again, the State was not satisfied. In June 2025, he was rearrested under weaponized anti-extremist laws.

Again, the State was not satisfied. In early 2026, the court handed down a devastating sentence, two and a half years of imprisonment in a harsh, general-regime penal colony. To seal his fate, the regime officially branded this dedicated doctor as both an extremist and a terrorist. His ordeal represents a terrifying pattern of repeated criminal prosecution. In Belarus, serving your term is no longer enough.

The State continuously manufactures new overlapping charges to ensure independent voices remain silenced behind stone walls forever. Furthermore, over 50 leaders who have completed their sentences continue to live under suffocating, repressive State restrictions that strip them of their livelihood, their dignity and their citizenship. The ILO cannot and must not allow this blatant violation to continue with impunity. We call upon the Committee to take a definitive stand and demand the immediate and unconditional release of Dr Ruslan Badamshyn and all imprisoned unionists in Belarus, an immediate end to the judicial harassment, repeated prosecution and weaponized designations, that the Belarusian authorities fully restore the rights of independent trade unions. Dr Badamshyn knew the immense risk of standing up to tyranny. Yet he refused to alter his conviction. And he was ready to die for the trade unions to survive in Belarus. We must match his courage with our collective action today.

Worker member, Denmark – I will be speaking on behalf of the Nordic Workers. Last year in this Committee, I spoke about the imprisonment of trade unionists in Belarus for performing legitimate trade union activities. Independent trade union activities, that is. While many of our brothers and sisters are still imprisoned, article 33 and political momentum has led to some trade unionists being freed from prison. Being free does not, however, mean regaining freedom in any meaningful sense of the word, not in Belarus at the very least.

Independent trade unionists remain branded by the State as extremists with devastating consequences for their daily lives, their livelihoods and their families. With this stigma branded upon them by the State, the freed trade unionists are barred from most work. For example, they cannot perform educational activities, cannot work with children, cannot publish material, cannot hold office, cannot take most jobs in banks, cannot be auditors, nor can they interpret or even be tour guides. Furthermore, it is impossible for these free trade unionists to find employment at any State-owned enterprise. Of course, it is not much different in the private companies either. They will not hire them due to being afraid of State repercussions.

This should be stated plainly for what it is. First, the State destroyed independent trade unions and criminalized independent trade unionism. Then, it imprisoned trade unionists for exercising fundamental rights. And now, it continues to deliberately persecute them through stigma, exclusion and fear. This is against any ethical, moral, just and international standard.

These practices are wholly incompatible with freedom of association, with the right to organize and with the most basic principles of human dignity. These actions are deliberate instruments of repression designed to eradicate independent trade unionism and to warn every worker in Belarus of the price of acting independently. This is beyond criticism and continued international pressure is not only justified, it should be mandatory, as is the application of article 33. Any suggestion that the situation in Belarus can be managed through half measures would be profoundly mistaken. Our message to Belarus and the Government is clear.

All imprisoned trade unions must be released and charges dropped. Independent trade union activity must cease to be treated as a crime. This is the very least our brothers and sisters in Belarus deserve. As a final note, the delegates of Belarus speak of facts and truths, yet at the very same time they have denied access to and dialogue with the Special Envoy of the ILO. If truth and facts need to be hidden from a neutral observer who can assess the objective truth, then maybe there is a reason that Belarus' truth is different from the rest of the world's truth.

Worker member, Pakistan – I am speaking on behalf of the trade unions from the Asia-Pacific region. We remain deeply concerned about the ongoing and serious violation of freedom of association in Belarus and we express our full solidarity with Belarusian workers and independent trade unions. Convention No. 87 is one of the ILO's fundamental Conventions. It guarantees workers the right to establish and join organizations of their own choosing and to carry out trade union activities free from any interference by the authorities.

However, the situation in Belarus demonstrates a systematic failure to comply with these obligations. Following the liquidation of independent trade unions, there are no longer any genuine workers' organizations in Belarus capable of independently representing and defending workers' interests. Workers have effectively been deprived of their right to establish organizations of their own choosing or to join independent unions without fear of retaliation. Today, at least 20 trade union leaders and activists remain imprisoned. In addition, 54 representatives of the independent trade union movement have been designated as so-called "extremists", while 11 have been placed on the authorities' list of terrorists.

These measures have been imposed on individuals whose only offence was engaging in legitimate trade union activities and defending workers' rights. In this context, statements by the so-called "Federation of Trade Unions of Belarus" regarding successful social dialogue, the number of collective agreements concluded or the effective representation of workers cannot be regarded as evidence of compliance with the Convention. There can be no genuine social dialogue where independent trade unions have been dismantled. Collective agreements cannot serve as proof of freedom of association while trade union leaders remain behind bars. It is impossible to speak of freedom of association when workers are denied the right to establish and join independent organizations of their own choosing.

The Asia-Pacific region knows well that sustainable development, social stability and inclusive economic growth are impossible without free and independent trade unions. For this reason, we view the situation in Belarus as a serious challenge to the international system of labour standards. We call on the Government of Belarus to implement without further delay the recommendations of the ILO supervisory bodies to: release all imprisoned trade union leaders and activists; end the persecution of the independent trade union movement; restore the conditions necessary for the free functioning of trade unions; and ensure full compliance with the Convention. Belarusian workers deserve the same rights as workers everywhere, the right to organize freely, to be represented by organizations of their own choosing and to defend their interests without fear of intimidation, persecution or imprisonment.

Government member, Bolivarian Republic of Venezuela – The Bolivarian Republic of Venezuela reaffirms its strong commitment to the principles of social dialogue, tripartism and genuine international cooperation, which are the fundamental pillars of the mandate of this Organization. In this context, the Bolivarian Republic of Venezuela notes the willingness expressed by the Government of the Republic of Belarus to continue dialogue with the ILO and the national social partners in relation to the application of the Conventions.

It is essential for the supervisory machinery of the ILO to act in an objective, impartial, transparent, and not a selective manner, avoiding any form of political instrumentalization, which can undermine the spirit of cooperation, technical assistance and constructive dialogue that needs to prevail with the Organization. The Bolivarian Republic of Venezuela also recognizes the importance of upholding the principles of sovereignty, non-interference in internal affairs and respect of national characteristics, and the sovereign right of States to develop their social and labour policies in accordance with their specific situation, priorities and the national legal framework, in conformity with their international obligations.

The Bolivarian Republic of Venezuela reiterates that sustainable and lasting solutions can only be constructed on the basis of mutual respect, constructive dialogue and depoliticized technical support, with the full and effective participation of Governments and the lawfully constituted social partners. In that respect, we consider it fundamental to give priority to understanding between the parties, capacity building and technical support, over and above confrontational approaches or measures that can deepen differences. Finally, the Bolivarian Republic of Venezuela expresses its willingness to continue supporting initiatives intended to strengthen social dialogue, the promotion and protection of workers' rights and the maintenance of the inclusive, balanced and not politicized nature of the ILO.

Government member, Kazakhstan – Kazakhstan recognizes the long-standing engagement of Belarus with the ILO and its stated commitment to uphold social and labour standards, including efforts to strengthen a tripartite partnership system. We further note the information provided by the Government of Belarus on measures undertaken to implement the recommendations of the Commission of Inquiry, as well as its openness to dialogue with

social partners and the ILO, as evidenced by past cooperation with ILO missions and technical projects. Regarding the conclusions by ILO supervisory bodies on the importance of full implementation of the Conventions, we believe it is key to enhance constructive engagement between the Government and the ILO to address these matters collaboratively. We also encourage sustained efforts to align the national legislation and practice with international labour standards and highlight the importance of inclusive and meaningful dialogue among all stakeholders.

Worker member, France – The dismantling of independent unions in Belarus has not only deprived thousands of workers of their fundamental right to organize. It has profoundly degraded industrial relations as a whole in Belarus. When independent unions are dissolved, when independent trade unionists are reduced to silence, imprisoned or forced into exile, there is no longer any counterweight capable of defending workers' rights. Arbitrary power takes over and coercion becomes the rule. Today, in Belarus, the whole industrial relations system is falling apart.

- Persons considered capable of working, but who are deemed to be insufficiently active, are subject to financial penalties. Instead of addressing the economic and social causes of unemployment and exclusion, the public authorities have chosen to punish individuals.
- The so-called "labour treatment" centres (LTP) are another major cause for concern. Under the authority of the Ministry of the Interior, and not the Ministry of Health, these establishments operate as closed detention centres. The claimed objective of rehabilitation disappears in light of the requirement to work under precarious conditions, without any labour contract and under compulsion.
- The situation of persons with disabilities living in specialized institutions also raises serious questions. Thousands of residents participate in production activities presented as "work therapy" or "rehabilitation". And yet, these activities often take the form of agricultural work, maintenance, carpentry or domestic service in closed establishments, without work contracts, without trade union protection and without wage guarantees.
- Persons convicted for peacefully exercising their freedoms of expression and association are subjected to a discriminatory regime in prisons. They are forced to wear a yellow label that distinguishes them from other prisoners. They are assigned to the most arduous and degrading work, and the least well paid. People who are imprisoned for exercising their fundamental rights therefore suffer the dual penalty of being deprived of their freedom and of worse conditions of work.

In view of this situation, our message remains unchanged. Year after year, gathered together in the ILO, we ceaselessly affirm that only respect for trade union freedoms can safeguard workers against arbitrary action and exploitation. Trade union freedoms are the keystone of any industrial relations system aimed at guaranteeing justice and freedom. Where they are respected, cases of injustice can be denounced. Where they are destroyed, all other protections end up collapsing.

Government member, United Republic of Tanzania – The United Republic of Tanzania welcomes the information submitted by the Government of Belarus on requesting the ILO bodies to accept and give due consideration to Belarus' version of the facts regarding the allegations of violations of the Conventions and the implementation of the Commission of Inquiry's recommendations. We take note of the information provided regarding the implementation of the Commission of Inquiry's recommendations and engagement with ILO supervisory mechanisms. The call by the Government of Belarus on all ILO tripartite

constituents and the Committee to pay due attention to the information submitted is worthy of consideration and of being given the weight it deserves. The United Republic of Tanzania believes that constructive dialogue, mutual respect and cooperation remain the most effective means of addressing concerns related to the implementation of international labour standards. We encourage objective and balanced discussions that give due consideration to the information submitted by Belarus.

Worker member, Brazil – I am speaking on behalf of the Central Confederation of Workers (CUT) and the other Brazilian trade union federations to express our concern at the serious violations of which Belarus is accused in relation to the application of Conventions Nos 87 and 98, and its compliance with the requirement to provide reports to the standards supervisory system.

It is unacceptable that the Government, even after innumerable alerts and recommendations, is still failing to give effect to the fundamental obligations of freedom of association, and the requirement to provide timely and transparent information. Freedom of association is an essential right for the defence of the interests of the working class and the development of better living conditions. The information compiled over the years however shows that workers are the victims of reprisals, attacks and restrictions on their collective organization, as well as the absence of effective social dialogue. This situation seriously compromises the exercise of their fundamental rights and social justice, which are essential pillars for peace and sustainable development.

Conventions Nos 87 and 98 are not only a series of standards, but the guarantee for the autonomy and independence of workers' and employers' organizations, mechanisms for collective defence, negotiation and the quest for social justice. True social progress is only possible through strict compliance with these standards, under the close eye of the ILO supervisory system.

In this regard, we emphasize that the standards supervisory system is a crucial tool to guarantee the effective application of international labour standards. Its operation depends on the firm and full commitment of Governments to respect and apply the recommendations made, which includes the work of the ILO Special Envoy.

Emphasis should be placed on the fundamental role played by the ILO Special Envoy, who is acting as a bridge between the Government, the social partners and the ILO, facilitating social dialogue and the necessary cooperation to overcome the challenges and make progress in the application of international standards. We are therefore making an urgent call for the Government of Belarus to commit to the procedures established, by opening up to constructive social dialogue. Only in this way will it be possible to promote real and lasting progress for the working population.

We firmly believe that only with open, respectful and constructive social dialogue will it be possible to make progress in overcoming the current challenges and re-establishing full respect for the fundamental rights of the working class. The ILO needs to reaffirm its role as the guardian of fundamental rights and the place where solutions can be found to promote decent work for everyone.

Government member, Zimbabwe – The Government of Zimbabwe takes note of the report provided by the Republic of Belarus and has followed past and present discussions very closely. We acknowledge the recent affirmation by the Republic of Belarus of its dedication to uphold fundamental principles and rights at work. This commitment is not merely a statement, but a call for constructive dialogue that respects the realities and sovereign interests of the

Republic of Belarus. The Government of Belarus has expressed its willingness to engage with the Office to foster a more inclusive approach and implementation of the international labour standards.

This presents an opportunity for all stakeholders to come together and find common ground. However, this dialogue must be rooted in mutual respect and understanding of Belarus' national context. The challenges they face require all partners, including the ILO supervisory bodies, to take a balanced approach. Consideration of realities on the ground must be met. We therefore encourage the Government of Belarus and the social partners to engage in constructive social dialogue and at the same time urge the ILO supervisory bodies to remain steadfast in their commitment to objectivity and neutrality while remaining alive to the geopolitics at play.

It is imperative that the ILO should continue to assist the Republic of Belarus and its social partners in their journey towards strengthening freedom of association. In conclusion, the Government of Zimbabwe reiterates that fundamental principles and rights at work are important. Hence, a collaborative approach that upholds labour rights reinforces the fundamental principles of social justice and retains the sovereignty of Member States becomes imperative. We therefore call upon this Committee in its concluding observations and recommendations to emphasize engagement and ILO technical assistance to Belarus' tripartite partners on a pragmatic, non-partisan and non-political basis to allow the implementation of the outstanding recommendations of the Commission of Inquiry.

Worker member, Poland – I am speaking on behalf of Polish workers unionized in the Independent Self-Governing Trade Union "Solidarność" (NSZZ). I do not stand here as an observer. I speak as someone who has personally experienced what happens when workers attempt to exercise their right to organize independently in Belarus. Before joining Solidarność, I spent seven years as an operator at the nitrogen fertilizer chemical plant, one of the largest industrial enterprises in Belarus, employing around 10,000 workers. In 2020, I became the target of a fabricated criminal prosecution.

Following an attempted arrest, I escaped to Poland. The Polish authorities examined my case and recognized the charges as purely political, then granted me refugee status. In this regard, we call on the international community and all Member States to strictly respect the principle of non-refoulement for trade union leaders and activists in accordance with the 2023 ILO resolution on Belarus. I was able to rebuild my life, but many of my former colleagues were not so fortunate. Today, the trade unions in Belarus no longer exist.

They have been falsely liquidated. Their activists have been jailed, forced into exile or silenced. At the same time, the State-controlled FPB continues to present itself as a representative of Belarusian workers. However, public records prove that the leadership of the FPB and its sectoral unions is increasingly drawn from former senior officers of the State's repressive apparatus. This is a direct incorporation of State control into trade union structures.

The lieutenant colonel who is sitting in this very room today as part of the Belarusian workers' delegation headed one of the district prosecutor's office. He was dismissed by the prosecutor general for indifference to human misery. Despite this disgraceful record, he later transitioned to the Grodno Regional Police Department, rising to the rank of a police lieutenant colonel. By January 2022, this former law enforcement officer was installed as a top manager and the head of the legal department at my former chemical plant, where he joined one of eight management-run information and propaganda groups tasked with enforcing ideological control over the workers. A few months after the lieutenant colonel arrived, the Chairman of

our independent trade union, Andrei Khanevich, was detained and sentenced to five years in prison simply for giving an interview about the plant's problems.

The union office was bugged and our organization was immediately liquidated. As a result, we arrived at a deeply troubling reality. The very individuals who enforce State repression over Belarusian workers are presented internationally as their representatives. This situation is not merely an internal Belarusian matter. It is a direct assault on the integrity of this Organization. By accepting these "representatives", we compromise its credibility and erode the essential principles of association that we all want to uphold.

Government member, Algeria – We have listened carefully to the Government statement indicating that it is according all due attention to the comments and recommendations of the ILO supervisory bodies. The Algerian delegation welcomes the signification measures taken by the Government, including taking into account the recommendations of the Commission of Inquiry established under article 26 of the ILO Constitution. Algeria encourages the Government to continue its efforts and to collaborate with the Office for the implementation of the recommendations of the Commission of Inquiry. Algeria strongly favours the maintenance of open dialogue between Belarus and the competent bodies of the ILO with a view to achieving mutual understanding of the concerns expressed, in a spirit of collaboration and mutual respect.

Worker member, Kingdom of the Netherlands – Workplaces in Belarus have become prime locations for arrests. Detentions occur daily at workplaces across the country, whether in state-owned, private or foreign owned companies. Employees may be arrested by special units of armed officers and treated as criminals for activities such as subscribing to independent news channels, liking a social media post appearing in photographs from the 2020 protests, donating to civil society initiatives, supporting human rights defenders or standing by families of political prisoners. Pressure and intimidation are widespread in workplaces throughout the country.

Ideological departments operate in all State-owned enterprises to monitor employees' loyalty to the State. These structures are integrated into company management and human resource department. Short-term employment contracts which have been widely used in Belarus for nearly 20 years continue to serve as an instrument for keeping employees in constant fear of losing their jobs. At a well-known State enterprise in Grodno, lie detector tests are reportedly used systematically in this context, both during the recruitment process and when employment contracts are renewed. It remains unclear whether representatives of state-controlled trade unions are subjected to the same treatment.

There is also evidence that polygraph testing is used at other State-owned enterprises. In addition, job applicants are required to provide a reference from their previous employer with perceived loyalty playing a significant role in hiring decisions. At the same time, unofficial blacklists of these loyal citizens reportedly exist preventing certain individuals from obtaining employment.

What once was associated only with State-owned enterprises has now become legally permissible for private businesses as well. Private companies with more than 600 employees are required by the State to employ ideological managers who are appointed by the local authorities. Given that commercial activities of European Union companies continue to take place in Belarus, the existence of such ideological control mechanisms requires careful consideration within the framework of corporate due diligence obligations. From what we know, we can conclude that the climate of Belarusian labour relations is hostile to both employees and businesses.

The absence of freedom of association creates this atmosphere. We call on the Government to engage in genuine communication with the ILO through the Special Envoy to fulfil its recommendations and to stop repression in Belarus.

Interpretation from Arabic: **Worker member, Libya** – I have the honour to participate in this discussion and the delegation of the Libyan Workers Union would like to express its appreciation for the important role played by the ILO in promoting social justice and consolidating the principles of decent work in the world. The Organization has been and will remain a platform for dialogue and cooperation between governments, employers and workers, contributing to the protection of rights and also strengthening stability and development. With regard to the ongoing discussion over Belarus, we consider that we have to give due attention to what the Government is saying and to take into account the views of trade unions that represent workers on the ground. In this context, we would like to say that the unions of Belarus represent millions of workers and we have to commend their efforts to defend their economic and social interests.

We also value all initiatives and efforts aimed at reinforcing the welfare of workers and achieving their professional and social stability. Wherever they are, workers need to be heard and their aspirations and interests need to be taken into account. The Libyan workers' delegation affirms its support for all the efforts aimed at strengthening dialogue and cooperation based on the principles upon which the ILO has been founded. We would like to express our solidarity with the workers of Belarus and we appreciate what they are doing in serving their country, economy and society and look forward to these discussions leading to strengthening trust and achieving more prosperity and progress for all workers.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of the Republic of Belarus and expresses appreciation for the information provided on the issues under consideration by the Committee. In the practice of the ILO, particular importance is attached to constructive engagement between Governments and the supervisory bodies, including technical dialogue, the exchange of information and gradual progress on issues of concern. Such an approach helps to ensure more sustainable and long-term results. In this context, Turkmenistan notes the importance of continuing engagement between the Government of Belarus and the relevant ILO mechanisms on the issues under consideration in accordance with the principles of dialogue and cooperation. We are convinced that consistent and constructive engagement among all stakeholders remains a key condition for further progress.

Observer, International Trade Union Confederation (ITUC) – I am speaking on behalf of the workers of Myanmar and the Confederation of Trade Unions of Myanmar (CTUM). We express our solidarity with the independent trade union movement of Belarus and with all trade unionists who continue to defend workers' rights despite repression, imprisonment and exile. Workers in Belarus and Myanmar face many of the same challenges. Both countries are subject to article 33 measures due to persistent and serious violations of fundamental labour rights. Workers continue to face repression while independent trade unions are denied their fundamental rights.

In Belarus, independent trade unions have been dissolved, their leaders imprisoned and activists forced into exile. In Myanmar, since the military coup of 2021, trade union leaders and members have faced arrest, imprisonment, violence, false displacement, exile and revocation of citizenship. These are not isolated incidents. They reflect a broader pattern in which the authority of Belarus and the Myanmar military authorities pursue similar policies of

suppressing independent trade unions, silencing independent worker voices and promoting substitute organizations that do not represent workers' free choice.

Workers in Myanmar understand that when independent trade unions are dismantled there can be no genuine social dialogue, no meaningful collective bargaining and no respect for freedom of association. We are also concerned by the growing cooperation between the authority of Belarus and the Myanmar military authorities at a time when both remain subject to serious criticism by the ILO for violations of worker rights and freedom of association. The international community must not allow such repression to become normalized. We therefore call on the Government of Belarus to release imprisoned trade unionists, restore freedom of association and fully implement the recommendations of the ILO supervisory bodies. Finally, we call on governments, employers' and workers' organizations to move beyond expressions of concern and ensure the effective implementation of article 33 measures and ILO Recommendations.

Workers in Belarus and Myanmar deserve freedom, justice, dignity and the right to organize without fear.

Interpretation from Arabic: **Government member, Egypt** – The Arab Republic of Egypt expresses its appreciation of the efforts made by the Committee of Experts in preparing the annual report submitted to the Committee. We thank the secretariat for the excellent preparation of this session.

The delegation of Egypt took note of the information provided by the Government of Belarus as well as the observations and recommendations of the Committee of Experts and the Committee on Freedom of Association. We also took note of the decisions of the Governing Body and the Conference and what the Government of Belarus said in terms of the implementation of those decisions and the implementation of the recommendations of the Commission of Inquiry. The delegation of Egypt would like to reaffirm its position on the importance of supporting efforts aimed at strengthening compliance with international labour standards. The Organization should continue to play its leading role in supporting national efforts to promote the application of international labour standards and also to promote the technical assistance provided to Member States and respond to the challenges that the States may face in relation to the implementation of those standards. In line with the above, Egypt considers it important to continue the constructive dialogue between the Government of Belarus and the ILO as the best way to implement the recommendations of the Commission of Inquiry and ensure compliance with international labour standards and the obligations arising from the Convention.

Government member, Pakistan – Pakistan acknowledges the continued engagement of Belarus with the ILO and takes note of the measures undertaken to implement the recommendations of the supervisory mechanism. We believe that constructive dialogue, cooperation and technical engagement remain the most effective means to address outstanding issues related to international labour standards. Pakistan further encourages continued engagement within the supervisory framework of the ILO and considers dialogue-based approaches preferable to measures under article 33 of the ILO Constitution. Pakistan also underscores the importance of respecting the principles of national sovereignty and mutual cooperation in resolving differences.

Interpretation from Russian: **Government member, Russian Federation** – We have listened closely to the statements of the representative of the Government of the Republic of Belarus and have also looked closely at its written submissions. We fully share the points made with regard to this special sitting and the relation to the Belarusian case as part of the ILO's

work in its supervisory bodies and governing bodies. Traditionally, the Republic of Belarus has been committed to workers' rights, providing social support to workers and their families and strengthening social dialogue. The indicators that reflect this are well known. There is effective social partnership in the country based on the core standards of the ILO. Regular negotiations take place between all social partners.

Representatives of the trade union movement and also the associations of employers take an active part in the legislative process which allows them to directly influence the formation of policy in the social and labour sphere. In this context, we can only express deep regret and disappointment with the anti-Belarusian campaign taking place in the ILO. The Government has implemented all of the recommendations of the Commission of Inquiry of 2004, excluding the politicized ones on the release of the so-called trade union activists and the revocation of a number of laws relating to carrying out mass events and foreign financing. We will not tire of saying that these recommendations are inappropriate. Firstly, they go beyond the mandate of the ILO.

Secondly, they clearly bear the hallmark of interference in domestic affairs of a sovereign State, Belarus, for the benefit of barely concealed interests of a narrow group of outside interests and foreign States. We will also not tire of stating that individuals whose release or restitution of rights is so actively sought by the supervisory bodies have been sentenced on the basis not of their trade union activities, but rather they were convicted for common criminal acts in full accordance with the law of the Republic of Belarus, as the acts committed had nothing to do with the protection of workers' rights, but were externally controlled by political activism. Belonging to political activist groups, which for some reason in ILO documents are referred to as trade union figures, does not release them from criminal responsibility. The ulterior political motives taking place here are clear in vilifying Belarus. Under such conditions, we could not accept any anti-Belarusian measures which might have already been proposed or might arise from today's session.

We would once again have to support a motion to put to vote any such conclusions coming out of the Committee in its discussion of the case of Belarus.

Observer, IndustriALL Global Union – I am taking the floor on behalf of the IndustriALL Global Union representing more than 50 million workers in the mining, energy and manufacturing sectors throughout the world. Today we have listened to the three representatives of the official delegation of Belarus and they describe the situation as perfect. This is not representing the reality. The reality is that the Belarusian workers are voiceless and the workers' leaders and trade union activists are in prison now in conditions that endanger their lives.

Let me name some of them. Vatslau Areshka, 71 year old newspaper editor of our affiliate trade union in prison since April 2022 sentenced to eight years for publishing information about workers' rights. In detention, his eyesight has deteriorated to near total blindness. He cannot read. He cannot write. He navigates his cell by touch and has repeatedly fallen, sustaining injuries that go untreated. This is not an allegation. This is a documented fact, reality. He is not alone. Andrei Khanevich, Chairperson of the Belarussian Independent Trade Union (BNP) at the chemical factory in Grodno. Volha Brytsikava, BNP Chairperson at the oil processing plant in Novopolotsk. Hanna Karneyenka, member of the SPM at Minsk mechanical plant. Nineteen trade unionists remain behind bars. Over 50 remain under criminal prosecution. What are their crimes?

Publishing union news, organizing workers, defending workers' rights? Exercising their rights guaranteed by the Conventions? The Government of Belarus has criminalized making

contact with independent unions. And the Government has forcibly dissolved all industrial affiliates – the Radio and Electronics Industry Workers' Union (REP), BNP, SPM – leaving workers without representation and forcing them to the mercy of the State. The Government has confiscated the passports of released leaders Aliaksandr Yarashuk and Hennadz Fiadynich and it has refused to accept the ILO Special Envoy.

We believe that the case is very clear. We expect and call on the Committee to draw the necessary conclusions about the continued non-compliance of the Government of Belarus and to ensure the principle of non-refoulement is respected for Belarusian trade unionists in exile. The path forward is clear. The Committee has shown the way. Now it is for the Government of Belarus to act, to release the workers, to cooperate and to comply with recommendations.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) Public Services International (PSI), Building and Woodworkers' International (BWI) – I am speaking on behalf of three global unions, the IUF, PSI and BWI. This Committee has been working for 100 years and for a quarter of that century it has been dealing with the case of Belarus. This is indeed a remarkable achievement of the Government, one that will go down in history alongside an unprecedented number of trade union activists in prison and the cruelty with which they have been treated. What began as interference in trade union affairs has escalated into systematic repression, including mass arrests and the complete dismantling of independent trade unions.

Their offices have been raided and their leaders, including Aliaksandr Yarashuk, a member of the Governing Body, have been arrested and subjected to ill treatment and torture. Many of them remain in prison today and are kept under inhumane conditions. Over these years, the ILO has offered the Government of Belarus numerous opportunities and pathways to return to compliance with the rule of law in the field of labour rights. These efforts have been ignored or rejected. Arrests have continued, while intimidation and repression have become systematic.

These reprisals have affected not only those who remained in the country, but also those who sought to engage with the international community and the ILO. The United Nations Secretary-General submitted to the United Nations Human Rights Council his report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights. The report referred to the case of Maksim Pazniakou, one of the leaders of the BKDP, who was charged in absentia for public calls for action allegedly harmful to national security. According to the information of the United Nations High Commissioner for Human Rights, the legal proceedings against Maksim Pazniakou, as well as ongoing harassment of his relatives in Belarus, appear to be directly linked to his cooperation with the ILO. State officials reportedly visited his 75-year-old mother causing her significant emotional distress.

In its response reflected in the report, the Government of Belarus stated that this criminal prosecution related to the alleged cooperation of Maksim with an extremist group and to his interaction with the United Nations, and in particular with the ILO. The Government further noted that the questioning of relatives was a standard investigative practice. We know indeed this is a well-established practice in Belarus, to visit the relatives of those who are attending international meetings. This case speaks for itself. The Government of Belarus is demonstrating not merely disregard for the ILO, but a deliberate attempt to undermine the Organization by threatening and intimidating those people who engage with its mechanisms.

Such actions constitute an attack on the very functioning of the United Nations. They also place the credibility and authority of the ILO at stake. We deeply regret the unchanged position of the Belarusian Government. We call upon the ILO to continue strengthening enforcement

measures under article 33. Once again, we call on the Government of Belarus to immediately and unconditionally release all detained trade unionists.

Finally, we request the ILO to provide the Special Envoy with all necessary assistance and adequate human, technical and financial resources to enable the effective fulfilment of his mandate.

Interpretation from Russian: **Observer, International Trade Union Confederation (ITUC)** – I wish to express gratitude to all those who fought for my release. Thanks to you it was possible. Huge thanks to you. I think it is not necessary to talk about the legality of my detention, the torture and violence.

We have been continually insisting on the release of all of our friends who have been detained and are still detained, including Vatslau Areshka, who has lost his sight. Nobody should be prosecuted for trade union activity. Nobody should be imprisoned for this or proclaimed an extremist. Nobody should be imprisoned for protesting against the war. Nobody should be subjected to forced deportation with the stripping of their civil rights.

I call upon workers to bear in mind that in Belarus, both workers and business have been stripped of their freedom of association, with companies obliged to set up State trade unions and to include on their payroll those who are pushing ideology. This cannot be considered normal. I call upon Governments not to follow the example of the Belarusian authorities, who are turning workers into people without rights. If you go down that road, your statements on decent work will be empty words. Like the Belarusian authorities, you will not be able to make your country a prosperous one, nor will workers' lives be decent.

Returning to this august House, I am filled with resolve to continue the fight to return the rights stripped of Belarusian workers. First and foremost, the right to freedom of association, bearing in mind that the actions of the Belarusian Government, as part of the violation of international law, pose a threat to the ILO itself, and yet the effective operation of the ILO is more important than ever before. We, governments, workers and employers, can preserve the ability to achieve social dialogue, reach agreement and social partnership. We need to respect international labour standards, taking a hard line against the action of governments which, like those of Belarus, seek to turn the world of labour, social dialogue and social partnership into a world where lawlessness, violence and tyranny reign.

Interpretation from Russian: **Government representative** – On behalf of the Government, I thank everyone who understands the true reasons behind the anti-Belarusian campaign and supports Belarus. We greatly appreciate it. Your support shows that there are forces that oppose the politicization of the ILO and its involvement in pressuring countries for far-fetched reasons. We believe that the more ILO Members understand the groundlessness of anti-Belarusian decisions, the greater the chance the ILO will ultimately avoid becoming a platform for settling geopolitical scores.

Despite clarifications about the actual state of affairs in the country, the opponents of Belarus are not changing their rhetoric. They persistently repeat false claims about the suppression of the trade union movement and the failure to implement the recommendations of the Commission of Inquiry. At the same time, they are not concerned by the fact that the demands are not based on the real situation, do not directly follow from the Conventions and go beyond the mandate of the ILO. We have repeatedly stated that we understand the goals of pressure and the promotion of unjust decisions within the ILO. These are elements of a hybrid war aimed at supporting destructive forces, changing the Government and our foreign policy priorities.

Those who support the resolution on Belarus do not care about the future of the country and its people. The topic of protecting trade union rights has been chosen as a tool for manipulation and to discredit the Belarusian State. This is precisely why they do not want to hear us. This is precisely why false narratives about Belarus continue to be circulated. Unfortunately, our opponents find it difficult to admit that their efforts are not producing the expected results.

How else can one explain their desire to maintain a confrontation that in fact has a negative impact on themselves and the system of international relations? Do the initiators of the campaign against Belarus really not understand the consequences of their short-sighted policies? Firstly, the use of the ILO for political and economic pressure undermines the authority and foundations of the organization that was created for dialogue and cooperation. The ILO can no longer be considered a neutral international body. It is used as a tool to punish undesirable countries and its decisions are part of the sanctions policy.

Secondly, the unilateral coercive measures against Belarus which western countries report adopting have led to a boomerang effect. The sanctions have had a negative effect on the economies of the countries that supply them. They face disruption of supply chains, interruptions in the supply of raw materials, rising prices for food and fertilizers and losses on the part of investors and businesses. All of this has affected the income and standard of living of their population. Is this really the result that we are aiming for?

Is there logic and common sense in such actions? These questions must be answered by the Governments of countries that have prioritized pressure on Belarus over cooperation in the interests of their own people. We also do not quite understand the position of the Employers' group. Why did employers in a number of countries initially allow themselves to be misled and support a clearly unfair resolution on Belarus? Why did they do that?

Logically they ought to be interested in stability in supplying and protecting supply chains. Since the breakdown of economic ties can lead to financial damage, loss of market share, business closures, et cetera, in speeches by representatives of the Employers' group, sound voices are occasionally heard that call for example for adherence to the ILO mandate. However, this is not enough to restore a healthy balance of power within the Organization and counter its politicization, which is harming the interests of all parties. Of course, the Government of Belarus has the most questions for the Workers' group. I am sure that there is no consensus within the group on Belarus, but the group's position is determined by forces in solidarity with the authorities of western countries and aggressively promoting politicized approaches in the ILO.

I am addressing them specifically. Why do you not want to face the truth? Why at the expense of your own mission protecting the interests of workers are you pursuing the plans and ambitions of a small group of individuals opposed to Belarus and consequently its people? Neither the BKDP, nor the trade unions that were part of it, exist anymore. We have talked about this many times.

The opponents of Belarus continue nonetheless to try to pass off their illegal action as trade union work. However, these aims to harm national security have nothing to do with protecting the labour and socio-economic rights of workers. It is not surprising that our citizens prefer membership of real trade unions which understand that sanctions harm the interests of workers and advocate exclusively for peaceful and constructive dialogue with the Government. This is precisely why today no one stands behind the former leaders of the BKDP. Let me emphasize once again this group of people does not represent Belarusian workers in the ILO, but exclusively themselves and their false ideas about the situation in the country.

The Government of Belarus calls on everyone to accept this fact. There are 15 independent sectoral trade unions operating in Belarus. Trade union membership covers more than 90 per cent of the economically active population and this is a real membership confirmed by written statements from workers and voluntary payments of membership fees. To consolidate their efforts, trade unions created a national trade union centre, the FPB, which serves as an equal partner in the social partnership system. So social dialogue exists in Belarus and it meets high standards.

All issues are resolved by the parties in a civilized manner during consultations and negotiations at the sites of councils for labour and social issues. There are 339 such councils in total in the country. The results of negotiations are enshrined in tariff agreements and collective bargaining agreements concluded in enterprises. There are more than 18,000 collective bargaining agreements in force. Trade unions and employers participate in the development of legislation and policy documents and act as partners with the State in the implementation of labour and socio-economic policies.

Not every country in the ILO can boast such interaction with the social partners. This confirms the absurdity of accusations of the suppression of the trade union movement and persecution of citizens for trade union work. If anything really harms workers' interests, it is the sanctions that Western countries mention in their reports on the implementation of the resolution on Belarus, as well as the non-recognition of the FPB and blocking its participation in ILO events. Does not the Workers' group, which advocates putting pressure on Belarus, understand that they have gone too far? An absurd situation has arisen. While advocating workers' rights, you are supporting pressure and sanctions.

However, such methods do not meet the interests of workers, as they are aimed at reducing jobs, increasing unemployment, reducing incomes and cutting social programmes. Are you sure Belarusian workers are grateful for such solidarity and support? We know for sure that they are not. The Government of Belarus calls on everyone to objectively assess the situation and begin working on the mistakes made. Pressure on Belarus is a tool in the hands of political swindlers who do not care about the fate of the country or the well-being of its citizens.

The so-called Belarusian case and the subsequent decisions of the ILO bodies were not done on an objective basis. The so-called Belarusian case is built on the distortion of facts, false accusations and a desire to legitimize pressure on the country through the ILO. The claims made against us go beyond the mandate of the Organization. In this context, there is no point in implementing ultimatum demands that are based on false assessments and do not correspond to the real situation.

We affirm at the same time the commitment of Belarus to the ILO's goals and principles, our focus on dialogue and the restoration of fully-fledged cooperation. But there is a mandatory condition. It includes taking into account the realities and sovereign interests of Belarus, rejecting politicization and interference in the country's internal affairs and reversing unfair politically motivated decisions. Any recommendations and conclusions of the ILO bodies regarding Belarus must be based on reliable facts consistent with the Organization's competence and the interests of Belarusian citizens. If the Committee's draft conclusions on Belarus once again fall far short of constructive approaches and objective assessments, its adoption could become another mistake. I urge everyone to avoid this mistake.

Worker members – We thank the Government of Belarus and all those who took the floor. This discussion has once again confirmed what the Committee of Experts, the Committee on Freedom of Association, the Governing Body, the Commission of Inquiry and the present

Committee have concluded on many occasions: Belarus is continuing its serious violations of the Conventions. Over 20 years after the Commission of Inquiry, the fundamental problem remains the same. Independent trade unions continue to be dismantled, their leaders and members continue to suffer repression and workers are still refused the right to organize freely and to defend their interests, including their political and economic interests, independently from the Government.

The Government claims that it has implemented most of the recommendations of the Commission of Inquiry. However, the reality is that the recommendations concerning the fundamental elements of freedom of association and the right to collective bargaining have still not been given effect. Restrictions on trade union activities, restrictions on access to resources and restrictions on the capacity of organizations to act freely and independently go to the heart of the Convention.

We have also heard deeply worrying information concerning imprisoned trade unionists, the continued harassment of independent trade unionists, forced exile, restrictions on travel documents, the withholding of pensions and the persistent climate of fear that is preventing workers from exercising their rights.

Our group is particularly concerned by the fact that the Government is continuing to refuse to engage seriously in the implementation of the ILO measures set out in the resolution adopted on the basis of article 33. We regret the lack of cooperation with the ILO Special Envoy and the persistent refusal to engage in a constructive process of finding solutions.

The Government of Belarus affirms, on the one hand, that it is a dead-end process and that it is neither politically nor practically appropriate to accept the measures proposed to address the situation. On the other hand, at the same time, it reaffirms its commitment to the fundamental principles and labour law and its willingness to engage in constructive dialogue with the Office and ILO bodies.

We are bound to emphasize that the ILO system intended to identify the shortcomings of Member States and to provide the necessary tools to help improve the situation in accordance with the obligations that have been assumed is not confined to the Office and the other ILO bodies. It is an integrated whole. In this regard, it is a matter of deep concern that the Government is continuing to show contempt for the support, conclusions and recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body, and is refusing to accept them and give them effect.

No effort has been made to respond to the concerns relating to the application of penal sanctions against trade unionists engaged in legitimate trade union activities or the judicial harassment of trade union members, including arrests, prosecutions and imprisonment. There are no stronger measures to submit a State to the burden of detailed examination when it restricts legitimate activities intended to defend trade union rights. The rule of law and the independence of the judicial system are being eroded.

The continued repression of independent trade unions, and the imprisonment of trade union members, must cease. We deeply deplore the climate of State violence, intimidation and fear in Belarus, which does not facilitate the free exercise of civil liberties. Trade unionists are being imprisoned and subjected to forced labour as a punishment for the expression of political views and views contrary to the established political, social and economic system.

As confirmed by the supervisory bodies, serious doubts persist concerning the independence of the FPB. We regret that, in this very room, the FPB is acting as an agent of the

Government. Last year, we had to complain because they filmed speakers. This year, we have been the witnesses of many communications intended to attack our colleagues in the BKDP.

The Workers' group wishes to react to the statements made by the representative of the Government of Belarus. We express our firm and formal opposition to speakers from our group and trade unionists in general being described here as criminals by the Government of Belarus. We expect that such statements will not be repeated in our Organization.

The ILO should seriously envisage the establishment of a mechanism, a coordination meeting open to the participation of governments and the social partners, integrated with or in addition to the working group, under the aegis of the ILO, but with the support of a coalition of Member States, to coordinate the United Nations agencies involved in the effective implementation of the resolution. We should envisage the organization of such an event before the Governing Body meeting in November.

The Government must immediately release the trade unionists who are imprisoned, drop all charges and set aside any convictions against them related to their trade union activities.

The Government must accept with the greatest urgency:

- an international humanitarian mission to ensure that independent doctors can visit all imprisoned trade unionists so as to assess their state of health and provide medical assistance, where necessary; and
- a tripartite ILO mission to evaluate the situation and visit trade union members who are currently in prison or in detention.

We thank the governments which apply the principle of non-refoulement in order to ensure that trade unionists who are forced into exile in their countries are not sent back to Belarus, where they could be subject to persecution, arbitrary arrest and torture. We call on all governments to also respect these principles and to help citizens of Belarus who are resident in their country and who do not have valid travel documents due to their incapacity to receive consular services by facilitating the provision of tourist visas to citizens of Belarus persecuted for their trade union activities, and their close family, as appropriate.

We call for these discussions and the conclusions of the special sitting to be included in a separate part of the Committee's report.

Employer members – As a group, the Employers we have listened carefully to all the interventions and we would like to thank all the speakers that took the floor, including the Government of Belarus, for the information that they have given us here today. We have taken full note of that. For us, the interest is in compliance with ratified Conventions. We reiterate that Conventions Nos 87 and 98, which are fundamental Conventions, should be given special consideration by governments, just as they are by workers and employers.

The Employer members once again strongly urge compliance with ratified Conventions, and especially Conventions Nos 87 and 98 in this case. We urge the Government to start engaging in constructive dialogue with the ILO to improve the situation regarding freedom of association and the right to organize. This, in our view, is the best way to dispel the view that this case has nothing to do with the Conventions or worker issues, but is political. So, in conclusion, we recommend the Government to consider collaborating with the Special Envoy, take concrete measures to implement the remaining recommendations of the Commission of Inquiry, subsequent recommendations of the supervisory bodies and the decisions of the Governing Body, provide information on the allegations that two trade unionists were

unlawfully deported and that more than 70 trade union leaders and activists remain under criminal prosecution and 21 trade union leaders and activists are still imprisoned or detained.

And finally, take measures to align all legal provisions in Belarus with the Government's international obligations regarding freedom of association.

Chairperson – That concludes the discussion. I thank the Deputy Minister of Labour and Social Protection of Belarus and all the other speakers, as well as the Special Envoy, for their participation in the discussion.

Conclusions of the Committee

The Committee held a third special sitting on Belarus at the 114th 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 its continued refusal to accept and implement them.

The Committee took note of the High-Level Roundtable organized on 28 May 2024 as part of the implementation of the article 33 resolution and the evidence provided by the UN Special Rapporteurs at the event regarding the violation of trade union rights and the persistent general climate of non-respect for the basic civil liberties necessary to the exercise of freedom of association.

The Government repeated its previous comments and did not inform the Committee that it had taken the steps necessary to comply with the recommendations of the Commission of Inquiry. The Government has not been able to satisfy the Committee that its actions are justified within the scope of the Conventions.

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 and forced deportation 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 and the need to ensure effective coordination of the UN agencies and human rights bodies mentioned in the article 33 resolution. It also noted actions taken by the ILO constituents and other international organizations in response to the 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 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, highlighted by 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 Federation of Trade Unions of Belarus (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 Belarusian Congress of Democratic Trade Unions (BKDP), can operate without any interference of the Government.

The Committee also took note of the latest report on the situation in Belarus to the 356th 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 Commission of Inquiry and the supervisory bodies. It also further noted that the written information submitted to the Committee did not contain any new elements 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, quash any convictions brought against them related to their legitimate trade union activities, return the confiscated passports and resume payment of the pensions of released trade unionists forced into exile.

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;**
- **an ILO tripartite mission to assess the situation and visit trade unionists that are currently in prison or detention.**

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 also 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 are not returned to Belarus where they may be subject to persecution, arbitrary arrest and torture, and assist Belarusian citizens residing abroad who may not have valid travel documents due to the absence of consular services, including facilitating 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.

Interpretation from Russian: **Government representative** – The discussion of the case of Belarus at the special sitting of the Committee on 6 June showed an absence of consensus both in terms of the assessment of the policies of the Government and regarding the situation in the social and labour sphere, as well as an absence of consensus with regard to the measures recommended to Belarus by the ILO. Seventeen delegations – half of those who took the floor – positively appraised the system of national tripartite dialogue and noted the achievements of Belarus in developing social partnerships, as well as the activities of the FPB to uphold the rights and interests of workers.

A number of States have called on the Committee and the ILO to avoid politicization in their interactions with Belarus and spoke out against the imposition of political ultimatums on the Government. They referred to the negative influence of sanctions that have been imposed against Belarus by States that have lobbied for the use of article 33 of the ILO Constitution against Belarus. To date, these sanctions have been used to compel Belarus to comply with ILO standards and the ILO was called upon to restore a fully-fledged dialogue with the Government and to provide technical assistance to improve the social and labour sphere.

However, in the conclusions of the Committee, the substantive aspects of the meeting have been fully overlooked. The document only reflects the position and assessment of our opponents, focusing exclusively on measures to exert pressure on the Government, the 4 million trade union members and employers of Belarus.

In addition, there are questions as to the validity of the information contained in the document according to which the Committee apparently "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 with it". In fact, such a proposal was only heard in the concluding remarks of the Workers' group. The Committee did not discuss this matter. The resolution of 2023 does not offer the remit for such a proposal. Why is this being done? In order to set up another ILO mechanism that is not provided for by the ILO's mandate and to fund it from the ILO budget?

The absence of consensus in the course of the discussion on Belarus and the content of the conclusions demonstrate that there is no agreement on the conclusions of the Committee and therefore hamper their adoption.

In this situation, I would request strict adherence to the Standing Orders and to put to a vote the conclusions of the Committee's discussion on the case of Belarus. Members of the Committee are asked to vote against these conclusions since they do not take into account the content of the discussions, including the position expressed by my delegation.

Chairperson – Many thanks. Your intervention will be reflected in the records of this sitting. As you are aware, the Committee makes every effort to adopt its decisions by consensus. I would remind you that consensus is characterized by the absence of any objection presented by a member as an impediment to the adoption of the decision in question. In this regard, I would like to draw the attention of the delegate of Belarus to the fact that the position of the Government of Belarus has been reflected in the report of the discussion in the special sitting, and that your intervention will also be reflected in the Committee's report.

Under these conditions, I once again request the Government of Belarus to consider its position and not to stand in the way of the adoption of the conclusions by consensus.

Interpretation from Russian: **Government representative** – Thank you for your kind clarifications. We consider that the work of the Committee is governed by Part 4 of the Standing Orders, which governs the work of all Committees appointed by the Conference, except as otherwise provided, according to the Standing Orders.

It is provided that the Committee shall make every effort to adopt conclusions by consensus, which is characterized by the absence of any objection expressed by a member of the Committee as an impediment to the adoption of the decision in question. As such, the absence of consensus is defined as the expression, by one member of the Committee, of an objection. I expressed my objection in my statement.

Chairperson – The Government representative of the Russian Federation has the floor.

Interpretation from Russian: **Government member, Russian Federation** – The Russian Federation extensively provided its position with regard to the special sitting on the situation in the Republic of Belarus in the course of the sitting of the Committee on 6 June. We will not repeat all our negative views that we expressed during the sitting. We will simply note the politicized and anti-Belarusian nature of the discussions that took place in the sitting, and the same nature of the conclusions. We fully share the views expressed in this connection by the representative of Belarus.

We support the demand by the Belarusian delegation for a vote on the conclusions of the special sitting. We call also for a constructive approach by the members of the Committee and, therefore, that they vote against the conclusions.

Chairperson – I therefore inform the Committee that the request for a vote by the Government of Belarus has been supported. I inform the members of the Committee that consensus has not been reached on the adoption of the conclusions in relation to the special sitting on Belarus.

Before proceeding, I will give the floor to the Government representative of Cyprus.

Government member, Cyprus, speaking on behalf of the European Union and its Member States – On behalf of the European Union and its Member States, we would like to stress that we attach great importance to the conclusions of this Committee being adopted by consensus, in line with the long established practice of this Committee, which is celebrating its centenary. We would like to stress that, according to article 42 of the Standing Orders of the Conference, the Committee shall make every effort to take its decisions by consensus. Furthermore, document D.1 on the working methods and procedures of the Committee clearly states in paragraph 32 that the conclusions regarding individual cases should reflect consensus recommendations. Divergent views can be reflected in the Committee's record of proceedings, and those who disagree with the recommendations have the opportunity to place

their views on the record, thus ensuring full transparency without undermining collective decision-making.

We therefore once again urge all delegations to uphold this principle and allow the conclusions to be adopted by consensus, without any action that would jeopardize the independence and the critical role of this tripartite Committee of the ILO supervisory system.

Chairperson – I am consulting the Government of Belarus on whether, in light of the intervention by the representative of the European Union, it might reconsider its position.

Interpretation from Russian: **Government representative** – We have listened to the statement delivered by the European Union and we protest against this attempt to portray discussions and conclusions that are not based on consensus as if they were. I object to them being portrayed as consensus-based. I would, therefore, repeat my request that this be put to a vote.

Chairperson – Thank you. I am giving the floor to the Government representative of Canada.

Government member, Canada – I'm speaking on behalf of the Governments of **Australia, Japan, New Zealand, Switzerland,** the **United Kingdom of Great Britain and Northern Ireland** and my own country**, Canada**. For the third consecutive year we are compelled to take the floor to firmly declare the decision to call for a vote today in clear violation of the long-standing and valued tradition of adopting conclusion by consensus in this Committee. In this centenary year of the Committee, we reaffirm our full and steadfast support for this work. This Committee remains a cornerstone of one of the most credible, long-standing and respected supervisory systems in the multilateral framework.

The Committee is a unique mechanism providing an essential forum for Governments, workers and employers to engage in meaningful dialogue and offer practical guidance on how Member States can meet their obligations under ratified international labour Conventions. We condemn in the strongest possible terms the deliberate disruption of the Committee's well-established and carefully balanced working methods. Such actions undermine not only the effectiveness of this body, but also the broader objective of advancing the implementation of international labour standards and safeguarding workers' rights. We call on those supporting a vote to respect the integrity of this Committee's processes, as well as the role and the work of our social partners. Let us be clear, today's vote is an anomaly and must remain so.

It cannot and must not become a precedent. We urge all ILO constituents to uphold and defend the principles of consensus and the strong tradition of social dialogue that are at the foundation of this Committee's legitimacy and effectiveness.

Chairperson – Thank you. I will now give the floor to the representative of the Russian Federation.

Interpretation from Russian: **Government member, Russian Federation** – The Russian Federation affirms its support for the demand by the Belarusian Government with regard to the vote on the conclusions of the special sitting. In addition, the Russian Federation once again calls for a constructive attitude to be adopted by the Committee members, and for voting against the conclusions, as I mentioned.

Chairperson – Thank you very much for your interventions. They will all be reflected in the record. I now invite the two Vice-Chairpersons to join me on the podium.

After consulting the two Vice-Chairpersons, I would like to inform the Committee that we have decided to proceed with a vote by show of hands. In order to prepare for this procedure, I propose a ten-minute technical break.

Chairperson – I would now ask you to take your places. We will continue with our work. Ladies and Gentlemen, distinguished members of the Committee, I will now give the floor to the Secretariat to conduct the vote by show of hands.

(Vote by show of hands.)

Chairperson – Ladies and Gentlemen, I will now announce the results of the vote on the adoption of the conclusions for the case of Belarus:

- for: 2,100 votes;
- against: 56 votes;
- abstentions: 63 votes

The required quorum having been obtained, the conclusions for Belarus are adopted.

(The conclusions are adopted.)

I see the Government representative of Brazil who is asking for the floor.

Government member, Brazil – The Government aligns itself with the principles and values that form the very foundation of the ILO. We remain unwavering in our commitment to promoting and defending fundamental rights at work, including freedom of association and collective bargaining, which are essential pillars of social justice, democracy and inclusive development. Therefore, in reiterating its commitment to the full implementation of the ILO's mandate, the Government expresses its concern regarding the implementation of Conventions Nos 87 and 98 in Belarus.

The Government also underscores that it will adopt a restrictive interpretation regarding the points of the conclusions that are not directly related to the ILO's mandate, while preserving the central reference to the areas within the Organization's competence. We finally take this opportunity to renew our support for the Special Envoy, Mr Lelio Bentes-Correia.

Chairperson – Many thanks. I will now give the floor to the Government representative of Belarus.

Interpretation from Russian: **Government representative** – At the outset, I would like to thank the delegations who did not support the conclusions of the Committee on Belarus.

These conclusions are aimed at foisting upon ILO Member States a biased view of the situation in my country, and at adopting discriminatory decisions against the Belarusian State, workers and employers. The Government does not consider itself bound by the recommendations of these conclusions.

IV. Special sitting concerning the application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), in application of the resolution adopted by the International Labour Conference at its 113th Session (2025)

Written information provided by Myanmar

Myanmar has been implementing the labour-related recommendations of the ILO Commission of Inquiry on Myanmar regarding the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), in accordance with existing domestic laws, rules, notifications and directives, by setting up policies, and conducting in line with the procedures, and will keep on implementing measures that will benefit workers. Myanmar has been regularly providing updated information on the implementation of the Commission of Inquiry's recommendations to the Director-General of the ILO prior to meetings of the ILO Governing Body.

Regarding the following recommendations of the ILO Commission of Inquiry related to Convention No. 87:

> Immediately cease all forms of violence, including gender-based violence, torture and other inhumane treatment against trade union leaders and members and other persons in relation to the exercise of legitimate workers' or employers' activities, including ethnic, religious and other minorities; this includes, in particular, violence perpetrated in the context of the suppression of peaceful public protests and demonstrations, at the time of arrests, during detention, as well as military attacks against civilian infrastructure, which all together create a climate of violence and terror that undermines the effective exercise of freedom of association;
>
> Unconditionally and without delay release all trade unionists arrested, sentenced and detained in relation to the exercise of their civil liberties and legitimate trade union activities, including those that have been arrested, sentenced and detained for having expressed opinions critical of the military authorities, or for having participated in, or organized, peaceful protests or otherwise peacefully demonstrated opposition to the military authorities following the coup d'état; and
>
> Withdraw all criminal charges pending against trade unionists and others peacefully exercising their civil liberties in relation to legitimate trade union activities, and immediately stop all forms of intimidation, threats, stigmatization, harassment and surveillance of trade unionists and their families, as well as attacks against and destruction of trade union premises and property,

Myanmar clarifies that, in taking legal action against those who violate existing domestic laws, there have been no cases in which labour union leaders or members of labour organizations were punished for their labour-related activities; rather, legal action was taken only for violations of domestic laws. The accused persons also have the right to defend themselves and the right to appeal in accordance with the law. The Government of Myanmar has, from time to time, carried out measures such as sentence reductions, withdrawal of ongoing cases, and the granting of pardons. This includes pardons granted to Thet Hnin Aung, General Secretary of the Myanmar Industry Crafts and Services Trade Union Federation (MICS-TUsF), Myo Myo Aye, Director of the Solidarity Trade Union of Myanmar (STUM), and Naing Lin Aung, who had been consistently mentioned in reports of the ILO; this information has already been communicated to the ILO.

Thet Hnin Aung (MICS-TUsF), Thet Htar Swe and Myo Myo Aye (STUM) were released on 20 October 2025. Naing Lin Aung was also released on 26 November 2025, and nine members

of STUM, including Thin Htet San, were released on 19 February 2026. Therefore, all individuals mentioned in the ILO reports, for whom verifiable information was available, have been released.

Thet Hnin Aung was sentenced to seven years' imprisonment on 15 November 2023 under section 52(a) of the Counter-Terrorism Law. However, he was subsequently granted a pardon, and was released on 20 October 2025. It is understood that he is now abroad following his release, according to the ILO Director-General's report to the 356th Session of the Governing Body. This clearly demonstrates that Thet Hnin Aung has left the country of his own free will, and that there is no intimidation or surveillance against labour union leaders and members.

The case against STUM leader, Myo Myo Aye (also known as Myo Aye), under sections 40 and 41 of the Registration of Associations Law, was being tried by the Shwepyithar Township Court. The case was withdrawn on 19 October 2025 under section 494 of the Code of Criminal Procedure, according to Letter No. 102(2)/8/Council of the Office of the National Defence and Security Council.

Regarding the case filed against Myo Myo Aye (Myo Aye) at the Hlawga Police Station under section 66(d) of the Telecommunications Law, the Ministry of Home Affairs communicated with the Shwepyithar Township Law Office on 19 February 2026 to seek legal advice on closing the case, as a letter was received from the plaintiff consenting to settle the matter and withdraw the case.

The Government of Myanmar has carefully and thoroughly reviewed the cases of individuals identified and submitted by the Commission of Inquiry, the Committee on Freedom of Association, and the Governing Body. Consequently, these cases were re-examined, and actions were taken to grant pardons or to withdraw charges. Accordingly, all cases of individuals for whom the ILO provided verifiable information have already been reviewed, and appropriate measures – such as granting amnesty or withdrawing the charges – have been taken.

In addition, Myanmar wishes to provide an update on the pardons granted in 2026. In accordance with Order No. 8/2026 dated 2 March 2026 issued by the National Defence and Security Council, a total of 7,337 male and female prisoners serving their sentences under sections 50(j) and 52(a) of the Counter-Terrorism Law were granted pardons under section 401(1) of the Code of Criminal Procedure.

Under Order No. 9/2026 of the National Defence and Security Council dated 2 March 2026, a total of 9,532 cases under trial involving 12,487 accused persons – who had been charged under sections 50(j) and 52(a) of the Counter-Terrorism Law, as well as under section 512 of the Code of Criminal Procedure for evading arrest – have been closed, and the charges against them have been withdrawn.

According to Letter No. 102(6)/8/Council (2026) of the National Defence and Security Council dated 2 March 2026, a total of 1,423 cases currently under police investigation involving 1,800 persons charged under sections 50(j) and 52(a) of the Counter-Terrorism Law were closed in accordance with legal procedures.

The President of the Government of Myanmar emphasized in his inaugural speech delivered on 10 April 2026 that the Government will consider and implement appropriate amnesties and pardons to contribute to the nation's peace and development. Accordingly, on 17 April 2026, in commemoration of the Myanmar New Year, on humanitarian and compassionate grounds, the President's Office issued Order No. 42/2026 granting a pardon to U Win Myint, who had been serving a sentence at Taungoo Prison. Furthermore,

4,335 prisoners were granted pardons across various prisons. Death sentences were also commuted to life imprisonment; life imprisonment and indefinite imprisonment were reduced to 40 years; sentences exceeding 40 years were reduced to 40 years; and shorter terms were reduced by one sixth of the remaining sentence. In addition, 179 foreign nationals were pardoned and will be deported to their home countries. These measures were issued under section 204(a) of the State Constitution and section 401(1) of the Code of Criminal Procedure. Therefore, a total of 11,635 prisoners were granted pardons in 2026.

Regarding the Commission of Inquiry's recommendation to:

> revoke any military orders or other measures, including those of a legislative nature, decreed since February 2021 and identified as restricting freedom of association and the basic civil liberties of trade unionists; and fully restore the protection of the basic civil liberties necessary for the exercise of freedom of association that have been suspended or restricted, including freedom from arbitrary arrest and detention, the right to a fair trial by an independent and impartial tribunal, freedom of assembly, opinion and expression and the protection of private property,

Myanmar reaffirms that it has not undertaken any measures that hinder or restrict the freedom of association of workers. Furthermore, no existing laws have been amended, nor have any new laws been enacted to curtail such rights. By the nature of legislation, amendments may be made as and when necessary to better align with the prevailing requirements of the time.

Regarding the recommendation to:

> cease all disproportionate or arbitrary punitive measures against those peacefully exercising their civil liberties in calling for the return to democratic rule in which their freedom of association rights could be fully exercised,

the Ministry of Labour allows employers and workers to form and operate organizations freely in accordance with the Labour Organization Law (2011). As of 31 March 2026, recognition certificates have been issued to a total of 3,133 organizations, including 2,909 basic labour organizations, 161 township-level labour organizations, 26 regional/state-level labour organizations, 9 labour federations, 1 labour confederation, 27 basic employers' organizations, 1 township-level employers' organization, and 1 employers' federation.

Regarding the recommendation to:

> revoke the withdrawal of citizenship and return travel documents to the trade union leaders and members concerned without delay,

29 members of the Executive Committee of the Confederation of Trade Unions Myanmar (CTUM), including Pyi Thit Nyunt Wai (also known as Maung Maung) were prosecuted under section 124-A of the Penal Code. Among the 29 CTUM executive members, only the citizenship of Pyi Thit Nyunt Wai (Maung Maung) was revoked on 7 March 2022.

Daw Myint Hnin Thet, a member of the CTUM, stated that she wished to live peacefully in accordance with the law, and the case filed against her was withdrawn under section 494(a) of the Code of Criminal Procedure on 10 June 2025. After the case was withdrawn, she was re-elected as Joint Secretary of the current CTUM Executive Committee and continues to carry out labour-related activities. While proceedings were under way to close the case filed against the Vice Chairman of the CTUM, U Than Swe, he passed away on 3 June 2025. Consequently, the case was closed on 3 June 2025.

Myanmar has taken the matters raised by the ILO seriously and has carefully considered them in a manner that does not harm national security, public stability, and the rule of law.

Similarly, individuals who wish to participate constructively in nation-building and who have engaged with the Government have been allowed to take part. Those who have entered within the legal framework and those who have been granted amnesty are now able to enjoy their fundamental rights.

Regarding the recommendations to:

> stop any form of interference in the establishment, administration and functioning of trade unions at all levels, including interference in the election of trade union leadership, labour dispute resolution, conduct of collective action and administrative dissolution or suspension of trade unions, and
>
> refrain from taking any action and measures or issuing statements that condone, facilitate or encourage union-busting, interference and other abuses of trade union rights by private and public employers,

the Ministry of Labour only cancels labour organizations when they apply for dissolution, and such applications are reviewed and approved in accordance with the Labour Organization Law (2011) and its Rules. No labour organization has been dissolved without such an application. From 2024 to March 2026, 8 labour organizations applied for dissolution, while 95 new organizations were issued certificates of recognition. Employers and workers have the right to form and dissolve organizations freely as they wish. Labour disputes and collective labour demands are being resolved through regional/state coordination bodies and township coordination committees. During 2025, a total of 166 labour disputes were settled, and from January to March 2026, 26 labour disputes were resolved. Similarly, 78 cases of collective labour demands were resolved in 2025, and from January to March 2026, 25 cases were also resolved. As a result, workers have been able to return to their workplaces peacefully. In the Yangon Region and Mandalay Region, where many factories and workshops are located, awareness-raising sessions have been conducted to enable workers to better understand the provisions of Conventions Nos 29 and 87 and to resolve labour disputes through workplace coordination committees (WCC). A total of 47 such awareness-raising sessions have been conducted for 3,766 workers from various factories and workplaces.

Workers may freely report and lodge complaints with the relevant departments so that violations of their rights under labour laws can be addressed in accordance with the applicable labour laws. In addition, if collective demands of workers occur in factories and workplaces, regional, state or township coordination teams – comprising responsible officials from labour departments under the Ministry of Labour – conduct on-site coordination and resolution. Accordingly, 18 cases of labour-related collective demands were successfully resolved during January and February 2026.

Regarding the resolution of labour disputes, from January 2025 to February 2026, township-level conciliation bodies successfully resolved 183 labour disputes. Arbitration bodies decided 16 disputes, and the Arbitration Council decided 9 cases.

Regarding the recommendation of the ILO Commission of Inquiry related to Convention No. 29 to:

> act to end the exaction of all forms of forced or compulsory labour, as defined by the Convention, by the army and its associated armed forces and groups, including any forced labour exacted from ethnic, religious or other minorities; and to end any forced recruitment into the military, including the forced recruitment of children,

to prevent forced labour, the Factories and General Labour Laws Inspection Department (FGLLID) verifies overtime requests based on operational requirements and worker consent. The Department ensures overtime wages for hours worked in excess of the specified daily or

weekly hours are paid in accordance with laws, rules, and directives. The Department also takes legal action against unlawful overtime practices when it is found either through field inspections or as a result of complaints.

In February 2026, 624,241 workers from 1,174 factories and workplaces received overtime wages totalling 54,770.82 million kyats for the overtime work they had performed.

The Ministry of Labour has been addressing pending cases transferred by the ILO Yangon Office to the National Complaint Mechanism (NCM). Out of 387 pending cases, a total of 60 cases, including 2 cases reported as closed by the ILO Yangon Office, have been resolved and closed. Among the remaining cases, 233 cases lacked sufficient supporting information and evidence. Therefore, the Ministry of Labour requested the ILO Liaison Officer (via letters dated 18 March 2025, 18 November 2025 and 26 February 2026) to provide the necessary documentation. However, no response has been received to date.

When a member of the Myanmar Armed Forces is found to have committed a crime or has been accused of an offence, including the recruitment of underage children or other instances of forced labour, action is taken in accordance with military and civilian legal procedures. From 1 January 2025 to 28 February 2026, there were reportedly no cases of wrongful recruitment within the military and, therefore, no disciplinary actions were taken. Additionally, there is no forced recruitment or conscription from ethnic, religious, or minority groups. Myanmar maintains regular contact with the ILO Liaison Office and expresses its readiness to investigate cases related to forced labour if specific and accurate information is provided. However, it cannot verify vague accusations, particularly those made by opposing groups, without any concrete facts.

Regarding the recommendation to:

> cease any action interfering with the freedom of businesses to open and close their establishments, contrary to the Convention,

a factory or workshop owner is required to notify the Director General of the FGLLID at least 15 days in advance before commencing operations, and at least one month in advance before closing the workplace in accordance with the Factories Act (1951). It is stated that actions are being carried out in compliance with this law. While there is no interference with the freedom of businesses to open and close their establishments, Myanmar does not have additional information to provide. If the ILO received such allegations with verifiable facts, Myanmar stands ready to look into them.

Regarding the recommendation to:

> cease with immediate effect the exaction of prison labour as a consequence of a criminal conviction imposed since 1 February 2021 through proceedings manifestly lacking independence, impartiality and due process guarantees,

section 53 of the Penal Code provides that punishments imposed on offenders may include rigorous imprisonment and simple imprisonment. The Prison Department under the Ministry of Home Affairs does not force those prisoners who have been sentenced to simple imprisonment by various relevant courts.

Prisoners who have been sentenced to rigorous imprisonment by various relevant courts will be examined by a medical officer and determined to work based on their health and fitness.

Prisoners are assigned work that does not exceed eight hours per day in accordance with the laws and procedures. Prisoners are allowed to rest fully during their break times, and work assignments are managed fairly. On Sundays and public holidays, arrangements are made for

access to libraries, as well as opportunities to watch television and videos for recreation. Arrangements are also made for sports and physical activities. Prisoners are provided with full rations in accordance with prescribed standards, and relevant officials have been issued instructions to ensure compliance with these measures.

The Myanmar National Human Rights Commission (MNHRC) and the International Committee of the Red Cross (ICRC) have conducted prison visits. The Prisons Department has been reviewing and implementing the recommendations in accordance with established procedures. There are no forced labour complaints arising from the prison visits. In 2025, the ICRC visited a total of 13 prisons and 2 detention centres, including Pathein Prison, Thayarwady Central Prison, Kengtung Prison, Taunggyi Detention Center, Sittwe Prison, Yamethin Prison, Hpa-an Prison, Myitkyina Prison, Kyaikmaraw Central Prison, Magway Central Prison, Daik Oo Central Prison, Nay Pyi Taw Detention Center, Nyaungshwe Prison, Mandalay Central Prison and Insein Central Prison. The MNHRC visited a total of 9 prisons, 1 detention centre, and 11 camps in 2025, including Taunggyi Tan Camp, Aung Chan Tha Camp, Htonebo (1)/Htonebo (2)/Htonebo (Women) Camp, 24 Mile Camp, Taung Lay Lone Camp, Belin (1)/Belin (2) Camp, Kintha (1)/Kintha (2) Camp, Taunggyi Detention Center, Mandalay Central Prison, Kyaikmaraw Central Prison, Hpyapone Prison, Nyaungshwe Prison, Dawei Prison, Pathein Prison, Yamethin Prison, Kengtung Prison and Taungoo Prison. The Prison Department has been implementing follow-up actions based on the recommendations.

Myanmar further provides the following additional information on its cooperation with the ILO, the invitation for an ILO high-level visit, and its views on the proposed monitoring mechanism.

Regarding cooperation with the ILO, although Myanmar does not currently have an active agreement with the Organization, it has granted entry visas to ILO international staff, including the ILO Liaison Officer, and has permitted the continued operation of the ILO Liaison Office. The Ministry of Labour has been coordinating with relevant ministries to facilitate requests of the ILO Office regarding the import, sale, purchase and exchange of the ILO Office's vehicles and equipment, including tax exemptions. For example, in October 2025, when eight types of office equipment were imported, coordination was carried out with the relevant ministries to facilitate tax exemptions and ensure a smooth process.

In relation to the earthquake that struck Myanmar on 28 March 2025, the Ministry of Labour has coordinated with relevant ministries, committees and regional governments to facilitate the withdrawal and use of supplementary funds transferred by ILO headquarters. These include US$495,000 deposited into the ILO Yangon Office's account at CB Bank, as well as an additional US$150,000. Although Myanmar is currently facing significant challenges and difficulties in international financial transfers and its participation in ILO meetings has been denied, it continues to make its annual financial contributions to the ILO. Regarding visa approvals, 13 ILO international staff members were granted entry visas in 2025. Additionally, permission was granted for two ILO international staff members visiting under the Ship to Shore Rights project to travel within the Bago Region to meet with migrant workers on 18 March 2026.

Concerning the proposed high-level ILO delegation visit, the Ministry of Labour requested relevant information from the ILO Liaison Office in Yangon on 22 December 2025. A coordination meeting between the ILO Liaison Officer and a delegation led by the Deputy Director General from the Ministry was held on 6 January 2026 to discuss the proposed visit. Discussion on the modalities of the visit is under way.

In connection with the scope of the monitoring mechanism proposed by the ILO, such as documenting "fundamental rights' violations", and paying attention to the areas of "related civil liberties," is far beyond the purview of Conventions Nos 29 and 87. This clearly demonstrates the politicized nature of the proposed monitoring mechanism under the pretext of the two ILO Conventions. While Myanmar has already been placed under different monitoring mechanisms established by the UN Human Rights Council and, in the context of the liquidity crisis and the UN80 Initiative, it is not rational to establish another unwarranted duplicate UN mechanism against Myanmar. Myanmar consistently opposes country-specific mandates established by the UN Human Rights Council and does not cooperate with such mechanisms.

The ILO's intention to provide so-called "direct support to Myanmar employers, workers, and their organizations" is contrary to the tripartite nature of the ILO. In addition, the Memorandum of Understanding on the Decent Work Country Programme, which provides the basis for the host country's consent to the ILO's activities, has expired. The unilateral nature of the proposed monitoring mechanism, action plan, and ongoing one-sided activities may force Myanmar to review its engagement with the ILO.

Discussion by the Committee

Chairperson – We now continue with the special sitting on Myanmar. This special sitting is on the agenda of our Committee as follow-up to the resolution adopted by the International labour Conference at its 113th Session (2025), concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, with a view to the adoption of actions to secure compliance with the recommendations of the Commission of Inquiry established in accordance with article 26 of the ILO Constitution to examine the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29).

In this context, it should be emphasized that the question of the representation of Myanmar at ILO meetings has still not been resolved, pending guidance from the United Nations General Assembly. Consequently, the decision of the Credentials Committee, also adopted at the 113th Session of the International Labour Conference in June 2025, is applied, and therefore no delegate from Myanmar has been accredited to this session of the Conference.

Furthermore, in accordance with the decision adopted by the Governing Body at its 352nd Session, the international organizations of employers and workers can designate representatives of the employers and workers of Myanmar from among their representatives and allow them to take the floor on their behalf. In this case, the Committee can grant them the same speaking rights as to the Employer and Worker members of the Committee, which means that these representatives will have ten minutes speaking time in the ensuing discussion.

I would also remind the members of the Committee that the military authorities of Myanmar have provided written information on the measures taken to implement the Commission of Inquiry's recommendations on the web page of the Committee dedicated to the special sitting. In the same section, the report of the Director-General can be found containing information on the latest developments in the country.

I now give the floor to the Worker Vice-Chairperson to make her opening statement.

Worker members – This is the first time that we are addressing the situation in Myanmar within the framework of the special sitting of the Committee following the article 33 resolution

on Myanmar adopted by the 113th Session of the International Labour Conference in 2025. We are here to consider Myanmar's lack of compliance with the two ILO fundamental Conventions Nos 87 and 29. The Committee of Experts expressed deep concern about a complete lack of progress in implementing the 2023 recommendations of the Commission of Inquiry. Indeed, reports received from workers' organizations paint a comprehensive picture of systematic, institutionalized repression of trade unions rights across Myanmar. The operating environment for social partners is characterized by ongoing armed conflict, economic deterioration and the near total collapse of the conditions necessary for the effective exercise of freedom of association.

Let me first cover violations of freedom of association under Convention No. 87. As observed by the Governing Body at its 355th Session in November 2025, reports received by the Office documented escalating violence against the civilian population, new restrictions of civil liberties, increased military surveillance, a general climate of trade union repression, new arbitrary arrests, continued detention and ill-treatment of trade unionists and continued interference in the internal affairs of independent trade unions, which resulted in practice in a quasi-total suppression of basic civil liberties and legitimate trade union activities. In 2025 alone, the Myanmar Industries, Craft and Services Trade Unions Federation (MICS-TUsF) received 573 complaints of violations, involving wage abuses, excessive overtime, occupational safety concerns, forced recruitment within factories and military interference in labour disputes.

Reports show that as of 2025, 157 trade unionists have been arrested since the coup, with 69 still in detention, including 32 from the railway sector and 26 from education. Leaders from the Confederation of Trade Unions Myanmar (CTUM), charged with high treason under section 124 of the Penal Code, remain either in detention where they are subject to severe ill-treatment or in enforced exile. The MICS-TUsF General Secretary, released only conditionally in October 2025 under section 401 of the Code of Criminal Procedure, provided a detailed account of torture and ill-treatment in detention, including prolonged sleep deprivation, severe beatings, sexual assault, solitary containment lasting five months, denial of medical care and death threats. His release remains conditional, his passport has been revoked and he has been forced into exile, cutting him off from participation in international labour forums.

The military has actively worked to dismantle the independent labour movement by creating or sponsoring yellow unions to undermine genuine worker representation. Concrete examples include the creation of a fake CTUM. Factory workers in Yangon have been subjected to pressure and threats of conscription to coerce their participation in the military-organized elections. The pervasive climate of fear, surveillance and risk of arrest has made it effectively impossible for many trade unionists to reside in their homes, hold meetings – including online – or seek legal redress for violations, fundamentally undermining the capacity of workers' organizations to function.

Let me now turn to violations of the prohibition of forced or compulsory labour under Convention No. 29. Multiple organizations report the continuation of coercive military conscription practices, systematic and widespread forced recruitment and use of the civilian population by the Myanmar military. We note the information submitted by the CTUM, from the Independent Investigative Mechanism for Myanmar (IIMM), and a communication from the Office of the United Nations High Commissioner for Human Rights (OHCHR) of September 2025. We also note the information contained in the report by the OHCHR on the situation of human rights of Rohingya Muslims and other minorities in Myanmar published in 2025 and in the report of the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar from 2025.

According to these reports, the conscription law evolved beyond simple forced recruitment into a broader system of extortion, with local administrators – under pressure to meet military recruitment quotas – collaborating with brokers to purchase substitute recruits and compelling households to make mandatory financial contributions to fund the practice. No information was provided on the recommendation to cease prison labour exacted pursuant to criminal proceedings lacking due process since February 2021. On the contrary, the CTUM reports intensified repression of the population since the adoption of the Conference resolution under article 33, including suspension of any protection for arbitrary arrest. The overall picture is one of systemic, structural forced labour practices, including coercive conscription, extortion of conscription fees, forced agricultural and portering labour in support of military operations, land confiscation and widespread unpaid overtime all far removed from the isolated incidents the military's disciplinary mechanisms purport to address.

In light of the above, we can say once again that the military authorities have failed to implement the Commission of Inquiry's 11 concrete recommendations on either freedom of association or forced labour.

Let me turn now to the review of article 33 measures. We welcome the steps taken by governments to coordinate action to implement the Commission of Inquiry recommendations, including support for activities that benefit directly the Myanmar people and support independent and confidential monitoring and reporting system. We welcome steps to review relations with the Myanmar military authorities and to ensure the application of the non-refoulement principle to protect trade union and human rights defenders fleeing Myanmar. We take note that pursuant to the article 33 resolution, the Office has continued channelling direct support to Myanmar workers, employers and communities exclusively through independent trade unions, employers' organizations and community-based partners, with no assistance provided to the military authorities. The Office is also advancing the operationalization of a confidential monitoring mechanism to document ongoing violations of freedom of association and forced labour. There is also the decision to expand the mechanism's scope to support accountability and redress for victims. We know that bringing it into full effect will require additional resources and encourage Member States to help bridge the gap with additional resources.

Myanmar is going through an article 33 process for the second time in its history. We stand with the Myanmar people. The ILO, by seeking to secure compliance with the recommendations of the Commission of Inquiry, also stands with the Myanmar people.

Earlier in 2026, the junta conducted sham elections with the aim of legitimizing itself in power. The sham elections have been rejected by the regional and international community as not being free and fair, not legitimate. We are still where we started, but are resolved to keep pushing for a Myanmar that works for the workers and the people of Myanmar once again. We must continue these efforts and we must do everything we can to fully give effect to the article 33 resolution that was adopted by the Conference.

Employer members – This special sitting is held pursuant to the 2025 Conference resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar. This case has a long and serious history within the ILO supervisory system. Myanmar was last examined by the Committee under Convention No. 87 in 2022. Since then, concerns have not diminished but have evolved, as supported by the findings of the Commission of Inquiry, the 2025 Conference resolution under article 33 and subsequent Governing Body decisions. The Employer members note with concern that the Governing Body at its 356th Session considered that the measures reported by the military

authorities, including the release of some unionists, fall short of demonstrating genuine engagement or credible progress towards full implementation of those recommendations.

We note that the Director-General's report describes a context marked by fragility, conflict and economic hardship. It refers to serious allegations concerning restrictions on freedom of association and arbitrary arrest and detention, as well as the persistence of forced labour. We further note that the Director-General's report contains information from the National Unity Government tripartite delegation. However, we observe with concern that the report does not reflect the information provided by the Union of Myanmar Federation of Chambers of Commerce and Industry (UMFCCI), the legitimate employers' organization in Myanmar, communicated to the ILO Liaison Office regarding this case.

The Employer members reiterate deep concern regarding the situation in Myanmar and express their solidarity with the people of Myanmar who continue to face profound insecurity and limited economic predictability. This is an exceptionally difficult operating environment for both workers and employers. Enterprises, especially micro, small and medium-sized enterprises, are operating under significant constraints including instability, high inflation rates, energy shortages, logistics disruptions, liquidity and limited economic predictability, as well as in some cases complex decisions regarding engagement with actors and institutions in environments where the independence and representativeness of such actors may be uncertain. These pressures directly affect employment, investment, responsible business conduct and the ability of both employers' and workers' organizations to represent their members effectively. The Employer members, therefore, stress that respect for fundamental principles and rights at work, together with support for economic stability and responsible business conduct, must be pursued, and further clarification would be beneficial on how such expectations can be implemented in a manner that remains risk-based, proportionate and operationally feasible in a situation characterized by constrained institutional capacity.

With respect to freedom of association, we note that Convention No. 87 envisages the ability of employers' and workers' organizations to operate freely, independently and autonomously. Without this, effective social dialogue is not possible. At the same time, we note the complexity of the legal and institutional environment affecting Employer and Business Membership Organizations (EBMOs) in Myanmar. There is a clear need for a framework that enables genuinely independent and representative employers' organizations to exist and function effectively. We further note allegations relating to arrests and detentions of trade unionists, pressure on trade associations, interference in leadership and coercive economic measures affecting certain sectors. While the Employers and the Committee are not in a position to verify each allegation, the overall pattern of reported developments underscores the importance of ensuring that Convention No. 87 is applied fully to both workers' and employers' organizations, so that they are not subject to interference or pressure in the exercise of their legitimate functions.

Turning now to Convention No. 29, the Employer members are deeply concerned by the Commission of Inquiry's serious findings and the Director-General's reports on the continued use of forced labour in Myanmar. Forced labour is unacceptable in all circumstances and cannot be justified by security concerns or emergency conditions.

The Employer members stress that the elimination of forced labour requires more than formal statements of compliance. It requires concrete action, as well as credible prevention measures, including labour inspection where possible, responsible recruitment practices and practical guidance for employers and enterprises operating in difficult conditions. Employers need clear guidance, practical tools and safe channels to prevent and address forced labour

risks, including in supply chains and recruitment practices, but at the same time enterprises cannot be expected to address these risks alone. The authorities must create the conditions necessary for the elimination of forced labour, including respect for civil liberties, functioning institutions and cooperation with the ILO. In this regard, it is important that expectations placed on enterprises remain aligned with a risk-based and proportionate approach, taking into account the constraints faced by businesses operating in fragile contexts and enabling them to demonstrate efforts to prevent and address risks to the greatest extent possible in the circumstances.

With respect to the proposed monitoring mechanism, the Employer members attach particular importance to the monitoring mechanism envisaged under the 2025 Conference resolution and subsequent Governing Body decisions. We support credible monitoring and documentation of developments relating to freedom of association and forced labour, capable of collecting credible allegations affecting workers' and employers' organizations. However, for such a mechanism to be effective, it must include robust safeguards against misuse, including in its mandate, scope, verification procedures, reporting processes and due process guarantees. The Employer members also underline that monitoring and documentation mechanisms cannot substitute for effective labour governance and functioning institutions at the national level and should be complemented by measures that support implementation on the ground.

It is particularly important that the mechanism includes clear procedures to assess the independence, legitimacy and representativeness of organizations providing information. The mechanism must focus on monitoring and must not become a channel for unverified or politicized submissions that could create reputation risks for enterprises or employers' and workers' organizations. The Employer members therefore request regular substantive and timely updates from the Office to the most representative employers' and workers' organizations through their respective secretariats – the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) – as well as meaningful consultations regarding the development and operation of the mechanism, including its methodology and safeguards.

With regard to engagement and implementation, the Employer members acknowledge the Myanmar military authorities' reported updates, including stabilization in some areas, pardons, recognition of certain labour organizations and engagement with the ILO Liaison Office. However, the information before the Committee does not demonstrate full or verifiable implementation of the Commission of Inquiry's recommendations, nor does it resolve the ongoing concerns of the ILO supervisory bodies.

While constructive engagement with the Office is essential, we urge the ILO to continue developing practical risk-based and proportionate tools to help enterprises identify and mitigate risks of forced labour and restricted freedom of association and to support livelihoods, strengthen resilience and uphold fundamental rights at work.

Observer, International Trade Union Confederation (ITUC) – I speak on behalf of the **Myanmar workers**. We have read carefully the written information submitted by the Myanmar military junta concerning the implementation of the Commission of Inquiry recommendations.

Let me begin by recalling a simple but important fact: this is not the first Commission of Inquiry on Myanmar. More than two decades ago, the ILO's highest investigative body examined the widespread use of forced labour in Myanmar. The Conference, the Governing Body, the Office and we the workers and the people of Myanmar invested enormous effort over many years to help bring the country into compliance with Convention No. 29. The

international community believed that meaningful progress was possible. Today we find ourselves once again discussing forced labour in Myanmar.

But this second Commission of Inquiry has something more. It found not only continuing concerns relating to Convention No. 29, but also grave and systematic violations of Convention No. 87 concerning freedom of association. The Committee, Governing Body and the Committee on Freedom of Association have heard these concerns before and repeatedly, and workers in Myanmar continue to suffer them every day. The Worker members do not raise these points to assign blame to anyone. On the contrary, the history of Myanmar demonstrates how much effort the ILO and the Workers' group have already devoted to supporting the people of Myanmar. Rather, the lesson is that the situation in Myanmar is far more complex than many originally anticipated.

The authorities have become highly deceitful at managing international criticism while preserving the infrastructures that give rise to the violations themselves. The written submission before us illustrates this problem. The authorities emphasize the release of trade union activists and other detained persons. Of course this is welcome. The military authorities ask the Committee to believe that the rule of law is functioning and that detainees are treated fairly. Yet more than five years after the coup, the international community still lacks independent proof of life and well-being of Daw Aung San Suu Kyi. This is not simply a political question. It is a question of transparency, accountability and basic human dignity. If the authorities are confident in their claims, they should permit independent verification of her condition and the condition of all those detained for peacefully exercising their civil liberties. Until then, the Committee has every reason to remain concerned about the state of fundamental freedoms in Myanmar.

Every worker, every trade union activist, every human rights defender who regains freedom is a positive development. But the Committee must ask a fundamental question. Should the international community praise the release of persons who should never have been arrested in the first place? When children were recruited by force into the armed forces and subsequently released, the world was asked to view those released as evidence of progress. When trade unionists were illegally arrested, detained, persecuted and imprisoned, the world was later asked to view their release as evidence of compliance. When charges were withdrawn, the world was asked to celebrate.

Yet the underlying violations remain. All of those released have reportedly been forced to sign commitments not to undertake any actions against the military junta. Many continue to live under the threat of renewed arrest and are unable to exercise their rights freely, and nobody can say with certainty how many others remain imprisoned, intimidated, in hiding and forced into exile.

This is not a new pattern. It is precisely the pattern that the ILO confronted during the implementation of the first Commission of Inquiry. The junta repeatedly argues that trade unionists were not arrested because of trade union activities, but because they violated other laws, particularly legislation relating to national security and counterterrorism. This argument misses the point. Convention No. 87 is not limited to the internal administration of labour organizations. Freedom of association cannot exist without the political and civil liberties necessary for its exercise.

The Committee on Freedom of Association, the Committee of Experts and successive Commissions of Inquiry have consistently affirmed that freedom of expression, freedom of assembly, freedom from arbitrary arrests and detention, due process and personal security are indispensable preconditions for freedom of association. And the hundreds of thousands of

civil servants who joined in the civil disobedience movement, their only offence was refusing to submit to military rule. For that decision, many lost their livelihoods, were forced into hiding or exile and remained separated from their families who continue to live under threats and intimidation. Their sacrifice stands as one of the clearest expressions of rejection of aggression and their determination to reclaim dignity, freedom and democracy.

Workers do not cease to be trade unionists when they speak publicly. Trade unionists do not cease to enjoy protection under Convention No. 87 when they criticize public policies. Workers do not lose their rights when they advocate democratic governance, oppose a law for conscription, defend labour rights or seek to organize peacefully. The junta stated that no measures have been taken to restrict freedom of association and that no laws have been enacted to curtail such rights, yet the Commission of Inquiry concluded otherwise.

The Commission of Inquiry specifically calls for the revocation of the military orders and measures that restrict freedom of association and the restoration of the civil liberties necessary for its exercise. This recommendation was not accidental. It reflected extensive evidence that workers, trade unionists, civil society actors have been subjected to arrest, prosecution, detention, intimidation and surveillance for peacefully exercising rights protected under Convention No. 87. The authorities further point to the registration of over 3,000 labour organizations as evidence that freedom of association is fully respected. But freedom of association cannot be measured merely by counting registration certificates. The true test is whether workers can organize independently, elect their representatives freely, bargain collectively, assemble peacefully, express their views openly and challenge authority without fear of arrest, retaliation and violence.

Workers' organizations continue to report that independent unions face intimidation, dispersals of meetings, surveillance and harassment. Trade union leaders continue to operate from exile. Many workers are afraid to identify themselves publicly as union members. That is not an environment in which freedom of association can flourish. The junta also states that only one CTUM leader, U Maung Maung, had his citizenship revoked. The CTUM respectfully submits that this statement illustrates the serious problem rather than resolves it. The president of Myanmar's largest internationally recognized trade union confederation should never have been stripped of citizenship because of his trade union activities and advocacy. The fact that only one trade union leader was subjected to such a measure does not diminish its gravity. It highlights the chilling message sent to all workers who might seek to exercise their rights.

Particularly troubling is the assertion that the proposed monitoring mechanism exceeds the scope of Conventions Nos 29 and 87 because it would examine fundamental rights violations and related civil liberties. This position is fundamentally inconsistent with long-established ILO jurisprudence. Freedom of association does not exist in isolation. The ILO supervisory bodies have consistently recognized that the civil liberties essential to the normal exercise of trade union rights include freedom of opinion and expression, freedom of assembly, protection against arbitrary arrest and detention, fair trial guarantees and protection against violence and intimidation. These are not external political considerations. They are the foundation upon which Convention No. 87 rests. Without these civil liberties, freedom of association becomes simply a legal fiction. The Commission of Inquiry itself expressly addressed these issues because it recognized that attacks on civil liberties directly undermine the exercise of freedom of association. The proposed monitoring mechanism therefore does not expand the mandate of the ILO. It reflects the reality identified by the Commission of Inquiry.

The authorities ask the Committee to judge progress by the number of partners granted, organizations registered, awareness sessions conducted and disputes settled. Workers ask the Committee to judge progress by a different standard. Can workers organize without fear? Can we return home safely? Can we operate openly? Can we criticize public policy without being labelled enemies of our own country? Can we refuse participation in armed conflict without fear of punishment? Can trade union leaders advocate for workers' rights without risking arrest, exile or imprisonment? Until the answers to these questions is yes, the recommendations of the Commission of Inquiry remain far from fully implemented. The workers of Myanmar are not asking for special treatment. They are asking for the rights guaranteed under the ILO Constitution, under Conventions Nos 29 and 87 and under the recommendations adopted by this Organization.

The Conference has confronted these issues before. The lessons from the first Commission of Inquiry are clear. Symbolic gestures cannot substitute for structural change. Individual releases cannot be substitutes for freedom. Pardons cannot substitute for justice, and administrative registration cannot substitute for genuine freedom of association.

Therefore, the workers urge the Conference to maintain its vigilance, support robust monitoring of the situation and ensure the implementation of the Commission of Inquiry's recommendations.

Observer, International Organisation of Employers (IOE) – I take the floor today on behalf of the **employer community in Myanmar**, specifically the UMFCCI, to provide a factual update on the activities, progress and issues surrounding Myanmar employers' efforts with regard to the application of international labour standards in Myanmar. The UMFCCI remains steadfastly committed to its institutional role as the principal employers' organization operating on the ground. Despite functioning in an extraordinary complex environment, the UMFCCI continues to actively mobilize the private sector and employers on labour-related issues.

Briefly, we are an independent, non-governmental organization with voluntary membership, receiving no financial support from either the Government or any political entity. Board members are elected through a transparent, open and democratic process. We have always been apolitical and have worked with all stakeholders, including successive governments, unions, labour rights organizations and activists, civil society and international partners. We are the go-to organization on the ground with affiliated associations across various economic sectors and geographies. Our objectives are clear: to advance the rights and interests of Myanmar employers; to mobilize employers as responsible and principled social dialogue partners; to promote and embody decent work and sound industrial relations; to advance responsible business practices; and to protect human rights, dignity and labour rights at the enterprise level. The UMFCCI has long worked to address pressing issues affecting local communities, including workplace inclusivity, public health responses and livelihood support during the COVID-19 pandemic, and coordination of livelihood support, business continuity and job creation efforts in disaster-affected communities.

With regard to the fundamental Conventions Nos 29 and 87, the UMFCCI is of the position that awareness is a fundamental aspect in protecting labour rights. The UMFCCI conducts awareness activities through regular events and meetings with its members, affiliated associations and local EBMOs. The UMFCCI's Employer Organization Department, formed ten years ago with support from the ILO, alongside the two working committees – one on industrial relations and another on responsible business – are at the forefront of these efforts. Over the past 20 months, the UMFCCI held 17 in-person awareness and advocacy sessions on

Conventions Nos 29 and 87 along with the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Around 1,500 employers and employers' representatives attended these sessions covering nearly 20 industrial zones across five states and regions. Furthermore, the UMFCCI has published the *Employer's Guidebook on Child Labour Elimination* in 2024 and is finalizing the *Employer's Guidebook on Preventing and Addressing Forced Labour in the Private Sector,* and commencing work on a handbook on responsible business practices. We are grateful for the ILO's unwavering support in the development of these critical tools.

I would also like to report that the UMFCCI has launched the Myanmar Employers' Decent Work Initiative (MEDWI) and is now working on another initiative – the Myanmar Ethical Teashops and Tablespaces Alliance (METTA) – with the food service sector, to better advocate and mobilize Myanmar employers on decent work and labour rights. We all agree that sound industrial relations based on dignity and respect for human rights are fundamental for a stable economic ecosystem. The Chamber continuously liaises with labour activists, industrial zone authorities and union representatives at the grassroots level, as well as concerned parties and international partners. We remain fully committed to enterprise-level dialogue and bipartite solutions to safeguard the rights of both employers and workers. During 2025 and 2026, the Chamber facilitated mediation efforts in nine factories to help resolve enterprise-level issues. We also actively support the formation and function of representative Workplace Coordination Committees for genuine and equal enterprise level bipartite dialogue.

A critical component of Convention No. 87 is the right for both workers and employers to establish organizations of their own choosing. The UMFCCI participated in tripartite dialogues to amend the 2011 Labour Organization Law which contains limited provisions for the formal registration of employers' organizations. Employers have worked hard to organize themselves into EBMOs through available avenues. This includes registering as companies under the Directorate of Investment and Company Administration (DICA). From its data, we see that 51 local EBMOs representing geographical and sectoral employers and businesses registered with DICA since the end of 2022. This brought the national total of functional EBMOs to 372 compared to 3,100 registered labour organizations. With the recent resumption of Parliament, the UMFCCI is looking to resume advocacy to amend the 2011 Labour Organization Law, as well as for other reforms and measures to safeguard the rights and dignity of both employers and workers. It is our firm position that when formal and representative tripartite dialogues can resume in earnest, the Law must be amended to allow the formation of EBMOs within the same legal framework as labour and workers' organizations in order to establish true equity and representativeness in social dialogue.

In the wake of the 2025 major earthquake, the UMFCCI has collaborated with the ILO's Liaison Office in Yangon to deliver community support in impacted areas. Working with local EBMOs, the UMFCCI supported and jointly conducted ten livelihoods and skills training courses for over 200 participants for earthquake-affected communities under the Employment Intensive Investment and the Start Your Business programmes, alongside business continuity planning training for employers. These are part of the Chamber's broader humanitarian assistance, disaster relief and post-disaster reconstruction efforts in collaboration with employers, workers, affected communities and civil society on the ground.

With regard to the fundamental Conventions, I am pleased to announce that the UMFCCI has done many activities for Myanmar employers which we have shared with the ILO Liaison Office. Unfortunately, they are not yet reflected in the Director-General's report and I hope that these will be included in the next iteration.

Regarding the monitoring mechanism, the design should be fully consultative, where employers and workers understand all dimensions of the mechanism which needs to have a way to verify credibility and safeguard the safety and reputation of employers. As a main employers' organization on the ground, the UMFCCI should be included in the discussions on the development of the monitoring mechanism to see what is viable for successful implementation. We also need to make sure that the monitoring mechanism should not be a complaints mechanism. It is to collect information on what is really happening on the ground and this information is to be used as a tool to improve the situation. The Chamber wishes for all safeguard conditions to be met.

Myanmar employers believe neither isolation nor blanket measures will work in improving the labour rights situation on the ground. We are fully in agreement on the need for accountability and to protect the rights, dignity and safety of employers and workers. We believe that an approach that prioritizes addressing issues through working with and supporting stakeholders on the ground represents the best way forward to effectively address the issues at hand. As Myanmar's principal employers' organization, we call for continued engagement, coordination and collaboration with employers and workers on the ground. The more Myanmar remains connected to the world, the more interaction, support and capacity we get, the faster we will be able to address the issues in a viable and sustainable manner. Myanmar employers have benefited from the past 15 years of strong engagement and support from the ILO, and we look forward to closer collaboration and support as we all collectively tackle the pressing issues.

Lastly, I wish to state that promoting and safeguarding labour rights is also heavily dependent on having a stable economic landscape. Only when people have employment business opportunities would we have employers and workers. Thus, I would like to plead, on behalf of all Myanmar employers inside the country, to ensure that the measures and messages to help Myanmar's adherence to its obligations under the fundamental Conventions have a clear emphasis on doing no harm to the livelihoods of employers and workers.

Government member, Cyprus – I speak on behalf of **the European Union (EU) and its Member States.** The candidate countries **Montenegro, Albania** and **Republic of Moldova**, as well as the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, align themselves with the statement. The European Union 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards.

Since our last discussion, the situation in Myanmar has continued to deteriorate, as documented by the Committee of Experts' observations. While we have welcomed the transfer of Daw Aung San Suu Kyi to a designated residence and the conditioned release of U Win Myint, these steps do not alter the overall picture. There has been no discernible progress towards the restoration of democratic governance or the re-establishment of conditions conducive to the effective exercise of fundamental rights and civil liberties. Armed conflict, insecurity and humanitarian needs have further intensified.

We welcome the release of a number of trade unionists and labour rights defenders during the reporting period. However, these steps fall short of demonstrating genuine engagement or credible progress towards full implementation of the recommendations of the Commission of Inquiry. We remain deeply concerned by ongoing violations of fundamental labour rights and basic civil liberties, including restrictions on freedom of association,

interference in the activities of workers' organizations, arbitrary arrests and detention, surveillance, torture and other ill-treatment and reprisals against trade unionists and labour activists. We are particularly concerned by reports that women trade unionists have been subjected to especially violent forms of abuse. Reports of forced or compulsory labour imposed by the military regime, particularly in the context of conscription, remain particularly alarming. As documented by the Director-General's situation report, we remain concerned about the continued reports of widespread labour abuses.

With regards to operationalization of the monitoring mechanism, we would also welcome arrangements that ensure confidential and credible documentation of ongoing violations, including on arrests and detention and other reprisals, to enable the Office to get an objective overview of the evolving situation and support accountability and effective redress for victims.

We remain deeply alarmed by reports of the persistent and systematic imposition of forced labour and forced recruitment across Myanmar by the armed forces and multiple armed groups, including reports affecting Rohingya men and boys. We are further concerned that forced conscription, tighter travel controls and soaring recruitment fees expose workers to trafficking and forced labour across the migration cycle, thereby exacerbating protection risks in an already fragile context. We urge the military authorities to take immediate, concrete and verifiable measures to put an end to all forms of forced labour and forced conscription, to ensure the protection of the victims of these practices and to hold accountable all those responsible for these violations.

We affirm our commitment to the full implementation of the 2025 article 33 resolution and underline the importance of continued follow-up by all ILO constituents. Any action or engagement must not enable, facilitate or prolong violations of human rights and must fully respect the principle of non-refoulement.

We welcome the Office's continued efforts to support workers, employers and communities in Myanmar under very challenging conditions in line with the article 33 resolution and the UN Country Team programmatic engagement guidelines. We also welcome continued work towards the operationalization of a confidential and credible monitoring mechanism to document violations of fundamental rights, in particular freedom of association and forced labour, with adequate resources and in close consultation with social partners.

We urge the Myanmar military authorities to take concrete and immediate measures to fully implement the recommendations of the Commission of Inquiry and bring law and practice into conformity with Conventions Nos 87 and 29. We call on the military authorities to cooperate fully with the ILO supervisory bodies and the Office, including by providing the necessary guarantees and assurances for an ILO mission to visit the country and carry out its mandate in full independence and security without retaliation against any person in contact with it.

The EU and its Member States will continue to follow the situation closely, and remain committed to supporting the effective application of fundamental labour standards, as well as the people of Myanmar in their pursuit of dignity, justice and decent work.

Government member, Australia – I have the honour of speaking on behalf of **Canada**, **New Zealand**, the **United Kingdom of Great Britain and Northern Ireland** and my own country, **Australia**. We welcome this special sitting agreed by our constituency last year under article 33. We express our ongoing gratitude to the ILO Liaison Officer and Office in Myanmar. We also thank the human rights defenders, trade unions, journalists and other civil society actors who continue to document the ongoing situation in Myanmar.

We remain gravely concerned about the ongoing crisis in Myanmar. We have consistently condemned the brutal and ongoing atrocities against the people of Myanmar. We reiterate our calls for the cessation of violence, safe and unhindered humanitarian access and genuine and inclusive dialogue with all stakeholders. We note recent reports of prisoner amnesties, including the release of several detained unionists. We reiterate our calls for the unconditional release of all those who remain unjustly detained.

We continue to support international efforts to pursue accountability and sustain international attention on the situation in Myanmar. We have considered the 2026 report of the Committee of Experts. We share the Committee of Experts' deep concerns about Myanmar's compliance with Convention No. 87 and Convention No. 29. We note the Committee of Experts' continued concerns about trafficking, conscription and forced labour, including of children, prisoners and ethnic, religious and other minorities. We share the Committee of Experts' regret about the lack of progress in implementing previous recommendations made by the Commission of Inquiry.

We continue to urge the military authorities to support basic civil liberties and trade union rights. It remains vital that any actions taken do not exacerbate the suffering of the people of Myanmar. Businesses should be able to continue while respecting reasonable business practices, including human rights. We are ready to support genuine efforts by the military authorities to alleviate suffering, improve economic and social conditions and advance a sustainable resolution to the crisis. Australia, Canada, New Zealand and the United Kingdom stand with the people of Myanmar and remain committed to supporting agreed actions under article 33 of the ILO Constitution.

We will continue to work with the ILO and its constituents to press for compliance by the Myanmar authorities with their obligations under international Conventions. We welcome updates from the Office on the development of the monitoring mechanism and the action plan to implement the article 33 resolution, as agreed by the Governing Body in March.

Employer member, Cambodia – I am speaking today on behalf of the Cambodian Federation of Employers and Business Associations (CAMFEBA), taking specific perspectives on the rights of employers' organizations of Myanmar to form under Myanmar law. We take the floor today also to recognize the efforts of Myanmar's employers, led by the UMFCCI, and to urge action on the key structural issue that continues to impact genuine, equitable and representative social dialogue in Myanmar, which is the need to reform the Labour Organization Law of 2011. For over a decade, the UMFCCI has advocated to amend this law, which limits the formal establishment and functioning of employers' organizations. While the UMFCCI has engaged in constructive discussions to address this, political events in Myanmar since 2021 have stalled these efforts.

In the absence of inclusive EBMO legal provisions for employers to maintain their voice, many EBMOs have resorted to registering as corporate entities under the DICA. This is a workaround, but it is not a solution. Corporate registration cannot substitute for proper legal recognition within the labour law framework. We must acknowledge the resilience of Myanmar's employers despite an uneven playing field. They have continued to act as responsible corporate citizens contributing to various humanitarian assistance and disaster relief efforts in response to multiple crises and natural disasters in the country.

Their commitment deserves a legal framework that matches it. With the recent resumption of Parliament, the window for reform is open but narrow. We understand that the UMFCCI has resumed its advocacy efforts and we fully endorse its objective. When formal

tripartite dialogue resumes, EBMOs must be able to form and function under the same labour law that governs workers' organization, but the UMFCCI cannot do this alone.

As fellow employers in the Association of Southeast Asian Nations (ASEAN) region, we appeal to the ILO to provide technical assistance and capacity-building support so that the UMFCCI and local EBMOs can effectively push for legal reforms that benefit both employers and workers and support representative and effective social dialogue in Myanmar.

Worker member, Canada – I speak on behalf of workers from Canada, France, Australia, Switzerland and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) of the United States.

The Commission of Inquiry calls on the military junta to revoke any military orders and measures decreed since the February 2021 coup that restrict freedom of association and the basic civil liberties of trade unionists and to restore the protection of basic civil liberties necessary for the exercise of freedom of association, including freedom from arbitrary arrest and detention. The military affirms that it has not undertaken any measures that hinder or restrict the freedom of association of workers and that no existing laws have been amended, nor have any new laws been enacted to curtail such rights. We beg to differ.

None of the emergency laws and decrees adopted by the military junta since the coup have been repealed, as recommended by the Commission of Inquiry. Sixty townships remain under martial law. New laws have been enacted which have enormously expanded the executive and judicial power of the military to perpetuate the environment of fear and violence against trade unionists and civilians. The basic protections of civil liberties under the new amended Law Protecting the Privacy and Security of Citizens are much worse than before. Since the 2021 military coup, new offences under the Penal Code have been extensively used to crush dissent and criminalize ordinary civilian and collective actions and strikes with heavy penalties such as incitement charges under sections 505 and 505(A). High treason and obstruction of services charges are crafted and widely applied to criminalize strikes and collective protests as well as criticism of civil servants. In addition, more than 12,000 people charged under similar sections were released under strict conditions and can be rearrested if they violate these conditions.

Women workers in the industrial zones are continuously and sexually harassed by military officers for breaking the night registration rules under the Ward Administration Law. Workers breach the Cybersecurity Law for installing apps or forwarding social media posts. The People's Military Service Law of 2024 demands compulsory conscription of up to five years of military service. Under the new Passport Law enacted in 2026, the military can deny or revoke passports to anyone who threatens national security, making the amnesties and pardons it has granted to activists and political prisoners nothing but a smokescreen of relentless repression.

I call on the Committee for the full enforcement of the 2025 Conference resolution on Myanmar to restore civil liberties in Myanmar.

Interpretation from Chinese: **Government member, China** – China has noted the written information submitted by the Government and appreciates its efforts to implement relevant recommendations within its domestic legal and policy frameworks and the regular submission of progress reports to the ILO on the implementation of Conventions Nos 87 and No. 29.

Information shows that nearly 100 new trade unions have been established in Myanmar over the past two years. Labour disputes have been properly resolved through consultation mechanisms and, among the cases forwarded by the ILO, 60 have been closed. This

demonstrates the positive stance of the Government towards constructive dialogue with the ILO. At the same time as being a Member State of the ILO, Myanmar has actively participated in international affairs, supported the ILO Liaison Office in Myanmar, and fulfilled its obligations under the ratified Conventions. Its active efforts should be fully recognized.

China believes that given the current situation, the establishment of a monitoring mechanism is not the best option. What Myanmar currently needs for its economic and social development is a peaceful and stable environment and the understanding and support of the international community, including the ILO. On the issue of labour in Myanmar, any action should contribute to dialogue and cooperation and no external supervisory mechanism should be imposed without the consent of the country concerned. China calls upon all parties to strengthen cooperation in a balanced and constructive manner on the prerequisite of respecting Myanmar's sovereignty, so as to make tangible and positive contributions safeguarding the livelihoods of the people.

Employer member, Philippines – Our organization commends and supports the proactive stance taken by the UMFCCI in upholding the principles of the ILO's fundamental Conventions, particularly those addressing freedom of association and the elimination of forced labour. In a complex operating environment, the UMFCCI has proven that employers can drive compliance at the enterprise level. Through its Employer Organization Department (EOD) and dedicated working committees, the UMFCCI has taken a strong stance on both raising awareness and mobilizing employers. We welcome the UMFCCI's active efforts in conducting advocacy and awareness with local employers and industrial and economic zones across a number of states and regions in Myanmar. We highly value the UMFCCI's efforts in producing practical and actionable guidebooks for local employers.

Following the successful launch of their *Employers' Guidebook on Child Labour Elimination* in 2024, the Chamber is currently finalizing a comprehensive *Employers' Guidebook on Preventing and Addressing Forced Labour in the Private Sector*. They are also preparing additional guidance resources to support Myanmar employers, including one on responsible business practices, and another planned for Business Continuity Planning. On top of all of this, the UMFCCI is also spearheading the MEDWI and the METTA to further mobilize Myanmar employers into a coalition for change. The Myanmar Garment Manufacturers Association's Voluntary Labour Compliance Assessment is also a remarkable sector-specific initiative.

We also laud the UMFCCI's efforts to continue these as well as their post-earthquake livelihoods training projects, done in close collaboration with the ILO. These guidebooks and initiatives are truly commendable and demonstrate the UMFCCI and Myanmar employers' unwavering commitment to enterprise-level adherence to the ILO's fundamental Conventions. Transforming these guidelines into daily corporate culture requires intensive and continuous advocacy alongside training. We request the ILO to implement capacity-building and training programmes to support the UMFCCI's employer initiatives and to amplify their positive effects on to Myanmar's employers.

I would like to conclude by echoing that sustained technical engagement and support is crucial to ensuring that the UMFCCI and other local EBMOs are able to truly mobilize Myanmar employers in proactively safeguarding labour rights and enabling sound industrial relations. Expanded engagement and support will help protect livelihoods and the dignity of employers as well as workers in the country.

Worker member, United Kingdom of Great Britain and Northern Ireland – We note that the Commission of Inquiry of 2023 called for the junta to immediately cease all forms of violence as well as military attacks against civilian infrastructure which altogether create a

climate of violence and terror that undermines the effective exercise of freedom of association. Regrettably, the military has continued such attacks causing untold damage and death. These attacks, through the use of landmines, the torching of buildings and air strikes, including advanced drone attacks, have had seemingly indiscriminate targets, among them workplaces such as schools and hospitals, with the inevitable tragic consequences for workers and those in their charge.

Myanmar recorded 2,029 land mine victims in 2024, the most in the world. Those mines were planted in homes, gardens, rice fields, around churches and schools or roads used by civilians and in bunkers they used to shelter from air strikes. The OHCHR reports that the junta is using civilians to clear mines and denying medical care to victims.

The junta has stepped up the intensity of air strikes year on year with 1,134 recorded between January and May 2025. This includes 714 immediately after the devastating earthquake of March that year killing almost 500 people. It marked its sham election with a further blizzard of attacks with almost 200 between 25 December 2025 and January 2026 resulting in at least 170 civilian deaths.

Attacks on workplaces include preschools, schools and hospitals. One such air strike struck a school on 12 May 2025, killing 24 civilians, including 18 pupils and two teachers. Another in August 2025 struck a preschool in Mawchi, Karenni State killing 25 people including five children. In December 2025, a strike on Mrauk U General Hospital in Rakhine State killed 33 civilians, including a baby, and in January 2026, a junta gyrocopter attacked a hospital in Ma Taunt Ta village killing three hospital staff including its chief physician.

Myanmar is callously targeting the civilian population and is indeed creating a climate of violence and terror, making the realization of Convention No. 87 impossible. This makes it all the more important that ILO Members take note of the request of the Conference at its 113th Session and ensure that they are not in any way enabling, facilitating or prolonging ongoing harm or violence or acts of repression and intimidation through the support or supply of military equipment or means including jet fuel or the free flow of funds to the military authorities.

I am pleased that the United Kingdom is addressing this, and its framework, inter alia, restricts the provision, supply or transfer of goods, technology, financial services, technical assistance or personnel that could support military activities, internal repression or surveillance.

We urge all members and constituents of the ILO to unite in condemnation of the junta's violence and to take urgent practical steps to starve it of the means to continue its murderous behaviour which is becoming ever more intense. The historic decision to agree a second article 33 process against the junta must be backed by concerted action to restore fundamental rights to the people of Myanmar.

Government member, Indonesia – Indonesia wishes to thank the Government for the information provided and acknowledges the work of the ILO supervisory bodies in promoting the effective application of international labour standards.

Indonesia continues to follow developments in Myanmar with concern, particularly regarding its implication for workers, employers and communities across the country. We remain of the view that the promotion of fundamental principles and rights at work, including freedom of association and the elimination of forced labour, can play an important role in supporting sustainable peace, social cohesion and inclusive economic development. At the same time, Indonesia takes note of the information provided by Myanmar regarding measures

undertaken since the Commission of Inquiry's report, including efforts related to the review of cases, the functioning of labour organizations and the labour dispute settlement mechanisms as well as continued engagement with the ILO.

While challenges remain, such efforts may contribute to building confidence and creating conditions to further progress. Indonesia encourages the Government to continue its cooperation with the ILO and to pursue further measures aimed at addressing the recommendations of the Commission of Inquiry. We also encourage continued dialogue and practical cooperation among all stakeholders in support of the tangible progress on the ground. As a neighbouring country and a fellow ASEAN Member State, Indonesia remains committed to supporting efforts aimed at promoting peace, stability and national reconciliation in Myanmar. Indonesia continues to support the implementation of the ASEAN Five-Point Consensus through inclusive dialogue, humanitarian assistance and engagement with all relevant stakeholders.

We believe that the peace and respect for fundamental rights should advance hand in hand and reinforce one another. Indonesia believes that the objective of this special meeting should be to promote meaningful progress on the ground and to improve the life of workers and employers in Myanmar. This objective is best served by encouraging continuous cooperation, fostering confidence among stakeholders and supporting practical steps that can contribute to lasting solutions.

In conclusion, Indonesia encourages all parties to remain engaged in a constructive spirit and to work together towards tangible progress in implementing the recommendations of the Commissions of Inquiry.

Employer member, Malaysia – Sound industrial relations and economic resilience are deeply interdependent. The Malaysian Employers Federation (MEF) stands in full support of the UMFCCI's position that protecting labour rights and securing sustainable dignified livelihoods are inseparable goals, especially in times of profound socio-economic volatility and vulnerability.

At the enterprise level, the UMFCCI has strongly demonstrated its commitment to safeguarding labour rights as per the fundamental Conventions. In its interactions with local authorities, the UMFCCI has firmly demanded the right for employees to peacefully protest in line with local regulations. By maintaining the right coordination with grassroots labour unions, activists and industrial zone authorities, the UMFCCI has worked to ensure that workers can freely and safely conduct strikes within factory premises.

The UMFCCI has also actively pursued viable bipartite solutions at the enterprise level. The positive outcome of this approach is clear. Throughout 2025 and 2026, the UMFCCI facilitated direct mediation sessions in nine factories to address industrial relation disputes. It has also worked to advocate for the formation of genuine representative and equal bipartite workplace coordination committees to handle grievances and disputes in a mutually acceptable manner. The MEF applauds the UMFCCI's efforts to bring economic stability to vulnerable and disaster-affected communities.

In close collaboration with the ILO's Liaison Office in Yangon, the UMFCCI has implemented vocational training projects for local communities under the Employment Intensive Investment Programme and the Start Your Business Initiative in areas that were devastated by the 2025 earthquake. This followed earlier efforts to deliver humanitarian assistance and disaster relief to communities affected by other natural disasters and projects supporting various community initiatives. The MEF sees this as both resilience and

resourcefulness of Myanmar employers, as well as the unwavering commitment to responsible practices. Going forward, with the issues discussed here, as well as the current challenges confronting Myanmar, the MEF foresees the role of local EBMOs like the UMFCCI to only expand further with regard to mobilizing employers and to address labour-related issues on the ground and at the enterprise level. The MEF therefore joins the UMFCCI in appealing to the ILO for expanded technical cooperation for Myanmar EBMOs such as UMFCCI.

Continuous constructive ILO engagement with the UMFCCI and other Myanmar EBMOs on the ground is critical in maintaining sound industrial relations and restoring dignity to the employers, workers and the people of Myanmar.

Worker member, Norway – I will speak on behalf of the trade unions in the Nordic countries. The human rights situation in Myanmar remains deeply concerning with widespread reports on ongoing violations across civil, political, economic and social rights. In my intervention, however, I would like to focus on forced displacement and migration.

Since the military coup in 2021, more than 3 million people have been internally displaced within Myanmar and stripped of their livelihoods. Hundreds of thousands more have been forced to seek refuge in neighbouring countries including Thailand, India, Bangladesh and Malaysia. Civilians, workers and their families are compelled to flee their homes and communities out of fear of the relentless military air strikes carried out by the Myanmar military and fear of military conscription. Under the environment of fear and military repression, regular migration channels in Myanmar no longer guarantee safe migration. The junta has militarized border control measures and weaponized labour migration policies. Examples include passport control to identify and screen young men of conscription age, as well as workers who have supported the civil disobedience movement.

Workers are increasingly compelled to leave Myanmar and seek jobs through undocumented channels. This in order to avoid forced recruitment, making themselves more vulnerable to trafficking, labour exploitation, debt bondage and deportation. At the single border gate at the Thai–Myanmar border, the CTUM has documented that at least 282,504 Myanmar nationals have crossed the border to seek jobs in Thailand without any official documents. More than 70 per cent of them are under 35 years of age. On behalf of the Nordic workers, we strongly demand the military authorities to immediately end all acts of violence and all violations identified by the Commission of Inquiry.

Government member, Lao People's Democratic Republic – The Lao People's Democratic Republic takes note of the report by the Committee. My delegation thanks the Government for submitting the progress report and commends its continued commitment and the progress made especially in fulfilling its obligation under the ILO-related Conventions and the mechanisms through implementing the recommendations of the Commission of Inquiry, the resolutions and decisions adopted by the Conference and the Governing Body, as well as its cooperation with both the Office and the social partners. These include: (i) promotion of workers' freedom of association in legislative measures and the well-being of all workers through comprehensive measures; (ii) providing facilities and cooperation for the visit of the International Committee of the Red Cross to monitor the situation of forced labour in Myanmar; and (iii) ongoing implementation of the ASEAN Five-Point Consensus to support the restoration of the safety and decent working conditions of workers in Myanmar. While recognizing some progress made, we believe that the country still needs more time and support to implement necessary measures under the Conventions it has ratified to make further progress in Myanmar.

In conclusion, the Lao People's Democratic Republic encourages all relevant partners and stakeholders to continue dialogue and cooperation aimed at strengthening the implementation of ILO standards in a balanced, inclusive, constructive manner while respecting the national law and regulations.

Worker member, Kingdom of the Netherlands – In its written information on the implementation of the recommendations of the Commission of Inquiry, Myanmar's military regime states, among other things, that: there have been no cases in which trade union leaders or members of labour organizations were punished or intimidated because of their labour-related activities; pardons were granted to Thet Hnin Aung, General Secretary of the MICS-TUsF, and other trade unionists; and these individuals supposedly left the country of their own free will. However, these claims contradict reality. We know directly from Thet Hnin Aung that he was forced into exile after serving five years in prison on fabricated charges. He was arrested on 18 June 2021, in Paung Township, Mon State, where he was handcuffed behind his back and transported to a military interrogation centre in Mawlamyine. Upon arrival, a battalion commander instructed interrogators to prove that he had received international funding to purchase weapons and support terrorism, allegations entirely fabricated. Over the next 44 days, he was subjected to interrogation across three interrogation centres. During this period Thet Hnin Aung was: deprived of sleep for prolonged periods; forced to kneel for hours with his hands raised; blindfolded and handcuffed behind his back; punched in the chest, struck on the ears, and kicked; threatened with death and disappearance; told he would be cremated and erased without trace. During the subsequent imprisonment, he endured severe torture, solitary confinement in a ten-foot cell with only two 15-minute breaks daily, and was held incommunicado for over five months – treatment that was profoundly inhumane. This reveals systemic military suppression of labour rights through detention, torture and fabricated charges against union leaders.

The MICS-TUsF Grievance Hotline reveals ongoing workers' rights violations by the military, including arbitrary arrests, mistreatment and forced conscription. Since launching in April 2023, 878 cases were reported – 311 involving military intervention. Of 576 workers arrested, 248 were released while 328 (over half) remain detained.

Finally, we wish to support the calls made by MICS-TUsF and urge constituents to review relations that sustain the Myanmar military in perpetuating violations, and step up efforts to press the military for the release of imprisoned workers and trade unionists.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points. Switzerland thanks the Committee of Experts for its analysis and shares its deep concern at the complete lack of progress by the military authorities in Myanmar in implementing the 2023 Commission of Inquiry's recommendations. To date, no significant measures have been observed.

Switzerland strongly deplores this persistent inaction, as well as the lack of any progress towards the restoration of democratic order in Myanmar, in a context still characterized by a widespread climate of fear, repression and violence against the civilian population.

Switzerland notes with deep concern the persistent non-conformity of the national legal framework, in particular the continued existence of provisions authorizing the use of forced labour and the absence of penalties that act as a genuine deterrent. The information provided in the Committee of Experts' report indicates systematic and widespread use of forced labour by the armed forces, including forced recruitment – particularly of children – as well as various unacceptable forms of labour imposed through threats, coercion and extortion. The practice of conscription, the duration of which may be extended to up to five years, raises serious

concerns with regard to the exceptions permitted under Convention No. 29. The situation of the Rohingya population, particularly in Rakhine State, remains particularly alarming and constitutes a serious breach of international obligations.

Switzerland is also deeply concerned about the use of forced labour imposed on detainees. Switzerland also expresses its grave concern at the increase in trafficking in persons for the purpose of forced labour, particularly in online fraud centres, against a backdrop of impunity and a worrying erosion of the rule of lawin Myanmar.

With regard to trade union freedoms, Switzerland urges the military authorities of Myanmar to put an immediate end to arbitrary arrests, detentions and ill-treatment of trade unionists, including violence, intimidation and acts of coercion in connection with the legitimate exercise of their activities. We also call on the military authorities of Myanmar to cease all systematic surveillance and repression of independent organizations and to ensure, without delay, full respect for trade union freedoms, in accordance with their commitments under Convention No. 87.

Given the gravity of the situation and the authorities' persistent refusal to cooperate in any substantial way, Switzerland urges the immediate, concrete and verifiable implementation of the Commission of Inquiry's recommendations, as well as the immediate cessation of all practices contrary to the international obligations arising from the ratification of the fundamental Conventions Nos 29 and 87.

Worker member, Indonesia – I am speaking on behalf of the Indonesian Workers' delegates. We remain deeply concerned by the continuing deterioration of the situation in Myanmar and its devastating impact on the Rohingya people. More than 1.2 million Rohingya have been displaced, with nearly 90 per cent seeking refuge in Bangladesh, while others have turned to Malaysia, India, Indonesia and Thailand for protection.

In 2023 and 2024 alone, more than 3,000 Rohingya refugees reached Indonesia on 24 boats, risking their lives to escape the worsening situation in Myanmar. Despite the enormous risks involved, these dangerous journeys continue. In 2025, an estimated 5,600 Rohingya attempted sea crossings in search of safety and protection, with more than 820 reported dead or missing. The impunity of the Myanmar military, which is the root cause of their displacement, remains unaddressed.

The UN Special Rapporteur on human rights in Myanmar has repeatedly reported the use of military operations against civilians in Rakhine State. The Myanmar military have forcibly recruited thousands of Rohingya men and boys, sending many to the frontlines against the Arakan Army, and using them as human shields. This shows that the conditions that led the ILO to invoke article 33 still remain.

The Indonesian Workers' delegates call for continued international scrutiny and concrete action to end forced recruitment, forced labour and all violations of the fundamental rights of the Rohingya people.

We also welcome the efforts made by Member States to pursue accountability, including the acceptance by the Indonesian court of a criminal complaint against Myanmar's military leader, Min Aung Hlaing, for genocide against the Rohingya people.

We call for concerted efforts by more governments and ILO constituents, including application of legal proceedings for universal jurisdiction to hold the perpetrators accountable.

Government member, Japan – We thank the Office for the Director-General's report on the latest developments regarding the situation in Myanmar, and we commend continued efforts by the ILO to advance its work forward in the challenging circumstances.

Japan remains deeply concerned about the situation in Myanmar. We again call for concrete actions to be taken in Myanmar for implementing the recommendations of the Commission of Inquiry in its 2023 report. As highlighted throughout the Conference, social dialogue lies at the heart of the ILO, and it is crucial to ensure that workers and employers are able to exercise their freedom of association in a climate free from violence, arbitrary arrest and detention. At the same time, we reiterate the need to consider the impact on Myanmar's society and people who remain in hardship, especially the negative impact on the stability of the economy and businesses, on which Myanmar nationals depend for employment, wages and decent work.

Japan hopes to see political progress, such as the cessation of violence, further release of detainees, including Daw Aung San Suu Kyi, and sincere dialogue among parties concerned, as well as further efforts aimed at improving people's lives.

Japan notes the report of the release of U Win Myint and the transfer of Daw Aung San Suu Kyi to a designated residence. The Government of Japan has been making efforts for the release of detainees to improve the situation in Myanmar. From this perspective, Japan is closely monitoring these recent developments and regards them as positive steps.

While the situation in Myanmar remains uncertain, Japan will strengthen its efforts to encourage further progress toward resolving the situation. At the same time, under the consistent policy to support the people of Myanmar in difficulties, Japan will continue to actively provide humanitarian assistance and support for improving people's lives in a manner that directly benefits the people of Myanmar.

Worker member, Republic of Korea – I speak on behalf of the workers of the Republic of Korea and Fiji in firm solidarity with the workers of Myanmar. I will focus on forced labour under Convention No. 29. First, the National Complaint Mechanism on forced labour has lost all credibility since the 2021 coup as it was appointed by the very military that is the main perpetrator of forced labour. Independent trade unions have withdrawn to boycott this sham mechanism. The members who remain, the Ministry of Labour and the Myanmar National Human Rights Commission (MNHRC) were also appointed by the military. The MNHRC has already been expelled from the global alliance of national human rights institutions and its regional bodies.

Second, on forced conscription, as the UN Special Rapporteur on human rights in Myanmar observed in February 2024, the junta's activation of the People's Military Service Law is merely an attempt to justify and expand the forced recruitment that was already widespread. Here are some of the many documented cases. In Mohnyin Township, Kachin State, portering operations recorded as recently as March 2026 have been conducted regardless of age and gender. Mothers with children are used as porters and sons are volunteering to replace their mothers. In Hsi Hseng Township, Shan State, between February and May 2026, households that did not comply with the recruitment orders were forced to pay high exemption fees and those who could not pay have fled.

Third, child recruitment is rising. The UN has verified more than 1,800 cases since the coup, some children as young as 12. In some cases, children were taken when the adults on the conscription list could not be found.

Fourth, on prison labour, since the coup, trade unionists and human rights defenders have been handed heavy sentences with hard labour simply for exercising their basic rights and civil liberties. Thet Hnin Aung, the MICS-TUsF General Secretary, was sentenced to two years and then another seven years with hard labour. Prison officers forced him to take part in prison-run commercial businesses selling betel nuts and drinks and threatened to cut off his family visit if he refused. Worse still, 75 prisoners have died behind bars from torture and lack of medical care.

In conclusion, we call on the military authorities to end immediately in law and in practice all forced recruitment into the military, including children, and to stop arresting and detaining trade unionists and labour activists for exercising their human rights which lead to violence, torture and forced prison labour.

Interpretation from Russian: **Government member, Belarus** – We are grateful to the Government for the information provided. We regret that the official delegation of this country was not given the opportunity to participate in the discussion. We welcome Myanmar's engagement with ILO bodies, including the information provided on measures to implement the recommendations of the Commission of Inquiry.

We commend the Government for its efforts to implement recommendations on labour relations and on improving the situation of workers. We believe that the Government's position regarding the absence of persecution for legitimate trade union activities, as well as the authority's efforts to implement recommendations related to obligations under Convention No. 29, should be given due consideration. We commend the work of Myanmar's arbitration and conciliation bodies which resolved around 200 labour disputes in 2025. We note that despite the difficulties created by sanctions against this country, the Government pays its contributions to the ILO budget on time. We firmly believe that interaction between the ILO and the Government and the assessment of progress in Myanmar should be based on a non-politicized approach. It should respect national specificities and take into account the complex geopolitical conditions in which the country finds itself. We believe that the ILO's proposed monitoring mechanism for Myanmar goes beyond the scope of Conventions Nos 29 and 87. Therefore, we cannot support the decision on Myanmar.

Worker member, Philippines – We are not simply discussing a failure to comply with an ILO Convention. We are discussing a country where trade unionism itself is being systematically destroyed. In Myanmar, workers are being arbitrarily arrested, intimidated and forced into military service. Construction workers, farmers, garment workers and young workers are stopped at check points, detained and compelled to pay ransom simply to avoid conscription.

Forced labour is no longer an isolated abuse. It has become an instrument of repression. How can workers exercise freedom of association when they fear being arrested on their way home from work? How can they organize when identifying oneself as a trade unionist can lead to imprisonment, torture or exile? How can collective bargaining exist when independent unions are criminalized and replaced by organizations controlled by the very authorities that persecute workers?

Trade union leaders have been charged with treason and face life imprisonment. Union offices have been raided. Families are placed under surveillance. Workers no longer dare to contact independent unions for fear of retaliation. At least 67 members of the CTUM remain in prison. Thousands of activists remain behind bars. Tens of thousands have been arrested since the coup. This is not merely an attack on labour rights. It is an assault on freedom, democracy and human dignity. The military junta seeks not only to silence trade unions but to erase them

and replace them with compliant structures that imitate representation while denying workers any genuine voice.

This Committee must be clear. A fake union is not a union. Coercion is not social dialogue. Fear is not industrial peace. The ILO has already taken the historic step of invoking article 33, but article 33 cannot become a symbolic gesture.

The credibility of this organization now depends on whether Member States are prepared to act upon it. We therefore call on all ILO Member States to fully and rigorously enforce article 33 to ensure that no government institution, enterprise, investor or public authority contributes directly or indirectly to the perpetuation of forced labour, repression and the destruction of freedom of association in Myanmar and to intensify pressure for the immediate release of all imprisoned trade unionists and political prisoners. History will judge not only those who commit these violations. History will also judge those who know and choose not to act. The workers of Myanmar continue to resist under conditions that none of us in this room would accept for ourselves.

They have shown extraordinary courage. It is now time for the international community to match that courage with action.

Government member, Thailand – Thailand thanks the Director-General for the report on the latest developments regarding the situation of freedom of association and forced labour in Myanmar and compliance with the recommendations of the Commission of Inquiry. As Thailand hosts a large number of migrant workers from neighbouring countries, the majority of which are from Myanmar, we are committed to the promotion and protection of labour rights. Thailand, therefore, encourages Myanmar to enhance its efforts in implementing the Commission of Inquiry's recommendations and further engage with the ILO, relevant UN agencies and the international community in the interest of all workers in Myanmar. Thailand stands ready to support regional and international efforts to ensure that workers can enjoy their rights in accordance with international standards.

Worker member, Senegal – I am speaking on behalf of the African workers. The African trade unions express their solidarity with our brothers and sisters in Asia. We share a deep and common concern about the seriousness of human trafficking affecting African and Asian workers, who are victims of exploitation through forced labour in Myanmar.

Since the COVID-19 pandemic, thousands of workers – from Nigeria, Uganda, Kenya, Ghana, Cameroon, Ethiopia, South Africa and the United Republic of Tanzania – have been recruited through fraudulent job offers promising decent work in Asian countries. They left their home countries unaware that they had been sold by criminal organizations operating in the militarized border areas of Myanmar. Between 10,000 and 15,000 African workers, from at least 33 countries, have been trafficked and drawn into these networks. The workers' passports are confiscated on arrival. Under threat of violence, debt bondage and electric shocks, they are forced to carry out cyberscams targeting victims across the globe. Their families back home are subjected to extortion, facing ransom demands they cannot afford to pay. Workers who tried to escape have died. This is slavery in the twenty-first century.

In one of the fraud complexes located on the border of Myanmar, workers from Ethiopia, Uganda, the United Republic of Tanzania, South Africa, Kenya, Pakistan and Bangladesh were locked up in a walled compound comprising more than 30 buildings. The area where the workers were enslaved was patrolled by a militia with close ties to the Myanmar army.

Last year, this scam complex, along with several others, was heavily bombed by the army of Myanmar as part of a highly publicized campaign broadcast on television. The army arrested

more than 1,600 Asian and African nationals for “participation in online fraud”. These are victims of human trafficking. They are not perpetrators of online or commercial crimes.

The crackdown carried out by the Myanmar army failed to take into account the safety of the victimized workers. Thousands of African workers have been left in a precarious situation, without any procedures for identifying and protecting victims, or any access to justice or remedies.

Unsurprisingly, not a single perpetrator has been arrested or prosecuted by the Naypyidaw authorities. On the contrary, the fraud networks are reported to have reorganized and moved to inland areas under the army’s control. The environment that allows human trafficking and transnational crimes to flourish in Myanmar stems from the collapse of the rule of law, the dismantling of democratic institutions and military impunity. This situation has persisted under the military coup regime, reducing tens of thousands of workers from Asia and Africa to slavery.

The African trade union movement stands with the workers of Myanmar in calling on the Committee to take decisive action to end complicity in forced labour in Myanmar and the impunity of the Myanmar army.

Government member, Cambodia – Cambodia has taken due note of the information and update provided by Myanmar concerning its engagement with the ILO and the measures undertaken in response to the recommendations of the Commission of Inquiry. Cambodia reaffirms its confidence in the ILO supervisory system and its vital role in promoting compliance with international labour standards, advancing social justice and safeguarding fundamental principles and rights at work. Cambodia recognizes that the effective implementation of international labour obligations, particularly in challenging and complex circumstances, requires institutional cooperation, substantive commitment, constructive engagement among the tripartite constituents and all relevant stakeholders. In this regard, Cambodia acknowledges the information presented by Myanmar and encourages the continued engagement and the support of the ILO and its supervisory mechanisms in assisting Myanmar’s efforts to advance labour rights, strengthen labour administration and promote decent work conditions in line with the recommendations of the Commission of Inquiry.

Cambodia firmly believes that meaningful and substantive progress is best achieved through dialogue, cooperation, technical assistance and capacity-building. Such approaches can strengthen institutional capacity, enhance compliance with international labour standards and contribute to tangible improvement in the protection and promotion of workers’ rights and interests. As a Member of ASEAN, Cambodia remains firmly committed to supporting regional efforts to promote peace, stability and development in Myanmar. In this regard, Cambodia encourages all relevant stakeholders to continue to engage in good faith, strengthen cooperation, pursue practical and constructive solutions that advance decent work, uphold fundamental principles and rights at work and contribute to sustainable, inclusive and people-centred development.

Worker member, Argentina – I am speaking on behalf of the Argentine federations comprising the Trade Union Confederation of the Americas (CSA) to express our deep concern at the serious situation facing the workers of Myanmar. In this regard, I would like to draw particular attention to the railway workers of Myanmar, who have suffered and continue to suffer constant violations of freedom of association, following their participation in and support for the national strike in opposition to the coup d’état in 2021.

I would therefore point out that approximately 7,000 railway workers took part in the national strikes as a legitimate expression of democratic opposition. The State's response was not social dialogue, nor respect for freedom of association, but persecution. To be precise, more than 100 railway workers were arrested for taking part in these actions; 38 trade union members were prosecuted; 2 were sentenced to death; and 11 remain in prison serving lengthy sentences.

The repression was not confined to the judicial sphere. Four offices of the Myanmar Railway Workers Union Federation were raided. At least 2,800 unionized workers were evicted from their homes by armed military personnel. Their temporary shelters were also destroyed, and threats were even made to initiate criminal proceedings and report the homes of those who offered assistance or shelter to these workers and their families.

As regards the labour situation: 112 unionized workers were dismissed and 3,500 suspended from their duties, losing their income, social benefits and basic protection. Those who refuse to return to work are subjected to disciplinary proceedings or face restrictions and intimidation when seeking other sources of livelihood. In light of the situation described, we must emphasise that the resolution on trade union rights and civil liberties, adopted by the 1970 session of the Conference, states that trade union rights can only be fully exercised in a context where these fundamental guarantees are respected, particularly freedom of expression, opinion and assembly.

Furthermore, the Committee of Experts itself has expressed its deep concern and recalled that the Commission of Inquiry's recommendations and the resolution adopted under article 33 of the ILO Constitution remain unfulfilled. It is worth noting that the social consequences suffered by these workers are equally devastating: poverty, loss of housing, breakdown of family ties, disruption of educational pathways and deterioration of children's future prospects. Against this grave backdrop, more than 80 unionized workers have died since 2021 as a result of the oppression and extreme conditions which they face.

We therefore request, without further delay, that the Committee urge the State of Myanmar to put an immediate end to anti-trade union persecution, to release those detained for exercising their trade union rights, and to provide effective guarantees so that workers can organize and act without violence, intimidation or reprisals.

Interpretation from Russian: **Government member, Russian Federation** – The Russian Federation has carefully studied the written information provided by the Government. Unfortunately, we still cannot hear a statement from the representative of this Government which, on spurious grounds, has been barred from participating in the Committee meeting. We cannot stress enough that the situation with regard to the right to representation of the governmental section of Myanmar's delegation is categorically inappropriate from a legal standpoint and absurd from a common sense standpoint. In this regard, we would also like to underscore that the Committee is a forum for tripartite dialogue, the main objective of which is to give an opportunity to every, and I repeat, every member of tripartite partnership to present their point of view on a specific issue or to defend themselves against allegations made. The willingness of the Committee to ignore one of its key functions as regards the situation in Myanmar points to the profound politicization of the ILO's approach to this country case.

Despite such an approach by the ILO supervisory mechanisms, during the reporting period, the Government continued to engage constructively with the Organization. In particular, based on ILO requests, the authorities of Naypyidaw dropped criminal proceedings against trade unionists or released them from custody. Similarly, the Government

constructively engaged with the ILO Office in Myanmar including by expediting the issuance of visas to their staff. In addition, ILO representatives were given the right to use foreign funding for the implementation of technical assistance programmes in the country. Nevertheless, the Office unilaterally ceased to engage with the authorities.

We also cannot ignore the unacceptable attempts to organize, under the aegis of the ILO, various dubious events such as the high-level round tables on Myanmar to which representatives of the Government are not expected to be invited. These are just a few examples of the biased attitude of the ILO and its supervisory mechanisms as regards the Myanmar case and unfortunately the list goes on.

In this context, I once again call on delegations to carefully review the information provided by the Government which can be found on the website of the Committee. Given the overt politicization and bias demonstrated by the ILO supervisory mechanisms, the Russian delegation expresses its categorical disagreement with the illegitimate restrictive measures pursued against the country on the basis of article 33. Similarly, we object to holding such special sessions which do not contribute to upholding the rights of workers and employers in Myanmar and whose added value is, to say the least, questionable.

The Russian delegation firmly disassociates itself from any sanction measures against Myanmar, as well as any other politicized conclusions contained in the outcome to this special session. We request that this position be reflected in the PV records of the meeting.

Worker member, Uruguay – We are speaking on behalf of the workers of Uruguay, organized within their trade union confederation, the Inter-Union Assembly of Workers – Workers' National Convention (PIT–CNT), and, as a teacher, on behalf of Education International (EI).

On this occasion, we feel compelled to draw the Commission's attention to the serious situation facing education workers in Myanmar since the military coup. More than 118,000 teachers and education staff took part in the civil disobedience movement in defence of democracy. As a result, they have been subjected to systematic repression. At least 300 people have been arrested and imprisoned under section 505A of the Penal Code, including 66 trade unionists from the Federation of Education Workers of Myanmar, of whom 25 remain in detention and 11 have been sentenced to prison terms of between 10 and 32 years. There have also been cases of torture during detention, as well as widespread violence against the civilian population.

Furthermore, thousands of teachers have been dismissed for their participation in peaceful protests, while schools, hospitals and communities have been targeted in attacks, including aerial bombardments. These actions have led to mass displacement, resulting in the disruption of an entire generation's right to education. Working conditions continue to deteriorate severely. The current teacher's salary amounts to barely 14 per cent of what would constitute a living wage.

There can be no sound education system without teachers who are properly qualified, protected and valued. We therefore call for the immediate and unconditional release of all detained education workers; for an end to anti-trade union persecution and respect for trade union freedom; for the protection of the civilian population and educational institutions; and for the restoration of decent working conditions for education staff. Standing up for teachers is unequivocally a matter of defending the human right to education and democracy itself.

Interpretation from Russian: **Observer, International Trade Union Confederation (ITUC)** – I am speaking on behalf of the independent trade union movement of Belarus. As Worker

representatives of a country which itself is subject to a resolution under article 33 of the ILO Constitution, we are aware of what workers in Myanmar are going through. Both in Belarus and in Myanmar, independent trade unions have been destroyed, their leaders arrested or forced to leave the country, organizations have been dissolved and structures controlled by the authorities are promoted instead of genuine worker representations. The reports presented to the Conference attest to the continuing serious violations of freedom of association in Myanmar. However, we are not just concerned about the violations themselves but also the actions of States which help the junta to continue committing these violations. Belarus and the military authorities of Myanmar have consistently strengthened their diplomatic, economic and military ties. Belarus continues to increase its cooperation with the military structures of Myanmar, including collaboration in the field of defence and training of military personnel. Belarus has also opposed international efforts to restrict the supply of weapons to the Myanmar regime. Such cooperation is not neutral. It contributes to enhancing structures which are responsible for the systematic suppression of independent trade unions, persecution of trade union leaders and violations of fundamental workers' rights. For Belarusian trade unions, this situation is all too familiar. We see how authoritarian regimes support one another, how they exchange experience on suppressing independent civil society and how they promote state-controlled organizations rather than genuine worker representation. This is not just an issue of non-compliance with the recommendations of the Commission of Inquiry. We are talking about maintaining international ties which ignore ILO requests and which continue violations without serious consequences.

Therefore, we support the call of the CTUM on governments, employers' organizations and trade unions to turn their support for article 33 into practical measures and to stop their support for state-controlled workers' structures. Allow me to recall that repression does not create legitimacy. Military force is not legitimacy. State-controlled organizations do not create legitimacy. Legitimacy is based on the free choice of workers and citizens.

We call on the Conference to ensure that article 33 is not just an expression of concern but also an effective instrument to protect those workers whose rights continue to be violated.

Observer, IndustriALL Global Union – I speak on behalf of IndustriALL Global Union which has 550 affiliated organizations in 130 countries representing more than 50 million workers, including in the garment industry. Myanmar's garment sector employs around 450,000 people and is worth around US$5.5 billion a year. At the same time, workers earn less than US$100 per month, which is around half of what they need to survive. Garment factories are in industrial zones under martial law.

Workers pass through military checkpoints where they can be subject to intrusive checks, including searching mobile phones for evidence of opposition to the regime, as well as sexual harassment of the predominantly young and female workforce. Many workers are forced to perform unpaid overtime. This can result in them breaking the curfew forcing them to either spend the night in the factory or exposing them to the military who may demand bribes or other favours. Workers are made vulnerable by the fact that factories share their personal information with the military. This has a chilling effect on attempts to organize and makes workers vulnerable to targeted conscription.

There are reports of soldiers conducting raids and forcibly recruiting workers to the military. The military authorities have dismantled the conditions necessary for social dialogue, independent trade unions have been suppressed, and their leaders and activists have faced arrests, warrants, threats, surveillance and forced displacement. Military-supported labour organizations have been promoted as alternative workers' representatives including groups

falsely claiming to represent our affiliate, the Industrial Workers' Federation of Myanmar (IWFM), and using the IWFM name and identity. These parallel organizations should not be recognized or treated as legitimate workers' representatives. Myanmar enjoys preferential access to the European Union market under the Generalized System of Preferences and the Everything but Arms scheme, and 54 per cent of Myanmar's apparel export goes to the European Union with the United Kingdom and Japan accounting for much of the rest.

Despite article 33 having been invoked in 2025, the European Union maintains its system of preferences and funds a programme called MADE in Myanmar to support manufacturing in the country. Many European and other garment brands continue to source in the country. The garment sector is a major source of foreign exchange for the military junta. This is due to a law passed by the regime that requires all foreign exchanges entering the country to be changed into kyat within 24 hours at a preferential rate. The regime needs this foreign exchange to purchase weapons, ammunition and fuel that it uses to conduct a civil war against its own population.

The article 33 resolution is clear: constituents should work to disable all means that contribute to the free flow of funds to the military authorities. This includes the garment sector. We call on the Director-General and all constituents to honour the commitments made in the resolution and to ensure that this flow of funds is cut through further sanctions against Myanmar, diplomatic isolation and the end of preferential trade agreements and programmes.

Observer, Public Services International (PSI) – Public Services International is proud to have supported the unions of health service workers, medical professionals and municipal workers in documenting the ongoing violations of fundamental rights, which demonstrate that the military junta is flagrantly and seriously disregarding the Commission of Inquiry's recommendations and the 2025 conference resolution, adopted under article 33 of the ILO Constitution.

Five years after the coup d'état, public sector workers remain in constant danger. Healthcare workers who joined the civil disobedience movement have been arrested, detained and tortured. Many others have had their medical licences and passports revoked, their bank accounts frozen, and their salaries, social security payments and benefits suspended. The clinics where they provided care have been raided and shut down. The Government is using elderly parents, relatives and people with disabilities as hostages to force striking workers to return to work.

The army continues to attack healthcare centres. The March 2026 report of the UN Special Rapporteur on the situation of human rights in Myanmar documents more than 1,800 attacks on healthcare infrastructure since the coup d'état. Ambulances have been hit by heavy weaponry, medical teams have come under air strikes while performing emergency surgery, and doctors and nurses have been killed while on duty. The public health system in Myanmar has virtually collapsed in areas of the country where there is a military presence.

Municipal workers also face the same pattern of persecution: they are targeted and forced to work in communities that have been bombed and set on fire. As a result, access to health services and the quality of healthcare have declined substantially. In rural and conflict-affected areas, in particular, health services are on the brink of total collapse.

PSI urges the Committee to recognize the courage of the workers who document and gather evidence of these violations, in the hope that the international community will listen – not only listen, but also take action.

In this regard, PSI is equally alarmed by the investments and ongoing economic and financial support provided to the military junta, and we urge governments to impose sanctions on all those who prop up this type of government and profit from the suffering of the people of Myanmar.

PSI extends its support and solidarity to our brothers and sisters.

Observer, Building and Wood Workers' International (BWI) – The BWI wishes to expose and challenge the Myanmar military junta's false claims that it is implementing the recommendations of the Commission of Inquiry. On 20 May 2026, 11 masons and construction workers from Mandalay region were taken in a pickup truck to Taunggyi in Shan State under the pretext of working on a construction project. In that same night, families lost all contact with them. After public appeals by their families on social media, six other workers, including the elderly mason U Myint, were released on 25 May 2026. However, five young workers aged between 18 and 35 remain missing.

This underscores how construction work is being used as a cover to capture young workers for military conscription, a direct violation of Convention No. 29 and of the Commission of Inquiry's recommendation to end all forms of forced labour and forced military recruitment in the military. In a cement plant in Tanchi Township, the factory management and human resources department cooperated with the military conscription data collection in 2025 and 2026 by submitting the employees' list to the authorities facilitating military conscription. Again, this represents a clear violation of the Commission of Inquiry's recommendations concerning the use of forced labour. At the same time, workers across Myanmar continue to report labour exploitation and widespread violation of their rights.

Workers are not registered to social security. Excessive overtime continues late in the evening and is underpaid. Wages are repeatedly delayed and workers are exposed to hazardous working conditions while labour authorities fail to respond effectively to complaints. This reflects the same environment identified by the Commission of Inquiry.

The Committee should further call for immediate action to end all violence, intimidation and inhumane treatment against workers and civilian communities; end forced recruitment and all forms of forced labour; stop the use of workplace and population data for military coercion; end arbitrary detention of workers and restore civil liberties necessary for the independent trade union activity; and ensure effective protection of wages, social security, occupational safety and health and complaint mechanisms in all workplaces.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – Please let me add to the picture of the reality of workers in different sectors some information about the situation in Myanmar rural areas. This intervention draws on evidence collected by the Agriculture and Farmers Federation of Myanmar (AFFM) highlighting the ongoing violence inflicted by the military authorities on rural trade union members and communities. Freedom of association remains severely restricted in rural areas through surveillance, intimidation and displacement of union leaders. Military operations continue to disrupt agricultural livelihoods.

The military has established camps and checkpoints in strategic areas near villages and frequently conducts military operations and raids. During these operations villagers have reportedly been subjected to arbitrary arrests, torture, killings and looting of property. As a result, farmers are forced to flee their homes and abandon their agricultural activities. Women farmers face severe risks. In addition to displacement and the destruction of livelihoods,

military personnel expose women to threats, intimidation, harassment and the risk of sexual and gender-based violence.

The pervasive fear of abuse further restricts women's freedom of movement, limits their access to livelihoods and deepens their economic and social vulnerability. Continuous air strikes have caused deaths among farmers, even while working in their fields. The transportation of food supplies and agricultural inputs from one area to another has become extremely difficult due to excessive checkpoint fees, arbitrary inspections and the risk of arrests. Many hectares of farmland are mined.

Despite the repeated calls from the ILO for the military authorities to stop their use of forced labour and noting the ongoing efforts to tackle forced labour in the territories which are controlled by the National Unity Government, the AFFM's evidence from multiple other regions indicates that villagers are compelled to provide labour and material support to military forces under coercive conditions. Local residents are required to transport equipment and supplies using their own vehicles. Farmers are ordered to carry materials between locations, clear vegetation around military compounds, dig trenches and maintain fortified positions. They are also compelled to deliver agricultural tools to military camps and give their livestock and food products to the military without compensation. The patterns described are not isolated incidents but reflect structural and ongoing use of forced labour.

These violations warrant continued and strengthened attention under article 33 of the ILO Constitution. There must be concrete and coordinated measures to compel the military to implement without delay the recommendations of the Commission of Inquiry and the resolution adopted under article 33.

Employer members – The Employer members would like to thank all the speakers for their interventions and the information provided during the special sitting. This discussion has once again confirmed the seriousness of the situation in Myanmar and the importance of full implementation of the Commission of Inquiry's recommendations under Conventions Nos 87 and 29. We remain deeply concerned that the information before the Committee does not demonstrate sufficient progress. Workers' and employers' organizations must be able to operate freely, independently and without interference, intimidation or retaliation. This includes their ability to manage their internal affairs, elect their representatives and carry out their legitimate functions in a climate of freedom and security. In addition, forced labour is unacceptable in all its forms and must be eliminated through concrete, effective and verifiable measures.

The Employer members also wish to reiterate the importance that the monitoring mechanism must remain limited to monitoring and documentation purposes. It should not become a grievance mechanism or extend beyond what the Conference agreed in the 2025 resolution. We support credible and confidential documentation of violations. However, the mechanism must include robust safeguards covering methodology verification, confidentiality, source protection and due process and must be developed through genuine tripartite consultation through the secretariats of social partners, IOE/ITUC and ACTEMP/ACTRAV. It must remain within the ILO mandate and the terms of the 2025 Conference resolution and must be capable of addressing credible allegations affecting both workers' and employers' organizations.

The Employer members consider that the Committee's conclusions should remain focused on implementation, namely concrete, verifiable progress in ensuring freedom of association for both workers' and employers' organizations, eliminating forced labour, strengthening cooperation with the ILO and establishing a credible monitoring mechanism

with appropriate safeguards. In this regard, the Employer members recommend that the authorities: engage without delay in good faith with the ILO to implement the recommendations of the Commission of Inquiry and those of the supervisory bodies; take immediate and effective measures to eliminate all forms of forced labour, including forced portering, compulsory support for military operations, coercive recruitment practices and forced labour risks linked to migration and conscription and provide full information to the ILO on the measures taken; ensure that workers' and employers' organizations can operate freely, independently and without interference, intimidation, discrimination or retaliation; provide the guarantees necessary to enable effective ILO engagement including any missions or mechanisms requested by the Governing Body or supervisory bodies; cooperate fully in the establishment of a credible monitoring mechanism ensuring that it is confidential, methodologically sound, based on verified information and protected by safeguards against misuse and that it is effective in addressing credible allegations affecting workers' and employers' organizations; support practical measures that preserve livelihoods, promote responsible business conduct, strengthen social dialogue and enable employers and workers to contribute to recovery and compliance; and finally provide clear and practical guidance in consultation with the social partners on how enterprises can meet expectations related to responsible business conduct and respect for fundamental principles and rights at work in a manner that is risk-based, proportionate and operationally feasible in the current context.

The Employer members stand ready to support constructive, practical tripartite efforts aimed at achieving tangible and measurable progress.

Worker members – We thank all those members of the Committee who took the floor. The discussion has once again confirmed what the Committee of Experts, the Committee on Freedom of Association, the Governing Body and the Commission of Inquiry have already observed. It is clear from the military's actions, including the holding of the sham elections, that it has no intention to comply with the recommendations of the Commission of Inquiry in its 2023 report. The military has failed to demonstrate genuine engagement or credible progress towards full implementation of these recommendations.

This Committee has also heard deeply troubling information concerning widespread exaction of forced labour from the population in Myanmar and repeated reports of severe suppression of civil liberties, as well as violence, arbitrary arrest, detention and torture of trade unionists and labour activists, forced exile and the ongoing climate of fear that prevents workers from exercising their rights. In light of the above, we can say once again that the military authorities have failed to implement the Commission of Inquiry's 11 concrete recommendations on both freedom of association and forced labour. The Workers' group commends the ILO constituents – Governments, Employers and Workers – for all the action already undertaken so far to ensure an effective follow-up to the 2025 Conference resolution. We call for continuation and acceleration of these efforts. We urge Member States to review their relations with the military authorities to ensure that they do not enable, facilitate or prolong the violations of workers' rights in respect of freedom of association and forced labour.

We also urge you to do all in your power to support Myanmar workers and trade union leaders in forced exile or from deportation under the principle of non-refoulement. As regards the action undertaken by the Office, we commend efforts undertaken so far including direct support to Myanmar workers, employers and their organizations and through increased collaboration within the UN system. There must be a credible mechanism for coordinating our efforts with UN agencies as requested by the article 33 resolution. This mechanism must include an annual engagement with the UN agencies and ILO constituents. We support continuation of these actions.

We express support for the Office to continue to closely monitor the situation in Myanmar regarding the exercise of freedom of association and the prohibition of forced or compulsory labour. The Worker members request the Office to provide an update on relevant developments in the country, including progress made by Myanmar regarding compliance with the recommendations of the Commission of Inquiry and measures taken by the Organization's constituents to implement the 2025 Conference resolution, as well as an update on bringing into effect the monitoring mechanism for documentation of ongoing violations of fundamental rights. It is clear that sustainable enterprises have a role to play in ensuring that they are respecting their human and labour rights, obligations and responsibilities in this regard and must avoid causing or contributing to or being complicit directly or indirectly in the violations ongoing in Myanmar or benefiting from such violations. Lastly, we call on the military authorities to take the following steps: immediately cease all forms of violence, torture and intimidation against trade union leaders and members in relation to the exercise of legitimate workers' or employers' activities, including those mentioned in the report of the Commission of Inquiry; unconditionally and without delay release all trade unionists arrested, sentenced and detained for such activities; withdraw all criminal charges pending against trade unionists and others peacefully exercising their civil liberties in relation to legitimate trade union activities; stop any form of interference in the establishment, administration and functioning of trade unions at all levels; ensure that employers' and workers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention; take immediate action to put an end in law and in practice to any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children, and hold accountable all those responsible for these violations; cease with immediate effect the exaction of prison labour as a consequence of a criminal conviction imposed since 1 February 2021; ensure that cases of trafficking for labour exploitation are promptly identified, independently investigated and effectively prosecuted; and submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 21 September 2026, for transmission to the Governing Body at its 358th Session. We request that the discussions and conclusions of the special sitting are placed in a separate part of its report.

Chairperson – The discussion is now concluded. I thank all the speakers who participated.

Conclusions of the Committee

The Committee held a special sitting on Myanmar at the 114th Session of the International Labour Conference on the application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29), further to the resolution adopted by the International Labour Conference at its 113th Session, concerning the measures recommended by the Governing Body and the Conference under article 33 of the ILO Constitution.

It noted the written information submitted by the military authorities in Myanmar, and the discussion that followed.

The Committee noted the need to continue to closely monitor the situation in Myanmar with regard to the exercise of freedom of association and the prohibition of forced or compulsory labour, including through the finalization of the preparatory phase of the proposed monitoring mechanism, in consultation with the International Organisation of Employers and International Trade Union Confederation, in line with the decision of the Governing Body and for the confidential and credible documentation of

ongoing violations with a view to support transparent reporting with appropriate safeguards to effectively implement the article 33 resolution.

The Committee again noted with deep concern the military authorities' persistent disregard of the recommendations of the Commission of Inquiry, the supervisory bodies and the Governing Body, and the absence of any genuine engagement or credible progress towards their full implementation.

The Committee deplored the continued absence of progress creating conditions for the effective exercise of fundamental rights and civil liberties over five years since the military coup, and expressed deep concern over the military-organized general elections.

The Committee expressed its deep concern and regret at the severe suppression of civil liberties and the continuing violence, arbitrary arrest, detention, torture, forced exile and intimidation directed against trade unionists and labour activists, which prevent workers from exercising their rights in freedom and security.

It recalled that this case had already been examined repeatedly by the Committee and other supervisory bodies and deeply deplored the continued failure of the military authorities to implement the recommendations relating to freedom of association and collective bargaining.

The Committee also noted that the situation in Myanmar is taking place in a highly fragile and constrained economic environment, with significant implications for all actors, including workers, the business community and society.

Regarding the continuing deterioration of freedom of association, the Committee deplored all forms of interference in the establishment, administration and functioning of workers' and employers' organizations and emphasized that such organizations must be able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest, detention and intimidation.

The Committee deplored the continuing use of forced labour by the military, including the forced recruitment of children and other forms of compulsory labour in connection with military activities.

The Committee also noted that the military authorities had failed to demonstrate any credible progress towards implementing the Commission of Inquiry's recommendations and that the information submitted to the Committee did not show any meaningful change in law or practice.

The Committee further noted the continuing need for close monitoring of the situation in Myanmar, including developments relating to freedom of association and collective bargaining, as well as forced labour, and the follow-up given to the recommendations of the Commission of Inquiry.

After the discussion, the Committee called on the military authorities to take all necessary measures, without delay, to implement the recommendations of the Commission of Inquiry and all subsequent observations made by the supervisory bodies of the ILO concerning compliance with Conventions Nos 87 and 29.

The Committee urged in the strongest terms for the military authorities to immediately cease all forms of violence, torture and intimidation against trade union leaders and members in relation to the exercise of legitimate workers' or employers' activities, including those specifically mentioned in the report of the Commission of Inquiry.

The Committee also urged the military authorities to unconditionally and without delay release all trade unionists arrested, sentenced and detained for such activities, withdraw all criminal charges pending against trade unionists and others peacefully exercising their civil liberties in relation to legitimate trade union activities.

The Committee also urged the military authorities to stop any form of interference in the establishment, administration and functioning of trade unions at all levels and to ensure that employers' and workers' organizations are able to exercise their rights in a climate of freedom and security, free from violence, arbitrary arrest and detention.

The Committee urged the military authorities to take immediate action to put an end, in law and in practice, to any forced recruitment into the military contrary to Convention No. 29, including the forced recruitment of children and hold accountable all those responsible for these violations.

The Committee also urged the military authorities to cease with immediate effect the exaction of prison labour as a consequence of a criminal conviction linked to the exercise of civil liberties imposed since 1 February 2021.

The Committee urged the military authorities to ensure that cases of trafficking for labour exploitation, are promptly identified, independently investigated and effectively prosecuted.

The Committee urged the military authorities to submit to the Director-General all information on the measures taken to implement the recommendations of the Commission of Inquiry by 21 September 2026 for transmission to the Governing Body at its 358th Session (November 2026).

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

Interpretation from Chinese: **Government member, China** – China appreciates that Myanmar, despite being unable to participate in the meeting due to the representation issue, has persisted in submitting information on the progress on its compliance, and has maintained communication with the ILO.

China reiterates that, as a technical mechanism, the ILO's supervisory mechanism should fully respect the sovereignty of Member States and play a positive role. We call on the Conference to follow the principles of objectivity and impartiality, respect the authoritative information provided by the Government of Myanmar and refrain from making decisions that undermine the interests of Member States. Therefore, China disassociates itself from the consensus and requests that this be recorded in the minutes.

Interpretation from Russian: **Government member, Belarus** – I will not repeat what was said during the Myanmar discussion, but I would request for the sake of protocol that it be noted that my delegation also dissociates itself from the consensus on the conclusions on Myanmar.

Interpretation from Russian: **Government member, Russian Federation** – The Russian Federation spoke on the situation of Myanmar in the course of the special sitting on 6 June. We consider the conclusions of the special sitting's discussion as politicized and imposed on the Government of Myanmar. We are opposed to the practice of not allowing the Government, the military government, to attend the Committee. We are also very much opposed to the illegitimate coercive measures imposed against the country under article 33 of the

Constitution. In this connection, the Russian Federation very much dissociates itself from the conclusions of this case.

Appendix

Director-General's report on the latest developments regarding the situation of freedom of association and forced labour in Myanmar and compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29)

Introduction

At its 356th Session (March–April 2026), the Governing Body took note with utmost concern that isolated measures taken by the military authorities to release some unionists fell short of demonstrating genuine engagement or credible progress towards full implementation of the recommendations formulated by the Commission of Inquiry in its 2023 report; called on the military authorities to provide all information on the measures taken to implement these recommendations by 24 April 2026 for transmission to the Committee on the Application of Standards; and requested the Director-General to prepare a report on the latest developments in the country to inform the Committee on the Application of Standards at the 114th Session (2026) of the International Labour Conference (GB.356/INS/13(Rev.2)). The Governing Body once again called on the military authorities to end immediately all acts of violence and all violations identified by the Commission of Inquiry regarding freedom of association and forced labour and to provide the necessary guarantees and assurances at the highest level that would allow an ILO mission to visit the country and carry out its mandate in full independence. The Governing Body further took note of the Office's plan of action to implement the resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar, adopted by the International Labour Conference at its 113th Session (2025). Pursuant to the plan of action, the Office was to: (i) continue supporting Myanmar employers, workers and their organizations and strengthen collaboration across the United Nations system, ensuring coordinated action on the implementation of the recommendations of the Commission of Inquiry and the 2025 resolution; (ii) participate in high-level round-tables with interested and relevant stakeholders with the aim of exchanging information on matters relevant to the situation of freedom of association and prohibition of forced labour in the country, as well as reflecting on possible action to facilitate and encourage the implementation of the recommendations of the Commission of Inquiry and the 2025 Conference resolution; and (iii) continue monitoring the situation in Myanmar with regard to the exercise of freedom of association and the prohibition of forced or compulsory labour, including through the operationalization of a monitoring mechanism for the confidential and credible documentation of ongoing violations.

Information provided by Myanmar

In a communication dated 21 April 2024, the military authorities transmitted information on the measures taken to implement the recommendations of the Commission of Inquiry which has been made available in full on the Committee on the Application of Standards website. [1] The military authorities once again reiterated that Myanmar has been implementing

[1] CAN/D/Special sitting Myanmar-C.29-C.87.

labour-related recommendations of the Commission of Inquiry in accordance with existing domestic laws, rules, notifications and directives. They also indicated that Myanmar has been regularly providing updated information to the Director-General and has been cooperating with the Office.

Latest developments

Situation in the country

The human rights situation in Myanmar remains deeply concerning, with widespread reports of ongoing violations across civil, political, economic and social rights in the context of prolonged conflict, political repression and institutional breakdown. The labour rights situation reflects these broader dynamics, with reports of serious restrictions on freedom of association and persistent labour abuses. The overall environment is characterized by restrictions on fundamental freedoms, large-scale displacement, economic hardship and pervasive protection risks, contributing to a situation in which many communities face heightened vulnerability to abuse, exploitation and insecurity. A severe economic downturn – driven by conflict, sanctions, mass displacement and an escalating energy crisis – has pushed households into acute hardship marked by shortages of food, consumer goods and essential medicines. Prolonged economic contraction, soaring inflation, regime-imposed controls on trade and remittances, and skills shortages exacerbated by the conflict, displacement and forced conscription are constraining the formal economy, disrupting supply chains and driving sharp increases in the prices of basic goods.

The international trade union movement reports an intensifying assault on Myanmar's independent labour movement following the general elections, which are widely considered to have fallen short of being free and fair, and the subsequent installation of Senior General Min Aung Hlaing as President of Myanmar. This includes a rise in regime-backed unions, which are nominated by the military to attend various meetings, as well as continued arrests and surveillance that have forced genuine unions underground. Despite such repression, independent unions continue to support workers in recovering unpaid wages and document widespread labour abuses, especially in the garment sector. Other sectors are also severely impacted, including healthcare, education, municipality and railways, with the Office having received recent submissions alleging human and labour rights violations, including violations of basic civil liberties, military repression of workers, arbitrary arrests, intimidation, discrimination at work, coercion through threat of conscription and restrictions on freedom of association. The Confederation of Trade Unions Myanmar (CTUM) and other independent unions reportedly continue to face passport revocations, loss of citizenship and systematic persecution.

Forced labour practices in Myanmar are widely reported to continue, with indications of persistent military practices, such as forced portering and compulsory support for military operations. Myanmar's recruitment system for migrant workers is becoming more dangerous as forced conscription, tighter travel controls and soaring agency fees push people into debt and irregular migration routes. Fraudulent recruiters and deceptive contracts are proliferating, while new travel approvals for persons with Overseas Worker Identification Cards are further contributing to the shrinking of formal channels, exposing workers to trafficking and forced labour across the migration cycle, particularly in a context where displacement and economic hardship appear to heighten vulnerability to exploitation.

The Office also received a communication from the National Unity Government (NUG) tripartite delegation reporting continued violations of fundamental labour and human rights,

including arbitrary arrests and detention of trade unionists, continued suppression of freedom of association and freedom of expression, imposition of forced labour, coercive recruitment practices and recurring patterns of factory-level labour rights violations, including forced overtime, combined with barriers to effective worker representation and access to remedy.

International community

In April 2026, the Spokesperson for the United Nations Secretary-General took note [2] of the announcement of amnesty in Myanmar, including the release of prisoners, reductions of sentences and commuting death penalties to life imprisonment, and of the news about the release of President Win Myint. He underscored the need for meaningful efforts to ensure the swift release of all those arbitrarily detained and highlighted that a viable political solution must be founded on an immediate cessation of violence and a genuine commitment to inclusive dialogue, where the people of Myanmar can freely and peacefully exercise their political rights. In May 2026, the Secretary-General noted the transfer of Daw Aung San Suu Kyi to a designated residence and reiterated his call for the swift and unconditional release of all those arbitrarily detained as a necessary step towards enabling a credible political process in Myanmar. [3]

At the 48th Summit of the Association of Southeast Asian Nations (ASEAN) in May 2026, ASEAN leaders reiterated that the Five-Point Consensus (5PC) remained the primary framework for addressing the situation in Myanmar, calling for an immediate cessation of violence, inclusive dialogue among all parties and continued engagement by the ASEAN Chair's Special Envoy. They noted recent developments on the release of prisoners and the transfer of Daw Aung San Suu Kyi to house detention but stressed that these steps were insufficient without broader political progress. [4]

Implementation of the Office plan of action

The implementation of the plan of action is guided by a pragmatic and phased approach centred on continued support to employers, workers and their organizations, enhanced coordination across the UN system, inclusive dialogue and monitoring.

The Office has continued implementing measures aimed at providing direct support to employers, workers and their organizations, including the "Enhanced Livelihood Recovery and Community Resilience Project" in earthquake-affected areas. By the end of May 2026, across 22 villages in Mandalay Region and Shan State, 27,733 workdays were created for 3,014 workers, with women representing 52 per cent of participants. In parallel, 393 individuals, 79 per cent of whom are women, completed skills training in areas such as masonry, sewing, weaving, computer literacy and entrepreneurship, strengthening their employability and access to income opportunities. The programme also restored 32 community infrastructure assets, including roads, water systems, sanitation facilities and training centres, improving access to essential community services. These efforts translated into improved livelihoods, increased income opportunities and safer living conditions for communities.

In May 2026, the Office continued its engagement with the UN Inter-Agency Working Group on Myanmar and has reached out to the Special Rapporteur on the situation of human rights in Myanmar to strengthen informal channels of communication and exchanges of

[2] United Nations, "Note to Correspondents: In response to questions on Myanmar", 17 April 2026.

[3] United Nations, "Statement attributable to the Spokesperson for the Secretary-General – on Myanmar", 1 May 2026.

[4] ASEAN Secretariat, "Chair's Statement of the 48th ASEAN Summit: 8 May 2026 Cebu, Philippines", May 2026

information within the respective mandates. Such engagement will continue and will be extended to other relevant UN mandate holders, as appropriate. In parallel, the Office will be exploring the organization of a high-level round-table at a suitable time before the November 2026 Governing Body session, bringing together key actors to share updated information on the situation of freedom of association and forced labour in the country and to reflect on how best to achieve implementation of the recommendations of the Commission of Inquiry and the 2025 Conference resolution.

Furthermore, the Office is engaging in consultations with the International Organisation of Employers (IOE) and the International Trade Union Confederation (ITUC) to obtain concrete feedback and suggestions on the modalities of the monitoring mechanism with a view to finalizing the preparatory phase. These consultations are expected to continue over the course of the summer and to be held regularly.

The implementation of the Office's plan of action is expected to result in enhanced engagement with key stakeholders which in turn will contribute to a better informed and aligned approach to promoting freedom of association and the elimination of forced labour. This should also lead to improved coherence in international efforts aimed at addressing the situation in Myanmar. In parallel, progress in the development and operationalization of a confidential and credible monitoring mechanism, in consultation with the ILO Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers 'Activities (ACTRAV), as well as with employers' and workers' organizations, is anticipated to ensure a regular flow of verifiable information and improve the systematic documentation and assessment of violations related to freedom of association and forced labour. Collectively, these efforts are expected to support more effective follow-up to the recommendations of the Commission of Inquiry and the 2025 Conference resolution, thereby reinforcing the conditions for Myanmar's compliance with the relevant international labour standards. In line with the decision of the Governing Body, the Office will provide further updated information with regard to the implementation of its plan of action and other developments to the Governing Body at its 358th Session (November 2026).

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.

Argentina

Labour Inspection Convention, 1947 (No. 81) (ratification: 1955)
Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1985)
Labour Administration Convention, 1978 (No. 150) (ratification: 2004)

Written information provided by the Government

A. Labour inspection

In Argentina, the number of inspectors is sufficient and ensures the effective discharge of the duties

In Argentina, labour inspection is a function that is not delegated to the nation by the provinces or the Autonomous City of Buenos Aires, which retain exclusive competence to inspect compliance with labour legislation and safety and health conditions. Federal competence for inspection is exceptional and relates to the transport of passengers, loads and river, maritime and lake activities, ports and airports.

Within this framework of the division of competence, Act No. 25.212 endorses the Federal Labour Pact concluded by the national State, the provinces and the Autonomous City of Buenos Aires, and its objectives are: the unification of labour inspection criteria and the system of penalties for labour violations throughout the country.

Act No. 25.877 established the Comprehensive Labour and Social Security Inspection System (SIDITYSS) for the supervision and inspection of compliance with labour and social security provisions throughout the national territory.

In light of the above, the Government considers that the quantitative analysis of the numbers of inspectors should be undertaken adding together the number of inspectors of the national administration, local jurisdictions and non-State public bodies with delegated inspection functions. The national public administration accordingly has a service with dependent labour inspectors consisting of: the Secretariat of Labour, Employment and Social Security (STEySS), the Occupational Risk Supervisory Authority (SRT) and the Customs Collection and Supervisory Agency (ARCA).

Each of the provinces and the Autonomous City of Buenos Aires in turn have their own labour inspection services.

In addition, the inspectors must be included of non-State public bodies: the National Register of Rural Workers and Employers (RENATRE) and the Statistical and Registry Institute for the Construction Industry (IERIC).

As a result, the total number of inspectors is sufficient and effective under the terms of Convention No. 81.

In Argentina, the labour inspection system ensures the presence of a central authority in a federal system

In Argentina, there is a central authority (the Ministry of Human Capital – STEySS) which coordinates and sets common policies for the country as a whole within a framework of co-responsibility and cooperation (Act No. 25.212). Similarly, the STEySS, as the central authority, includes the Federal Labour Council (CFT), a body that ensures the greatest effectiveness of Government action in the various jurisdictions, as established by Act No. 25.212.

Moreover, the National Plan for the Regularization of Labour (PNRT) remains in force under the joint management of the national and provincial governments and the Autonomous City of Buenos Aires. Under the terms of Act No. 25.212, the STEySS is the authority responsible for the application of the SIDITYSS and exercises its functions in articulation with the provincial administrations and the Autonomous City of Buenos Aires.

In Argentina, labour inspectors are provided with means of transport and mobility allowances

In this respect, it is important to emphasize that all inspectors are in receipt of the monthly mobility allowance, which is intended to cover journeys on public transport required to carry out their daily functions.

It is also the case that, in the event that they have to travel over 50km from their workplace (the premises of regional agencies), service commissions are provided to inspectors consisting of a sum of money so that they can cover the necessary expenses for the discharge of their duties, including accommodation if they have to stay overnight in other cities.

Both the central headquarters and the regional agencies of the STEySS have means of transport available.

Information requested on the number of inspectors with tenure and the number employed on contracts at the federal level

The number of inspectors at the federal level is 316, of whom 263 have tenure and 53 are under contract (the total of inspectors in the provincial administrations and the Autonomous City of Buenos Aires). In addition, the SRT has a total of 100 inspectors under permanent contracts and 20 under fixed-term contracts for one year with automatic renewal (Act No. 20.744).

Measures taken to ensure penalties for unregistered work

In this regard, in relation to the comment relating to the regulations repealed by Act No. 27.742 providing for financial consequences for employers for failure to comply with labour regulations, it should be noted that in essence they constituted a double burden, as employers were responsible for the same failure of compliance with Act No. 25.212. However,

as the comment covered by the above response bears no relation to the matters set out in Convention No. 81, it is requested that it is not taken into account.

Below, information is provided on the General System of Penalties for Labour Violations (REGESIL), which are applicable throughout the national territory (Act No. 25.212):

Types	Offences	Level of fines
Light	Formal or administrative violations	Between 25 and 150 per cent of the minimum mobile living wage (SMVM)
Serious	Acts or omissions which result in failure to comply with occupational safety and health requirements	Between 30 and 200 per cent of the SMVM for each worker
Very serious	Acts or omissions which may result in serious or imminent risks to the health of workers, discrimination, acts contrary to intimacy and dignity	Between 50 and 2000 per cent of the SMVM for each worker affected
Obstruction	Conduct which impedes, disturbs or delays the work of the inspector	Between 100 and 5000 per cent of the SMVM

The Public Register of Employers with Labour Penalties (REPSAL) – Act No. 26.940:

The Register publishes final penalties for unregistered work imposed by the STEySS, ARCA, provincial authorities and the Autonomous City of Buenos Aires, the RENATRE and the SRT, as well as penalties for the obstruction of labour inspection, court sentences for labour relations not recognized by the employer, penalties for violations of the prohibition of child labour and the protection of young workers, and penalties for violations of the Act on the prevention and punishment of the trafficking of persons and assistance to victims (penalty: prohibition of access to State programmes, benefits and subsidies, credit from public financial institutions and participation in tendering for public works or services).

There are sufficient numbers of inspectors in agriculture, combined under all inspection systems (national, provincial and the RENATRE)

There are a total of 316 federal inspectors, who discharge functions within the framework of the PNRT with full federal competence, but also carry out inspections in the agricultural sector (including provincial inspectors and those of the RENATRE).

The Committee notes that unregistered work is largely prevalent in rural areas

Argentina is continuing to implement the PNRT at the national level, with joint action being taken with the RENATRE, denunciations being received and action carried out to detect workers who are not registered and their inclusion in the dependent staff.

The Committee notes persistent rural child labour, labour exploitation and trafficking and inhumane conditions

Within the context of the STEySS RENATRE Coordination Committee, the presence of children and situations of labour exploitation have been detected, and denunciations have been made so that the judicial system could intervene. The result of the work of the Coordination Committee was to improve the focus on the detection of violations.

Coordination between national and provincial bodies and the RENATRE. Cooperation agreement

In 2019, a cooperation agreement was concluded between the then Government Secretariat for Labour and Employment and the RENATRE to strengthen inspection and promote decent work in the agricultural sector, thereby avoiding the duplication of effort and enabling resources to be used by both bodies. Subsequently, in 2020, the then Secretariat of Labour of the former Ministry of Labour, Employment and Social Security and the RENATRE concluded a supplementary agreement. On the basis of these agreements, articulated and planned working methods were consolidated for the two bodies.

The principal indicators of the Coordination Committee are set out below:

Year	Establishments inspected	Establishments with violations	Percentage of establishments with violations	Workers inspected	Workers without prior registration (CAT)	Percentage of workers without prior registration (CAT)	Inspections where child labour/work by young persons detected	Inspections where work by young persons detected	Number of children detected	Number of young persons detected	Cases of labour exploitation
2024	134	93	69.4	1 399	485	34.7	2	3	2	3	13
2025	133	106	79.7	1 704	1 092	64.1	3	14	2	14	17
2026	59	44	74.6	1 397	759	54.3	1	4	0	4	1
Total general	**326**	**243**	**74.5**	**4 500**	**6 750**	**150.0**	**6**	**21**	**4**	**21**	**31**

Data as of 8 May 2026 –Own source CPO

Public expenditure austerity policies do not affect the continuity and strengthening of inspection services

Public expenditure austerity policies have not affected the labour inspection or rural inspection services, as the implementation of the PNRT is continuing, with a total of 173,233 inspections in 2025 at the national level. It is also reiterated that joint action is continuing with the RENATRE.

B. Labour administration

In this regard, it is important to clarify that Argentina was experiencing a deep-rooted crisis and it was vital to adopt measures to overcome the emergency. The administrative reorganization of Act No. 27.742 therefore seeks to reduce the oversized State in order to achieve optimum resource allocation.

Particular considerations:

- Criterion of "availability": it should be noted that this concept was already envisaged by Act No. 25.742. The administrative career system has been retained to ensure the professional nature of the service.
- Labour inclusion policies: STEySS Decision No. 295/26 (B.O. 13/04/26) established the Human Capital Training Programme. In addition, the Promoting Employment, Self-employment Programme (PEI), Interharvest and Good Harvest programmes are continuing.

The Labour Modernization Act No. 27.802 established the Labour Formalization Incentive System (RIFL), the objective of which is to promote the recruitment in the private sector of workers who did not have a registered employment relationship as of 10 December 2025 and the Labour Assistance Fund (FAL) as a financial tool to improve the compensation system.

- Platform economy: Argentina has taken a pioneering role in its regulation and Act No. 27.802 established the personal mobility and/or sharing system for private services to ensure the protection and independence of the workers.
- Minimum Mobile Living Wage Council: in accordance with the procedure established by section 137 of Act No. 24.013, Decision No. 9 of 2 December 2025 was adopted establishing the SMVM as a progressive measure until the month of August 2026.
- Approval of agreements: contrary to the indication in the report, the administrative authority is in compliance with the statutory time limits, carries out exhaustive checks and requests the relevant clarifications. In this process, the time limit is calculated from the date of submission to the competent authority once the requirements have been fulfilled (section 6 of Act No. 23.546).
- Social dialogue: sectoral bargaining, dynamic wages, task completion supplements, tax concessions, agreements to derogate from collective labour agreements, adjustment of working hours, the conclusion of crisis collective agreements, etc., are collective bargaining tools through which framework agreements have been concluded (Decree No. 633/18).

Indeed, emphasis should be placed on a historical milestone in agricultural collective bargaining on 13 May 2025 when the first collective agreement was concluded for rural workers (Act No. 27.802).

C. Conclusion

The nation is currently undergoing a process of reform, and the Government undertakes to analyse its consequences and request technical assistance from the Office to evaluate the operation of the labour inspection system at the federal, and particularly the provincial level. Moreover, although the Government of Argentina undertakes to keep the Committee informed on all the matters raised in its report, it should be emphasized that the comments made do not constitute serious failures of compliance. For this reason, it is respectfully requested that other means be chosen to resolve the matters raised.

Discussion by the Committee

Chairperson – We now go on to the fourth case today, which relates to the application of Conventions Nos 81, 129 and 150 by the Republic of Argentina. We have 30 speakers on the list for the discussion of this case. On this basis, the Officers have decided to reduce the maximum speaking time of delegations speaking on an individual basis from five to three minutes. I now invite the Government representative of Argentina, the Ambassador and Permanent Representative of Argentina to the International Organizations in Geneva, to take the floor.

Government representative – It is an honour for me today to address this Committee as the representative of the Government of Argentina to report and defend our position in relation to the implementation of Conventions Nos 81, 129 and 150. The Government of Argentina values the comments made by the Committee of Experts and also the concerns expressed by the General Confederation of Labour of the Argentine Republic (CGT), the Association of State Workers (ATE), the Latin American and Caribbean Confederation of Public Sector Workers (CLATE) and the Confederation of Workers of Argentina (CTA). I will now describe our action and responses to the matters raised.

With reference to the subject of labour inspection, the Government of Argentina considers that the number of inspectors is sufficient and guarantees the effective discharge of their duties. In Argentina, labour inspection is a function that is not delegated to the nation by the provinces or the Autonomous City of Buenos Aires, which retain exclusive competence to inspect compliance with labour legislation and safety and health conditions. Federal competence for inspection is exceptional and relates to the transport of passengers, loads and river, maritime and lake activities, ports and airports. Within this framework of the division of competence, Act No. 25.212 endorses the Federal Labour Pact concluded by the national State, the provinces and the Autonomous City of Buenos Aires, and its objectives are the unification of labour inspection criteria and the system of penalties for labour violations throughout the country.

Act No. 25.877 established the Comprehensive Labour and Social Security Inspection System (SIDITYSS) for the supervision and inspection of compliance with labour and social security provisions throughout the national territory.

In light of the above, the Government of Argentina considers that the quantitative analysis of the numbers of inspectors should be undertaken adding together the number of inspectors of the national administration, local jurisdictions and non-State public bodies with delegated inspection functions.

The national public administration accordingly has a service with dependent labour inspectors consisting of the STEySS, SRT and ARCA. Each of the provinces and the Autonomous City of Buenos Aires in turn have their own labour inspection services.

It is important to add that, in Argentina, in addition to the whole system of inspection described above, consisting of the services of each province, the Autonomous City of Buenos Aires and federal services, there are non-State public bodies which perform inspection duties, and which therefore have additional inspectors of their own for inspection duties. These include the Statistical and Registry Institute for the Construction Industry (IERIC), which was established in 1996 within the framework of collective negotiation between the Construction Workers' Federation of the Argentine Republic (UOCRA), the Argentina Chamber of Construction (CAMARCO) and the Argentina Construction Federation (UAC). The IERIC currently carries out inspection, among other functions.

The National Register of Rural Workers and Employers (RENATRE) is a non-State public law peak body. Employers and workers covered by Act No. 25.191 are required to register with it and it also carries out inspection functions. The executive of the RENATRE is composed of four directors of the Argentine Federation of Rural Workers and Stevedores (UATRE) and four directors representing the most representative employers' organizations in the sector: the Argentine Rural Association (SRA), Argentine Rural Confederation (CRA), the Argentine Agrarian Federation (FAA) and the Inter-cooperative Agricultural and Stock-raising Confederation (CONINAGRO).

Accordingly, with regard to the number of inspectors engaged in inspection functions in Argentina, it has to be concluded that it is sufficient and effective under the terms of Convention No. 81.

Second, in Argentina, the labour inspection system ensures the presence of a central authority in a federal system. In practice, the Government of Argentina ensures the central authority: the Secretariat of Labour, Employment and Social Security, under the authority of the Ministry of Human Capital, coordinates and sets common policies for the country as a whole within the framework of co-responsibility and cooperation (Act No. 25.212). Similarly, it should be added that, as the central authority, the STEySS is the headquarters of the Federal Labour Council (CFT), a body that ensures the greatest effectiveness of Government action in the various jurisdictions, as established by Act No. 25.212. Moreover, the National Plan for the Regularization of Labour (PNRT) is under the joint management of the national and provincial governments and the Autonomous City of Buenos Aires. Under the terms of Act No. 25.212, the STEySS is also the authority responsible for the application of the SIDITYSS and exercises its functions in articulation with the provincial administrations and the Autonomous City of Buenos Aires.

Third, In Argentina, labour inspectors are provided with means of transport and mobility allowances. In this respect, it is important to emphasize that all inspectors are in receipt of the monthly mobility allowance, which is intended to cover journeys on public transport required to carry out their daily functions. It is also established that, in the event that they have to travel over 50km from their workplace (the premises of regional agencies), service commissions are provided to inspectors consisting of a sum of money so that they can cover the necessary expenses for the discharge of their duties, including accommodation if they have to stay overnight in other cities. Both the central headquarters and the regional agencies of the STEySS have means of transport available.

Fourth, in relation to the information requested on the number of inspectors with tenure and the number employed on contracts at the federal level, the number of inspectors at the federal level is 316, of whom 263 have tenure and 53 are under contract. To this number, it is necessary to add the inspectors in the provincial administrations and the Autonomous City of

Buenos Aires. In addition, the SRT has a total of 100 inspectors under permanent contracts and 20 under fixed-term contracts for one year with automatic renewal (Act No. 20.744).

Fifth, with regard to the measures taken to ensure penalties for unregistered work, in relation to the comment concerning the regulations repealed by Act No. 27.742 (Act on the basis and starting points for the freedom of Argentineans), which established financial penalties for employers for failure to comply with labour regulations, it should be noted that in essence they constituted a double burden, as employers were responsible for the same failure to comply with Act No. 25.212 (the "Federal Labour Pact"). However, as the comment covered by the above response bears no relation to the matters set out in Convention No. 81, it is requested that it is not taken into account.

With reference to the penalties adopted by the Government of Argentina, in the additional information provided by the Government, published on the web page of the Committee, there is a table describing the General System of Penalties for Labour Violations (REGESIL), which are applicable throughout the national territory (Act No. 25.212).

The table summarizes the system of labour violations set out in Argentine law, classifying them into four categories: light, serious, very serious and obstruction of labour inspection. The coverage of the penalties ranges from merely formal or administrative violations to conduct affecting the fundamental rights of workers, such as the absence of labour registration, situations of discrimination or serious occupational safety and health risks. The fines are determined in relation to the minimum mobile living wage (SMVM) and increase progressively on the basis of the category of violation and the likelihood of repeat offences, and may also give rise to additional sanctions, such as the temporary closure of the establishment, prohibition from entering into contracts with the State or inclusion on the Public Register of Employers with Labour Penalties (REPSAL).

For example, within the context of its competence to impose penalties, the Government of Argentina established the REPSAL, a public register which includes employers that have been penalized for labour violations, such as unregistered work or labour fraud. In the REPSAL, the final penalties are published for undeclared work, as well as penalties for obstructing labour inspection, judicial convictions for employment relations that are not recognized by the employer, penalties for violations of the prohibition of child labour and the protection of young workers, and penalties for violations of the Act on the prevention and punishment of trafficking in persons and assistance to victims. The list is updated on a daily basis. It includes employers that are currently covered by final penalties issued due to violations that have not been remedied, or if they have been remedied, remain in the Register for a period of between 30 days and three years, according to the violation, the date when the violation is remedied, the fine paid and the date of publication.

The publication of the penalty in the REPSAL implies for employers that have been penalized, while they remain on the register, that they are not able to: have access to programmes, assistance or development measures, benefits or subsidies administered, implemented or financed by the national State; benefit from credit granted by public banking institutions; conclude contracts for purchases and sales, supplies, services, rentals, consultancies, rentals with the option to buy, exchange deals, concessions for the use of public and private property of the national State, administered by the jurisdictions and bodies within their competence; participate in tendering processes for public works, public services and concessions, or benefit from the economic measures to promote tenders set out in Act No. 26.940.

If offenders repeat offences, they are excluded by law from the simplified system for small-scale contributors, in the case of single contributors, or offending employers are prohibited from deducting personnel costs from taxes on earnings (section 87(a) and (g) of the Act on taxation on earnings).

Sixth, it is considered that the numbers of inspectors in agriculture are sufficient, combined under all inspection systems (national, provincial and the RENATRE). There are a total of 316 federal inspectors, who discharge functions within the framework of the PNRT with full federal competence, but also carry out inspections in the agricultural sector (as well as provincial inspectors and those of the RENATRE).

Seventh, the Committee notes that unregistered work is largely prevalent in rural areas. Argentina is continuing to implement the PNRT at the national level, with joint action being taken with the RENATRE, and denunciations are received and action carried out to detect workers who are not registered and for their inclusion in the dependent staff.

Eighth, in relation to joint work with the RENATRE to combat child labour, exploitation and labour trafficking, within the context of the STEySS RENATRE Coordination Committee, the presence of children and situations of labour exploitation have been detected, and denunciations have been made so that the judicial system could intervene. The result of the work of the Coordination Committee was to improve the focus on the detection of violations.

Ninth, with regard to the coordination between national and provincial institutions and the RENATRE, in 2019, a cooperation agreement was concluded between the then Government Secretariat for Labour and Employment and the RENATRE to strengthen inspection and promote decent work in the agricultural sector, thereby avoiding the duplication of effort and enabling resources to be used by both bodies. Subsequently, in 2020, the then Secretariat of Labour of the former Ministry of Labour, Employment and Social Security and the RENATRE concluded a supplementary agreement. On the basis of these agreements, coordinated and planned working methods were consolidated for the two bodies. The proposal, developed over six weeks with the ILO, was intended for provincial officials and actors related to the rural environment. It should also be noted that, on 15 May 2026, the RENATRE finalized the sixth cycle of online training on the prevention of child labour and the protection of young workers in the agricultural sector. The training provided tools for the understanding of social contexts and legislative frameworks, such as the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), through which situations of child labour, unprotected work by young persons and other forms of labour exploitation in the agricultural sector can be identified and addressed. In the additional information that the Government has provided to the Committee, there is a table setting out the principal indicators of the Coordination Committee, which may be of interest.

Tenth, public expenditure austerity policies do not affect the continuity and strengthening of inspection services. These policies have not affected the labour inspection or rural inspection services, as the implementation of the PNRT is continuing, with a total of 173,233 inspections in 2025 at the national level. It is also reiterated that joint action is continuing with the RENATRE.

In relation to the subject of labour administration, allow me to start on this matter by recalling that in December 2023 Argentina was experiencing a deep-rooted crisis and it was vital to adopt measures to overcome the emergency. These measures included the administrative reorganization of Act No. 27.742 (Act on the basis and starting points for the freedom of Argentineans), which seeks to reduce the oversized State in order to achieve optimum resource allocation.

I will now make a number of specific comments.

For example, in relation to labour inclusion policies: STEySS Decision No. 295/26 (B.O. 13/04/26) established the Human Capital Training Programme. In addition, the Promoting Employment, Self-employment Programme (PEI), Interharvest and Good Harvest programmes are continuing. The Labour Modernization Act No. 27.802 established the Labour Formalization Incentive System (RIFL), the objective of which is to promote the recruitment in the private sector of workers who did not have a registered employment relationship as of 10 December 2025, and the Labour Assistance Fund as a financial tool to improve the compensation system.

With regard to the platform economy, Argentina has played a pioneering role in its regulation and Act No. 27.802 established the Personal Mobility and/or Sharing System for Private Services to ensure the protection and independence of workers.

In relation to the Minimum Mobile Living Wage Council, in accordance with the procedure established by section 137 of Act No. 24.013, Decision No. 9 of 2 December 2025 was adopted establishing the SMVM as a progressive measure until the month of August 2026.

With reference to the approval of agreements, contrary to the indication contained in the report of the Committee of Experts, the administrative authority is in compliance with the statutory time limits, carries out exhaustive checks and requests the relevant clarifications. In this process, the time limit is calculated from the date of submission to the administrative authority once the requirements have been fulfilled (section 6 of Act No. 23.546).

Concerning social dialogue, the national Government is maintaining fully in force the institutional mechanisms for dialogue with workers' and employers' organizations on freedom of association, the right to organize and collective bargaining, in line with fundamental labour principles and the international obligations assumed by the State of Argentina.

It should be emphasized that the existence of differences of criteria in relation to certain public policies cannot be interpreted as an absence of social dialogue. In any democratic society, dialogue does not necessarily imply consensus, but rather the possibility in practice for the various partners to express their positions within an institutional framework of mutual respect and independence.

The Government of Argentina reaffirms its commitment to institutionalized social dialogue based on respect for fundamental rights, the independence of the social partners and the search for agreements that contribute to economic growth, the creation of formal employment and the welfare of workers. Clear examples of social dialogue are provided by all the agreements concluded under Decree No, 633/18 ("Employers' contributions to differential pension schemes" during the current administration). Indeed, emphasis should be placed on a historical milestone in agricultural collective bargaining on 13 May 2025, when the first collective agreement was concluded for rural workers (Act No. 27.802).

Employer members – We thank the Government of Argentina for the oral and written information provided for the examination of this case and we take due note of the comments made by the Committee of Experts. The Employer members wish to recall that Conventions Nos 81, 129 and 150 form part of the institutional framework for ensuring the effective application of labour legislation in our countries. Labour inspection and administration systems are essential to promote labour formalization, improve compliance with labour regulation and ensure conditions of fair competition for enterprises that comply with their obligations. On this basis, we consider it important to analyse carefully the issues raised by the Committee of Experts.

A first aspect relates to the numbers of labour inspection staff. The Committee of Experts has noted the reduction in the number of labour inspectors with tenure in the Secretariat of Labour, Employment and Social Security, which has fallen from 385 inspectors and 312 inspection auxiliaries, as indicated previously, to 308 inspectors at the national level. Allegations have also been made concerning the impact that this reduction could have on the operational capacity of the inspection system.

The Employer members recognize that Article 10 of Convention No. 81 requires the number of inspectors to be sufficient to secure the effective discharge of their duties. It does not establish a specific number and Article 10 itself provides that due regard shall be had, in determining the effectiveness of the inspection service: of the number, nature, size and situation of the workplaces liable to inspection; the number and classes of workers employed in such workplaces; and the number and complexity of the legal provisions to be enforced. Consideration also has to be given to the institutional structure as a whole, the distribution of competence between the various levels of government, the coordination mechanisms that exist and the effective results achieved in relation to compliance. Accordingly, the number in itself does not amount to an indicative or definitive figure determining the effectiveness of inspection services.

We note that the available information only covers the national level. We therefore consider it particularly important for the Government to provide consolidated information on the inspection system as a whole, including structures at the level of the provinces and inspectors working under the national Secretariat of Labour, the SRT and the ARCA, as well as in each provincial jurisdiction and the province of Buenos Aires, as a basis for a full assessment of the inspection capacity that exists in practice in the Republic of Argentina.

The Committee of Experts expresses concern at the coordination difficulties between the national authority (the federal level) and provincial authorities. The Employer members recognize that effective coordination is an important element in ensuring the coherence of the inspection system. The Government claims that there is a central authority in Argentina which sets common policies for the country as a whole within a framework of co-responsibility and cooperation (Act No. 25.212) and various authorities exercise coordination functions with the provincial authorities. The Employer members recall that the existence of different administrative levels does not in itself constitute non-compliance with the Conventions under examination. The fundamental issue is to determine whether there are adequate mechanisms for supervision, the exchange of information and institutional coordination to ensure the effective enforcement of the labour legislation throughout the country.

We therefore encourage the Government to strengthen existing coordination mechanisms, particularly for the compilation of statistics, the exchange of information and the joint planning of inspection activities.

With reference to material, financial and human inspection resources and the annual report, the Committee of Experts also noted allegations concerning budgetary limitations affecting the level of resources necessary for the discharge of inspection functions, particularly in relation to the employment stability and conditions of service of labour inspectors. The Employer members consider that inspectors must have adequate means for the effective discharge of their duties, particularly in a country with a large territory and varied and geographically dispersed economic activities. At the same time, we observe that the budgetary restrictions referred to are occurring in the context of a broader process of administrative reorganization and fiscal consolidation. Conventions Nos 81 and 129 do not establish specific

levels of public expenditure applied to inspection, but do require the inspection services to have at their disposal the necessary means for the effective discharge of their duties.

In this context, we consider it particularly important for the Government to provide information on the real impact of these measures on inspection activities and on the measures adopted to improve the efficient allocation of resources, such as the application of new technologies in inspection services.

We also encourage the Government to comply in full with its obligations relating to the preparation and publication of the annual inspection reports envisaged in Articles 20 and 21 of Convention No. 81 and Articles 26 and 27 of Convention No. 129. In Article 20, Convention No. 81 establishes the requirement for the central inspection authority to publish an annual report on the work of the inspection services, which shall be published within 12 months of the period under analysis. Moreover, this report has to be sent to the Director-General of the ILO and must contain various types of information: the applicable legislation; the staff of the labour inspection service; statistics, including those on workplaces liable to inspection, inspection visits, violations and penalties imposed, industrial accidents and occupational diseases reported. Only when we have this information will we be able to ensure the definitive effectiveness of the inspection services.

With regard to the request for information on the measures adopted to ensure that the penalties for unregistered work are adequate and applied effectively, in accordance with Article 18 of Convention No. 81 and Article 24 of Convention No. 129, we note the Government's reply indicating that the repeal of the provisions by Act No. 27.742 in essence implied ending a double penalty and that now employers are liable to graduated fines in accordance with Act No. 25.212, which continue to be fully in force. The Government adds that the REPSAL publishes the various types of penalties imposed for violations of the provisions in force in the different areas.

We also note that the inclusion of an offender in the REPSAL, in the register of labour violations, also involves the loss of a series of benefits and incentives, which has an additional dissuasive effect.

We should therefore conclude that this system of penalties is adequate, in accordance with Article 18 of Convention No. 81

With regard to the labour inspection system, the Committee of Experts expressed concern at the effective operation of the labour inspection system in agriculture, particularly in the most remote rural areas. The Government has indicated that inspection in the agricultural sector is carried out through the coordinated action of various bodies, including the national and provincial inspection services, and the RENATRE. It has also indicated that action to detect cases of unregistered work, child labour, labour exploitation and trafficking in persons has been strengthened through coordination mechanisms between the various competent authorities.

The Employer members fully endorse the importance of ensuring effective supervision in the agricultural sector, taking into account the specific characteristics of the sector, including the geographical dispersion of workplaces and the seriousness of certain violations which may occur in rural areas. At the same time, we consider that assessment of the effectiveness of the system requires a broader analysis which includes the criteria used for the planning of inspections, the distribution of competence between the various administrative levels, etc. We therefore call on the Government to continue strengthening the coverage and effectiveness of inspections in the agricultural sector, particularly in remote areas, and to provide further

information on the measures adopted to strengthen the specialized technical capacities of inspectors and improve coordination between the various competent institutions.

Finally, we understand that this new manner adopted by the Committee of Experts of examining several Conventions together requires an additional effort to be able to take into account all the comments and give the views of the social partners.

With reference to the operation of the labour administration system, the Committee of Experts expressed concern at its effective operation following the institutional reforms undertaken by the Government since the end of 2023, including the establishment of the Ministry of Human Capital. In particular, the Committee of Experts notes the observations relating to the reorganization of the administrative structure, the reduction of human and financial resources, the functioning of certain specialized institutions and the capacity of the system to respond to the new employment legislation. We note the indication by the Government that the country is experiencing a deep-rooted crisis and that the new organization of the administration seeks to reduce the oversized state and achieve optimum resource allocation.

Worker members – I would first like to thank the Government of the Argentine Republic for the contributions and information it has provided to this Committee, regarding the application of Convention No. 150 on labour administration. However, following a thorough, technical analysis of the report by the Committee of Experts and the serious evidence presented by the Argentine trade union organizations, from whom we will be hearing soon, we remain seriously concerned by the alarming gap between international obligations and the current State practice in the country. What we are raising here is not a mere technical issue nor a debate on administrative procedures. We are facing a deliberate process of dismantling State administrative capacities, that undermines the real possibility of designing, coordinating, implementing and monitoring labour policies throughout the national territory.

As the 2024 General Survey of the Committee of Experts, "Labour administration in a changing world of work", rightly points out, the labour administration system plays a central role in promoting social peace through sound labour relations, which is impossible to achieve without democratic and participatory public institutions. In view of the current circumstances, the Committee of Experts expressly calls on the Government to take the necessary measures to ensure the effective organization and functioning of the labour administration system, as provided for in Articles 4 and 10 of Convention No. 150. It is imperative, in this analysis, to examine the observations on Convention No. 81 and Convention No. 129 together, given that the Committee of Experts has decided to address the labour administration and inspection Conventions comprehensively, in order to provide an overview of the situation in Argentina. This integrated analysis shows that the effective operation required by Convention No. 150 is seriously compromised by the failure to provide resources to the inspection sector, where the central authority has barely 308 inspectors for the entire territory, a number which the Committee of Experts considers insufficient to ensure the performance of inspection functions.

The Committee of Experts has been unequivocal in urging the Government to ensure that there are sufficient inspectors and that they have job security, adequate transport and travel allowances, warning that austerity policies are paralysing basic operations in rural and remote areas. Ensuring effective organization and operation entails, according to Convention No. 150, the implementation of measures designed to ensure that the functions and responsibilities of the system are properly coordinated throughout the territory. This involves establishing procedures appropriate to national conditions, and ensuring consultation, cooperation and negotiation between the public authorities and the most representative organizations of

employers and workers. This coordination and dialogue must be effectively implemented at the national, regional and local levels, as well as across the various sectors of economic activity.

The decision to downgrade the Ministry of Labour to the rank of a Secretariat was not a neutral measure. It entailed a loss of status, a reduction in structures, the dismissal of specialist staff and the weakening of technical capacities built up over many years. Furthermore, the reform of the Framework Act on the regulation of national public employment is in direct conflict with Article 10 of Convention No. 150, as it allows staff enjoying job security to be dismissed at the discretion of the authorities on the grounds of optimal staffing levels, thereby undermining the independence that public officials must have from external influences. The Committee of Experts has also requested information from the Government on the measures adopted or planned to gradually extend the system's coverage to workers in non-standard forms of employment, in accordance with Article 7 of the Convention. In this regard, Argentine trade unions draw attention to the serious situation of job insecurity faced by platform workers in the country. We express our deep concern regarding the recent labour reform, approved without effective consultation, which incorporates a special regime for these workers. The explicit exclusion of a large sector of workers from the scope of the Employment Contracts Act deprives these workers of the fundamental guarantees of labour law.

With regard to the application of Article 5 of Convention No. 150, the Committee of Experts notes that social dialogue in Argentina has been weakened drastically since December 2023. Trade unions express their alarm at the elimination and disruption of the normal functioning of the institutionalized forums for dialogue, as well as at the unilateral interference in collective bargaining through systematic delays in the ratification of collective agreements. We note that the use of emergency decrees, or laws undergoing legislative consideration without adequate consultation processes to introduce structural changes which deprive workers of fundamental and inherent labour protections, constitutes a clear departure from the principles of Convention No. 150.

We would like to recall that Convention No. 150, through effective implementation that prioritizes and strengthens labour administration, provides fundamental tools to address the reality of the world of work based on two key premises: that labour is not a commodity and that labour relations require robust, democratic and participatory public institutions. This role must be carried out in full respect of the principles of freedom of association and collective bargaining. We urge the Government of the Argentine Republic to guarantee consultation, cooperation and negotiation as the only way to ensure social peace and compliance with international standards.

We must be clear that what we are denouncing today are not isolated, technical management errors. They form part of a systematic policy of dismantling social protection in Argentina. By undermining labour authority, defunding inspection, making public sector employment precarious and emptying tripartite dialogue of its substance, the Government is breaking the social contract on which our Organization is founded.

It is essential to understand that, while we are currently focusing on Conventions Nos 150, 129 and 81 as they fall within the Committee's cycle of review, these complaints form part of a widespread government-driven rollback of the entire system of labour rights, both individual and collective. This critical situation includes increasing job insecurity, mass redundancies in the public sector that jeopardize the State's technical independence, and a drastic fall in real wages, all against the backdrop of systematic failure to comply with policies on social dialogue and tripartite consultation. It is our expectation that the Government will take urgent steps to address these violations in law and practice, with the assistance of the ILO.

Employer member, Argentina – Allow me to share the views of the employers of Argentina on the issues raised in relation to Conventions Nos 81, 129 and 150 on labour inspection and administration, in respect of which references to other international Conventions not related to these cases should not be taken into account.

Conventions Nos 81, 129 and 150 form part of the institutional framework that ensures the effective application of labour legislation in Argentina. From the viewpoint of the Employers, we consider that labour inspection and administration systems are tools of great importance, not only for workers, but also for enterprises that are in compliance with their obligations. A weak inspection system is not only prejudicial to workers, but also gives rise to distortions in competition by failing to guarantee uniform compliance with labour legislation by all enterprises. Employers in Argentina therefore have a direct interest in the system of labour inspection being efficient, predictable and technically competent.

With regard to the number of inspectors, Article 10 of Convention No. 81 requires the number of inspectors to be sufficient to secure the effective discharge of their duties. The same requirement is set out by Convention No. 129 for inspection services in agriculture.

In the first place, we refer to the indications provided by the Government of Argentina on the distribution of competence within the federal Government and the fact that the number of inspectors taken into account in the report of the Committee of Experts only corresponds to the national level. Without prejudice to the obligations set out in Convention No. 81, it needs to be borne in mind that the basic competence for labour inspection in Argentina is vested with the provinces, and is not delegated to the central Government.

Second, we understand that, in order to assess the effectiveness and sufficiency of the system, it is not enough to simply count the number of inspectors. If there has been a decrease in their numbers, it is necessary to assess the other changes that have followed, such as whether there have been improvements in technology or procedures which enable inspectors to improve their capacity to deal with cases.

In this regard, we consider that it would be necessary in the first place to verify the consolidated information on the inspection system as a whole, including not only the national structure, but also the inspectors working within the framework of the SRT and the ARCA, as well as the structures in each of the provincial jurisdictions and other bipartite decentralized public administration bodies, such as the Statistics Institute, the IERIC and the RENATRE. Only with this full information will it be possible to carry out an adequate assessment of the real inspection capacity of the system.

The Committee of Experts has expressed concern at coordination problems between the national authority and provincial authorities. In this regard, we are bound to emphasize that Act No. 25.212, known as the Federal Labour Pact, sets out common policies for the country as a whole within a framework of co-responsibility and cooperation, and that various authorities carry out functions in coordination with the provinces.

As indicated by our spokesperson, the existence of different administrative levels, national and provincial, does not imply incompatibility with the Conventions. Argentina is a federal State and the ILO is fully aware of that. The fundamental issue is not the structure, but determining whether adequate mechanisms exist and the challenges that arise in relation to supervision, the exchange of information and institutional coordination in order to ensure the effective enforcement of labour legislation throughout the territory.

Allegations have been made concerning budgetary limitations affecting the necessary resources for the discharge of inspection functions. These measures, in any case, have been

adopted within the context of a broader situation of economic crisis, administrative reorganization and fiscal consolidation, as described by the Government representative. We understand that there is a pending obligation in relation to the publication of annual inspection reports, which are a necessary tool to assess the real operation of the system and guide any strengthening measures.

With reference to the penalties envisaged in Article 18 of Convention No. 81 and Article 24 of Convention No. 129, we wish to indicate with regard to the provisions repealed by Act No. 27.742 that their purpose was to eliminate a dual penalty, and that the graduated fines set out in Act No. 25.212 continue to be fully implemented by the labour administration. The fines set out in repealed Act No. 24.013 were not effective in limiting unregistered work, and only served to increase litigation when work contracts were terminated, giving rise to disproportionate financial compensation. These fines that have been repealed also applied to labour relations that were appropriately registered, but which were understood by the courts, on the basis of workers being provided with mobile phones or cars by the enterprise, as giving rise to all the fines. Moreover, the financial weight of the fines only benefited workers who took their cases to court, not the fiscal authorities. The system that has been abolished was not therefore effective in promoting appropriate registration.

The Committee of Experts has expressed concern with regard to the effective operation of the labour inspection system in agriculture, particularly in the most remote rural areas. The Government indicates that agricultural inspection activities are carried out through the coordinated action of various bodies, including the national and provincial inspection services, as well as the RENATRE, and that action has been strengthened for the detection of unregistered workers, child labour and trafficking in persons, through training activities for inspectors carried out with ILO support.

The Committee of Experts also expressed concern regarding the effective functioning of the labour administration system following the various institutional reforms undertaken since the end of 2023, including the creation of the Ministry of Human Capital, which absorbed the functions of the Ministry of Labour, Employment and Social Security, as well as other ministries, and the consequent reduction of human and financial resources.

It is important for the Committee to bear in mind the serious crisis which gave rise to the reform of the State administration in our country. In this context, it is to be hoped that the administrative reform process will overcome challenges relating to the efficient allocation of adequate resources for the discharge of its functions. We encourage the Government to make every effort to maintain the capacity to give effect to the Conventions under examination following the reorganization.

Finally, the Committee of Experts has expressed concern at the operation of certain tripartite consultation and cooperation mechanisms, with particular reference to Article 5 of Convention No. 150 and the functioning of the National Council on Employment, Productivity and the Minimum, Living and Mobile Wage. We wish to note that the Wage Council is fully operational with the due representation of the social partners. The Standing Advisory Committee of the Occupational Risks Act is also in full operation, and a project for the prevention of occupational risks is being discussed by the tripartite partners.

The Employers consider that social dialogue is one of the fundamental pillars of effective labour administration. Tripartite institutions play an essential role in promoting predictability, trust and stability in labour relations. We say this with confidence and conviction, as we are a constituent part of these institutions. We therefore believe that it is essential to maintain social dialogue mechanisms that operate as a framework for consultation, cooperation and

negotiation between the public authorities and representative organizations of employers and workers, and to strengthen existing social dialogue mechanisms.

Worker member, Argentina – I am speaking on behalf of the three trade union confederations of Argentina with the firm intention of highlighting the serious breaches of international labour standards by my country's Government. What we are bringing before you today is not a dispute over administrative technicalities or mere budgetary adjustments; it is a formal complaint at the systematic dismantling of a democratic model of labour governance that took us decades to build and which the current national Government has been tearing down since December 2023.

We are here to denounce, within the framework of Convention No. 150, a process of structural transformation that undermines the ability to design, coordinate, implement and monitor labour policies throughout the country.

What is happening in Argentina is not a series of isolated reforms; it is the construction of a political, economic and institutional project aimed at fundamentally redefining the model of labour relations in place since the return to democracy in Argentina. All under an unacceptable premise: that worker protection is an obstacle to the economy.

This is not our interpretation; it is the confession of the man who, in his capacity as President of the nation, currently administers the State and defines himself as a "mole" tasked with destroying it from within, whilst proclaiming that social justice is a violent and unjust aberration, or in his own words, the cancer of Argentina. And that very criterion of social justice, promoted and guaranteed by the ILO, is precisely what places people at the centre of any regulations for the protection of workers.

Convention No. 150 is not regulatory window-dressing; it is the backbone established by the ILO to ensure that labour policies are developed through social participation and dialogue.

The first clear sign of this shift was the downgrading of the Ministry of Labour to the status of a Secretariat. But this is not merely a matter of organizational structure; it represents a profound functional downgrading. This was not a neutral decision. By placing the labour portfolio within a Ministry, namely that of Human Development, which brings this area of labour into contact with such disparate sectors as health or education, its capacity for influence and coordination has been diluted. Convention No. 150 requires a coordinated, effective administrative system endowed with social legitimacy. A system without hierarchy, without resources and without operational autonomy is, quite simply, a system that does not exist.

Since 2023, State organizational structures in Argentina have been scaled back, specialist staff have been laid off on a massive scale, and the technical and operational capacity built up over years to intervene in the world of work has been dismantled.

This erosion has been exacerbated by the reform of the Framework Act on the Regulation of Public Employment (Act No. 25.164), which allows staff with permanent status to be dismissed if, at the Administration's discretion, there is an "excess in optimum staffing levels". We are witnessing the legalization of job insecurity at the very heart of the State.

The Government has opted for authoritarianism in unilateralism. Within days of taking office, it issued Emergency Decree (DNU) No. 70/2, which introduced one of the most far-reaching labour reforms since the return to democracy, deliberately bypassing parliamentary debate and institutionalized social dialogue.

Subsequently, the so-called Basic Act (No. 27.742) and, more recently, the Labour Modernization Act (No. 27.802) consolidated this paradigm of flexibilization. Both Acts were

designed and pushed through unilaterally, with the aim of dismantling labour rights, freedom of association, collective bargaining and the right to strike, contradicting and violating the fundamental principle of tripartite participation enshrined in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Committee of Experts has been clear: reforms with a major impact must be developed through genuine consultation processes with representative organizations. In Argentina, tripartism has been replaced by imposition.

I would cite a particularly telling example of the Government's drift: on the very day of the start of the Conference (not a harmless coincidence), we became aware, through their publication, of decrees issued by the National Executive which, between regulatory excess and violations of the National Constitution, are once again in violation of Convention No. 150, undermining freedom of association and individual and collective rights. In addition to this is the imposition of summary administrative decisions and fines running into millions against organizations such as the La Fraternidad trade union and the Tramworkers' Federation (UTA) for exercising their legitimate right to strike.

For other reasons, there is also the case of the intervention in the Metalworkers' Federation (UOM).

Another clear example of the Government's violations relates to labour inspection, which is covered by Conventions Nos 81 and 129. The Committee of Experts' report confirms our worst fears: there is a critical shortage of inspectors, compounded by a lack of structure and budget. I cite the example of the agricultural sector, governed by Convention No. 129, where inspection is practically non-existent, leaving rural workers in an absolute inspection vacuum.

The absence of State oversight, promoted by the Government, is leading to the destruction of labour rights. This is not "labour modernization": it is about making work more precarious. The State's dismantling of labour administration is evident in the scrapping of strategic bodies. From 2023 until February 2026, the centralized National Public Administration saw a reduction of 29 per cent in the State workforce.

Added to this is the destruction of other fundamental State institutions, leading to the present and future devastation of the pillars of our country's social and productive system, as illustrated by a few examples:

- Science and technology: at the National Council for Scientific and Technical Research (CONICET), the country's leading scientific body, which provides significant support to the productive system, more than 4,000 jobs have been lost and the recruitment of competitively selected researchers has been halted.
- Infrastructure: investment in public works has been halted, with the consequent impact on one of the main drivers of job creation.
- Industrial and agricultural technology: at the National Institute of Industrial Technology (INTI) and the National Institute of Agricultural Technology (INTA), institutional autonomy has been undermined and hundreds of technicians have been made redundant.
- Social policies: the former Ministry of Social Development has been downgraded, leading to the closure of regional referral centres, the dismissal of workers and the scrapping of employment promotion schemes.
- Human rights and gender: the Secretariat of Human Rights has been downgraded, and the Ministry for Women was abolished.

- Higher education: the underfunding of universities is critical, with salary cuts of over 40 per cent, which jeopardizes the survival of a free public university model that has served as an example for the region and the world.
- The pensions system: the lack of protection for retired workers, with the failure to adjust their pensions accordingly and the resulting food insecurity, compounded by the deliberate deterioration of health protection systems.
- The disability care system: underfunding, the withdrawal of benefits and mistreatment within the care system for working families.

Finally, we denounce the policy of criminalizing social conflict. Through Decision No. 943/2023 of the Ministry of Security, labour disputes have ceased to be a social and labour issue and are now treated as a matter of criminal policy. The Government has prioritized the use of rubber bullets, tear gas and water cannons over institutional mediation.

It is abundantly clear that the erosion of Convention No. 150 is being used as a tool to undermine the very heart of our system for protecting workers. Unless there is an immediate change of course, which does not appear to be the Government's intention at present, and unless constructive tripartite institutional social dialogue is initiated, we will be forced to take all available courses of action to denounce the non-observance 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). The organized labour movement in Argentina, assuming its historic responsibility and its commitment to workers, maintains its stance with conviction. We do so on the streets, in every popular mobilization and in this important international arena. Our objective is the fundamental defence of workers' rights and the dignity of work and workers. We do so with all the strength and creativity of which we are capable with a view to restoring a prosperous Argentina, with equitable development and decent work, as a fundamental tool for social justice and the common good. Workers are not cogs in the machine serving the economy. The economy is an effective tool for creating the well-being of workers.

Government member, Cyprus – I have the honour to speak on behalf of **the European Union (EU) and its Member States**. The candidate countries, **North Macedonia, Montenegro, Albania, Ukraine, Republic of Moldova,** the European Free Trade Association country **Norway,** Member of the European Economic Area, as well as the **United Kingdom of Great Britain and Northern Ireland**, 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards.

While we note the information provided by the Government regarding the delegation of duties to the provinces and the possible difficulties in collecting information, we request the Government, in line with the comments of the Committee of Experts, to review the operations of the labour inspection system, to identify shortcomings relating to coordination as well as the number of inspectors at the federal and provincial levels, and to strengthen the capacity of the labour inspectorate, including by providing adequate funding and equipment. We call on the Government to take additional measures to ensure the effective organization and functioning of the labour administration system, in particular by ensuring that there are sufficient inspectors and by placing the labour inspectorate under the supervision and control of a central authority, as provided for in Conventions Nos 81 and 129. We further request information on the steps taken, or plans, to extend the functions of the labour administration

system to workers in non-standard forms of employment or in atypical forms of employment, in accordance with Article 7 of Convention No. 150. Concerning the situation and stability of employment and the conditions of service of labour inspectors, we encourage the Government to take the necessary measures to ensure that the inspectorate is composed of public officials whose legal status and conditions of service guarantee stability of employment.

We request the Government to ensure the effective functioning of the labour inspection system in agriculture, as enshrined in Convention No. 129, including in the remote rural areas referred to by the General Confederation of Labour of the Argentine Republic. We request the Government to provide information on the labour inspections carried out at the provincial level and the penalties imposed, the inspectors having tenure and the number employed on contracts at the federal and provincial levels, as well as the measures taken to ensure that adequate and effective penalties for unregistered work are applied. In addition, we urge the Government to ensure that the central inspection authority publishes an annual report on the work of the labour inspectorate, covering the subjects indicated in Article 21 of Convention No. 81 and Article 27 of Convention No. 129. Lastly, we encourage the Government to take the necessary measures to ensure consultation, cooperation and negotiation between the public authorities and the most representative employers' and workers' organizations, and to provide information on the functioning of the tripartite bodies. The EU and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of international labour standards.

Employer member, Costa Rica – The Employers' group has listened carefully to this afternoon's debate on the case of Argentina, and I would like to address an aspect that we consider fundamental to a balanced and fair assessment of the case: the way in which the adequacy and effectiveness of the labour inspection system in Argentina are analysed.

Argentina is a federal State. By constitutional mandate, the provinces have primary competence in the field of labour inspection, while the national Government performs coordination functions, and this institutional situation needs to be taken into account when assessing compliance with Convention No. 81. When the Committee of Experts analyses the figures for inspectors available at the national level, it is important to remember that they represent only part of the system. A comprehensive assessment must take into account: inspectors from the SRT and ARCA; inspection resources in the 23 provinces and in the Autonomous City of Buenos Aires; and inspectors in decentralized bodies and non-state public entities, such as the RENATRE and the IERIC, which have their own inspectors and specific responsibilities in key sectors such as agriculture and construction.

For this reason, we ask the Committee to bear this complexity in mind before drawing up its conclusions. Only by taking these aspects into account and adopting a comprehensive view of the system can it be assessed whether the system's actual inspection capacity is sufficient under the terms of the Convention. At the same time, we recognize that the availability and consolidation of information constitutes a significant challenge. For this reason, we encourage the Government to continue strengthening the collection, consolidation and publication of comprehensive and comparable statistics on the functioning of the inspection system at all levels (national and provincial).

Having consolidated information on the number of inspectors, the inspections carried out, the sectors covered and the penalties imposed will not only enable the Committee to make a more accurate and objective assessment of compliance with the obligations arising from Articles 20 and 21 of the Convention, but will also provide a basis for a genuine evaluation. The complexity of a federal system should not be viewed as an obstacle, nor used as an excuse for

inaction, but rather as an institutional feature that must be given due consideration when examining this case.

Worker member, Uruguay – We are speaking on behalf of the Inter-Union Assembly of Workers – Workers' National Convention (PIT-CNT), Uruguay's sole trade union confederation, in the context of the consideration of the report of the Committee of Experts and, specifically, Convention No. 150. Beyond the euphemisms and technicalities, what we are seeing in Argentina is a series of structural changes that directly affect the functioning of labour administration and the capacity of the State to ensure the effective protection of labour rights. From this perspective, we consider these measures to be incompatible with the obligations of the State under Convention No. 150.

The downgrading of the Ministry of Labour to the rank of a Secretariat is a particularly significant development, as it raises serious questions regarding the institutional standing, operational autonomy and coordinating capacity required for an effective labour administration.

Similarly, measures affecting stability in public employment and allowing discretionary dismissals undermine the technical independence that should characterize the bodies responsible for applying and enforcing labour legislation, directly affecting the ability to maintain strong institutions capable of carrying out the duties envisaged by the Convention.

An examination of the inspection and enforcement system reveals serious weaknesses in the State's inspection capacity, stemming from the shortage of human resources available to ensure adequate coverage of the national territory, and the extremely low level of inspections in sectors particularly prone to informality, such as rural labour. When this is combined with the removal of penalties for undeclared work, the result is a framework that reduces incentives for compliance and undermines the effectiveness of labour protection. In our view, this situation should be considered in the light of Conventions Nos 81 and 129, which are closely linked to the effectiveness of the labour administration system.

The reduction in State capacity, the dismantling of technical and provincial programmes, and the loss of specialist staff have a direct impact on the delivery of essential services relating to labour and social protection, resulting in the loss of rights in practice.

For these reasons, we call for due note to be taken of the seriousness of the situation and for the Argentine Government to be urged to adopt specific measures to restore a labour administration with the necessary institutional standing, independence, adequate resources and effective tripartite consultation mechanisms, in full compliance with Convention No. 150 and in line with the obligations under Conventions Nos 81 and 129.

Government Member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points. Switzerland notes with interest the observations of the Committee of Experts, and the information provided by the Government of Argentina concerning the application of Conventions Nos 81, 129 and 150.

With regard to labour inspection, Switzerland notes with concern that the system continues to face significant challenges, particularly in terms of human and material resources, and coordination between the federal and provincial levels. This is an issue with which Switzerland is also familiar, and my country would be willing to share its expertise with Argentina.

With regard to the agricultural sector, Switzerland notes the activities carried out in cooperation with the RENATRE, and the inspections already conducted. We note, however, that

significant challenges remain, including insufficient coverage of remote rural areas, the persistence of undeclared work and child labour. We encourage the Argentine authorities to strengthen institutional coordination and the effectiveness of inspections.

With regard to penalties, Switzerland notes the information provided and emphasizes the importance of ensuring a system that is sufficiently dissuasive and effectively enforced.

With regard to the status of inspectors, Switzerland recalls the importance of stable and adequate conditions of employment in order to ensure the independence and effectiveness of labour inspection services.

Regarding labour administration, Switzerland notes the institutional reforms currently under way and encourages the authorities to ensure that these reforms strengthen the system's capacity to take effective action, including in response to developments in the labour market.

Finally, Switzerland emphasizes the importance of social dialogue and encourages the Government of Argentina to ensure the effective functioning of tripartite consultation mechanisms. Switzerland also notes the information provided in response to the observations of the Committee of Experts and encourages the Government of Argentina to continue its efforts for the full application of ratified Conventions, in cooperation with the social partners and, where appropriate, availing itself of the technical assistance available from the ILO.

Government member, Honduras – Our delegation wishes to thank the Republic of Argentina for the information provided and the dialogue conducted with the ILO supervisory bodies. We note with interest the reference to the need to adopt measures to strengthen labour inspection and improve coordination between the different levels of the Government and the competent institutions, taking into account the specific characteristics of the country's federal structure. We also welcome the continued initiatives aimed at preventing labour informality and promoting compliance with labour legislation, and the specific efforts undertaken in the agricultural sector through cooperation with the RENATRE to address situations of unregistered work and protect rural workers. We also note the willingness expressed by the Government of Argentina to continue collaborating with the ILO and to make use of the cooperation and technical assistance available in order to continue improving the labour inspection and administration systems. We also consider relevant the fact that these efforts are being made in a context of economic recovery and reforms aimed at promoting formalization, productivity and the generation of employment opportunities for the benefit of workers and employers. We therefore encourage the Government to continue making progress with these initiatives and to pursue constructive dialogue with the social partners and the ILO.

Employer member, Guatemala – In my statement, I wish to focus on the application of Convention No. 150 and on the functioning of the labour administration system in Argentina following the reforms initiated in 2023. Based on the information provided, and from what we have heard here in the room, we understand that the creation of the Ministry of Human Capital, which absorbed the functions of the Ministry of Labour, Employment and Social Security, was an institutional policy decision adopted in the context of a severe financial crisis. Convention No. 150 does not prescribe any specific ministerial structure. It is relevant in this case to reiterate that each State has the sovereign power to organize its administration as it deems appropriate.

However, what Convention No. 150 does require, in Articles 4 and 10, is that, irrespective of the structure adopted, the system functions effectively and has sufficient resources. This is

the applicable standard and is the one that this Committee must evaluate: not the form, but the substance. Article 5 of Convention No. 150 requires consultation, cooperation and negotiation with representative organizations of employers and workers. This is not a formal mandate; it is the basis for a functioning labour relations system.

The Employers do not support tripartism solely as a matter of principle. We support it because we live by it. When social dialogue works, labour policies are stronger and more balanced, there are fewer disputes and standards have greater legitimacy. When social dialogue is weakened, all parties lose out. We therefore urge the Government to: ensure the regular functioning of the National Council on Employment, Productivity and the Minimum Living Mobile Wage; maintain sectoral dialogue mechanisms and consultation with employers' and workers' organizations; and report to this Committee on the schedule and outcomes of these bodies. Convention No. 150 should not be interpreted as an obstacle to institutional reforms, but rather as a guide to design them efficiently, in keeping with the specific features of each socio-economic structure and the characteristics of each system of government.

Worker member, Brazil – The case of Argentina concerns the violation of the so-called governance Conventions, which are essential to transform fundamental rights and principles at work into practical realities. This is where the gravity of the violation of these Conventions lies, since failure to comply with them undermines the observance of the other international commitments undertaken by Argentina, adversely affecting those who earn their living through work.

The Ministry of Labour has lost its ministerial status and has become a Secretariat of the Ministry of Human Capital. This downgrading and the recent labour reforms have changed the focus of inspection and social protection policies with the aim of limiting the role of the State, based on the premise that the protection of workers is a hindrance to the economy.

The progressive dismantling of national labour policy has included staff reductions, budget cuts and a loss of inspection capacities. This has resulted in a weaking in three areas, involving a loss of hierarchy, operational autonomy and the capacity for centralized coordination required by Convention No. 150. As a consequence, the capacity has been reduced capacity to respond rapidly to allegations of abuse and poor working conditions at the local level, particularly in rural areas and regions with long-standing structural asymmetries, which contributes to systems of extreme exploitation, child labour and hours of work exceeding the legal limits.

In addition, fines for unregistered or incompletely registered work have been abolished and replaced by a system that waives debts and overlooks violations for employers who voluntarily regularize the labour relations of their employees.

The reality is that, contrary to the promise of "modernization", the labour reforms have resulted in increased rates of unemployment and informality. More and more people are working with no stability or rights, which has a direct impact on income and living conditions. Moreover, as noted by the Committee of Experts, the institutionalization of social dialogue has been weakened. In effect, the Government has abolished social dialogue, using legislative loopholes to establish, without genuine tripartite consultation, a political plan aimed at redefining the system of industrial relations. In this Committee, we have heard countless times that there can be no effective democracy without strong trade unions capable of giving voice to the working class and defending their interests. This is what this case is about. Freedom of demonstration. Social dialogue. Democracy.

Government member, Costa Rica – Costa Rica notes with interest the information provided by the Government of Argentina on the measures taken to strengthen labour inspection and administration, in accordance with Conventions Nos 81, 129 and 150, amidst the challenges that it is facing in terms of administrative coordination.

We particularly welcome the efforts described to broaden the scope of inspections, increase their number and strengthen the protection of workers through more effective oversight and enforcement mechanisms for labour legislation. We also welcome the measures taken to combat undeclared work, child labour and hazardous work by young persons, as well as to protect the most vulnerable workers, particularly in rural areas. We welcome the initiatives aimed at promoting solutions in various sectors of the economy, which reflect the capacity of the tripartite system to generate responses adapted to the realities of the workplace and production.

We therefore highlight the Government's willingness to continue cooperating with the ILO and to avail itself of the technical assistance of the Office to continue strengthening its institutional capacities. We consider that technical cooperation and the exchange of good practices are valuable instruments to reinforce effective and inclusive results-based labour inspection and administration systems.

Employer member, Uruguay – We note the financial crisis that motivated the State reform in Argentina, but this context does not exempt it from its obligations to the ILO. Convention No. 150 is still fully in force. The specific question we must answer is whether this reform is consistent with the provisions of the Convention, which includes both provisions that are clearly optional, as well as those that are compulsory. To properly evaluate the reforms made with respect to this Convention, information will be needed on the performance of the new labour administration, including specific information on its functioning. In any case, it may be necessary to strengthen consultation and tripartite mechanisms, in line with the provisions of Article 5 of the Convention.

ILO technical assistance could serve as a tool to achieve three objectives: (i) identifying the coordination challenges faced by this new labour administration system; (ii) strengthening provincial labour inspection and administration capacities; and (iii) consolidating statistical information systems as a basis for assessing the performance of the new system. Accepting ILO technical assistance is a sign of institutional maturity that the employers support.

Worker member, Spain – We are here today to report the serious and systematic violations of Conventions Nos 81, 129, and 150 by the Government of Argentina. Convention No. 150, in particular, requires an effective labour administration system provided with resources, staff, presence throughout the country and coordination capacity. However, the facts demonstrate an accelerated process of institutional dismantling, as recognized by both the Committee of Experts and official data. Between November 2023 and February 2026, the Argentine Government eliminated 66,402 jobs, representing a 19.3 per cent fall in national public employment. However, the heaviest impact has been in labour and social areas. The Ministry of Labour, Employment and Social Security, now downgraded to a Secretariat within the Ministry of Human Capital, has lost 47 per cent of its previous staff. This massive reduction directly affects the State's capacity to formulate, coordinate and implement labour policies, in violation of Articles 4, 7 and 10 of Convention No. 150.

The Committee of Experts has noted this institutional downgrading and warns that the ministerial reorganization, reduction in staff and paralysis of tripartite bodies has weakened labour administration. It adds that there have been 50,000 dismissals in the public administration, affecting essential areas of labour protection.

The dismantling at the provincial level is equally critical. The 43 provincial agencies (the federal pillar of labour policy) were on the verge of closure, which would have entailed the immediate dismissal of no fewer than 1,600 workers and the disappearance of a State presence in vast areas of the country. This is leading to a progressive functional vacuum, as a result of budgetary cuts and the elimination of programmes.

These violations are not isolated events. They are part of a wider context of a regression of labour rights in Argentina, at both the collective and individual levels. The reduction of State labour inspection and administration capacities coincides with the adoption of legislative reforms that are weakening mechanisms to protect the working class, restricting union activities and undermining the effective exercise of the fundamental rights recognized by the ILO.

We call on this Committee to urge the Government of Argentina to adopt urgent measures to reverse this situation, restore labour administration capacities and guarantee full respect for the individual and collective labour rights of Argentine workers.

Government member, Chile – My delegation welcomes the information provided by the Government and the considerations shared as part of the examination of this case. The indicators presented by the delegation of Argentina show positive development between 2025 and 2026, which demonstrates the impact of the measures adopted and which is, in our view, a positive sign that the Committee should take into consideration.

We hope that the Committee appreciates the efforts that are being made in a context that requires multiple priorities to be addressed simultaneously, such as strengthening inspection and promoting decent work in the agricultural sector, where there are specific challenges in terms of labour protection. Labour inspection management in federal contexts provides challenges that require solutions tailored to each national situation. In this regard, we welcome the Government's reply, which indicates the number of inspectors in the various services and existing inspection systems. We also welcome the progress achieved in terms of the regularization of employment and the action to protect workers in the most vulnerable sectors. Finally, we appreciate the collaboration between the Government and the ILO. We therefore trust that this dialogue and the participation of the social partners will contribute to further sustained progress in the application of the ratified Conventions in accordance with the national context.

Employer member, Honduras – We would like to address two specific concerns raised by the Committee of Experts: the effectiveness of the system of penalties and the challenge of unregistered work in the agricultural sector. Both issues are of special importance for employers, because a credible system of penalties and a formal agricultural sector are necessary conditions for fair competition between enterprises.

The repeal of certain provisions of Act No. 27.742 was noted by the Committee of Experts. The Government has explained that these provisions created a double penalty, as violations were penalized twice for the same act.

The general system of penalties set out by Act No. 25.212 (the REGESIL) continues to be fully in force, with fines that vary between 25 per cent up to 5000 per cent of the minimum wage, based on the gravity of the violation.

The Employers' group understands the importance of updating the legislation to prevent distortions which, as we have heard in the room, resulted in the excessive litigation of disputes in the world of work. We understand that it would be important to carry out an overall evaluation, so that information is available on the implementation of the provisions that are in

force, with investigations and penalties applied at the various administrative levels. We therefore encourage the Government to provide updated statistics on: the frequency with which penalties are imposed for unregistered work at the national and provincial levels; the average amounts of the fines that are collected in practice; the number of employers contained in the register of offenders and the practical consequences of inclusion in the register. Without this information, the Committee cannot assess whether the system is adequate. And without such an evaluation, there is no solid basis for its conclusions.

At the same time, we note that inspection in agriculture appears to be faced with specific structural challenges resulting from the geographical dispersion, the seasonal nature of the work and the presence of migrant workers. The response cannot merely be more inspectors: it also requires specialization, technology and effective coordination with the RENATRE, which is a bipartite institution, and the provinces. We urge the Government to strengthen the specialized training provided to agricultural inspectors and to provide information on the criteria for the planning of rural inspections, especially in remote areas.

Worker member, France – I am speaking here on behalf of the workers of France, Italy, Germany, Belgium, Netherlands and the United Kingdom. Convention No. 150 requires a labour administration system that is effective, provided with the necessary resources, personnel, technical capacities and presence throughout the territory to develop and implement labour policies. However, the Committee of Experts has noted with concern the downgrading of the Ministry of Labour to a State Secretariat, the massive reduction in personnel, the loss of institutional capacity and the weaking of coordination mechanisms for labour policy.

Convention No. 150 requires Member States to ensure consultation, cooperation and negotiation between the public authorities and the most representative employers' and workers' organizations. In this regard, in its 2024 General Survey, the Committee of Experts emphasized the importance of consulting the social partners in the preparation and implementation of labour laws and decrees.

Rather than strengthening social dialogue, the Government of Argentina has acted through unilateral decisions, decrees and measures adopted without appropriate tripartite consultation. The most emblematic case is Emergency Decree No. 70/2023, which was the first labour reform promoted by the current Government. This Emergency Decree modifies fundamental aspects of individual and collective labour law, without the prior participation of the social partners. And that is compounded by the persistent policy of restricting collective action.

Repeated recourse to emergency measures, the dismantling of public institutions, budgetary cuts in areas related to labour and the paralysis of institutional participatory mechanisms demonstrate the existence of a policy that sidelines social dialogue and focuses decision-making in the executive authorities. A significant example is the de facto sidelining of the National Council on Employment, Productivity and the Minimum Living Mobile Wage. The National Council is a high-level tripartite body which historically covered labour administration under the authority of the former Ministry of Labour. In practice, decisions on the minimum wage have been adopted unilaterally by the State, with increases below the inflation rate, leading to the sustained loss of purchasing power.

When labour policies are adopted without consultation, when the institutions responsible for their administration are weakened and when the capacity of the State to guarantee rights is reduced, the principles underlying Convention No. 150 are directly challenged. That is why we are calling for the Government to be invited to re-establish genuine social dialogue,

strengthen labour institutions, relaunch tripartite consultation and participation mechanisms and ensure full respect for ILO Convention No. 150.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran wishes to express its appreciation for the rigorous work of the Committee of Experts, whose findings in Report III(A) of 2026 form the exclusive basis of this statement. We wish to place on record our deep concern regarding Argentina's compliance with its obligations under the ratified Conventions on labour inspection, labour inspection in agriculture and labour administration.

First, on child labour in agriculture, the Committee of Experts has documented the persistent presence of child labour in the yerba mate and tobacco sectors. Children, many below the minimum working age, are exposed to toxic chemicals, excessive working hours and harsh conditions with serious consequences for their health and education. This is not an isolated finding. It reflects a structural failure that demands urgent action.

Second, on labour exploitation and trafficking, the Committee of Experts has explicitly noted that migrants in the agricultural sector face extreme vulnerability, exploitation and, in certain regions, entrenched patterns of trafficking. These are not marginal concerns. They go to the heart of Argentina's obligations under the ratified Conventions.

Third, and most troubling, is the deliberate dismantling of enforcement mechanisms. At the very moment when unregistered rural work remains at alarming levels, the Government has repealed financial penalties for employers who fail to register workers. The Committee of Experts itself has assessed that this weakens the labour inspectorate and institution whose strength is essential to the protection of the most vulnerable workers.

Taken together, these findings point to a pattern of regression, not progress, a retreat from the institutional safeguards that give meaning to international labour standards. In light of these concerns, we call upon this Committee to request the Government of Argentina to provide without further delay a comprehensive and verifiable plan of action to eradicate child labour in agriculture, combat trafficking and labour exploitation, restore the financial penalty framework for unregistered employment and demonstrate in measurable and time-bound terms its continued commitment to its international obligations. The credibility of this Committee rests on its willingness to hold governments accountable. We urge the Committee to act accordingly.

Worker member, Canada – I am speaking on behalf of the Canadian Labour Congress. The American Federation of Labour and Congress of Industrial Organizations of the United States aligns itself with this statement. We appear before this Committee to address serious breaches of Conventions Nos 81, 129 and 150 on labour inspection in the Argentine Republic. The current deterioration is not isolated, but is a structural process that undermines the State's ability to guarantee basic labour rights.

The report of the Committee of Experts is unequivocal. The number of labour inspectors fell from 385 in 2023 to 308 in 2025, 52 of whom lack job security, in direct contravention of Article 6 of Convention No. 81, which requires functional independence and protection from external pressures. This precarious situation is unfolding against a backdrop of job losses in the public sector, which further weakens the State structure responsible for monitoring compliance with labour law. The reduction in staff is coupled with an unprecedented, severe budget cut at the Ministry of Labour which directly impacts the system's operational capacity. For instance, travel allowances, transport, vehicles and essential resources for inspection have been virtually eliminated, undermining compliance with Article 10 of Convention No. 81, which requires that inspectors be provided with the necessary means to carry out their duties.

The result is evident in the decline in inspection activity. In critical sectors such as agriculture, in 2023, just 59 inspections were carried out for a total of 9,938 establishments. That is less than 1 per cent. The Committee of Experts warns that this shortfall is exacerbated by a lack of coordination between the federal and provincial levels and by the absence of effective central control in violation of Articles 4 and 16 of Convention No. 81. Added to this is a regulatory change that completely undermines the inspection function provided for in Convention No. 81.

The Government has replaced the long-standing framework of the National Labour Regularization Plan which, since 2003, had granted inspectors the powers of a public authority to enter establishments, issue notices, impose sanctions and even close them down in the event of serious infringements, with the so-called Programme for the Promotion of Employment and Good Practices. This new regime replaces effective enforcement with a system of up to four guidance and courtesy visits, in which the inspector no longer acts as a guarantor of compliance with the law, but promotes voluntary compliance, providing friendly guidance on the benefits of the labour reform before considering any sanctions. This shift eliminates the enforcement function required by Convention No. 81, weakens the State's deterrent capacity and consolidates a framework of structural amnesty for those who breach labour regulations. We request the Committee to urge the Government to rebuild the inspection workforce, restore operational resources and ensure that Convention No. 81 is fully implemented throughout the country.

Government member, Paraguay – My delegation thanks the Republic of Argentina for the information provided and the clarifications made during this discussion. We note the measures indicated in the field of labour administration, and the action intended to strengthen coordination between the institutions responsible for labour inspection. We note the initiatives taken to improve the detection of situations of labour informality, the protection measures for workers and the action taken in rural areas through cooperation between the competent bodies. We also note the Government's decision to continue assessing the operation of the labour inspection system and to maintain cooperation with the ILO for the analysis and strengthening of its institutional capacities. Paraguay is also facing this challenge and is prepared to exchange experience and good practices in this area. We note that the actions taken are being adopted in a context of the recovery of economic activity and the implementation of policies related to formal employment. My delegation encourages the Republic of Argentina to continue implementing these initiatives and emphasizes the importance of technical cooperation and dialogue in the strengthening of labour institutions.

Government member, Panama – The delegation of the Republic of Panama thanks the Republic of Argentina for the information provided and in this context wishes to indicate the following:

First, we value the commitment expressed by the Government to continue cooperating with the ILO and to have recourse to technical assistance for the continued strengthening of its labour institutions and labour law enforcement mechanisms. We also note the initiatives taken to promote the formalization of employment and improve the functioning of the labour market, on the basis that the reduction of informality is one of the principal challenges to ensuring effective protection for workers. We also note with interest the measures taken to strengthen labour inspection and the action taken in the agricultural sector in coordination with the competent specialized bodies, with a view to preventing situations of undeclared work and other violations of labour rights. My delegation also notes that these measures are being taken in a context of economic growth, the promotion of investment and the creation of new opportunities for formal employment.

Finally, we note the explanations provided on the operation of the system of labour inspection in Argentina and the coordination mechanisms that exist between the various jurisdictions and bodies involved, and we encourage the continuation of efforts to strengthen institutional cooperation and the effectiveness of the inspection system. We urge Argentina to maintain constructive dialogue with the social partners, the ILO and other relevant actors with a view to the continued strengthening of its labour institutions and making progress towards the objectives pursued by the Conventions under examination.

Government member, Peru – Peru welcomes the information provided by the distinguished delegation of the Republic of Argentina on the application of Conventions Nos 81, 129 and 150. We note the information provided by the Government of Argentina on the measures adopted to strengthen the functioning of its labour inspection system and the existing coordination mechanisms between the national and provincial authorities within the framework of the federal structure. We also note the continued actions carried out under the National Plan for the Regularization of Labour (PNRT) and the inspection activities conducted during the period under review with the aim of promoting compliance with labour legislation. We welcome the information on cooperation with the RENATRE, focused on addressing the challenges related to unregistered work, the prevention of child labour and the protection of workers in rural areas. We also note the commitment of the Government of Argentina to further collaborating with the ILO and availing itself of the technical assistance of the Office in order to continue strengthening the capacities of the labour inspection system. Peru considers that exchanges of experience, technical cooperation and institutional strengthening are key to promoting the effective application of international labour standards, and encourages the continuation of the efforts made in this regard.

Observer, International Trade Union Confederation (ITUC) – As has been indicated, what is being discussed is more than a technical or administrative issue. The downgrading of the Ministry of Labour to a Secretariat has already been mentioned, which is particularly serious in the light of Articles 1 and 4 of Convention No. 150.

In addition to this, legislative measures are being adopted without adequate tripartite consultation and dialogue to introduce far-reaching labour reforms, in a clear departure from the principles of this Convention. The Committee of Experts has repeatedly maintained that high-impact labour reforms must be developed through genuine processes, in consultation with representative employers' and workers' organizations.

And yet, there is no such thing in Argentina. As noted, two days ago, a decree was issued under an act which exceeds the terms of the Act, without any consultation whatsoever of employers and workers. The trade union movement has indicated that the initiatives driven by the Government have not involved appropriate social dialogue, as required by Articles 3 and 5 of Convention No. 150. We note that these measures establish legislative restrictions on the exercise of freedom of association and collective bargaining, in many cases treating collective action as a security issue and, furthermore, imposing confiscatory fines. I will not refer to the General Survey given the limited time that we have been allocated, but we know that the main role of the labour administration is to promote social peace and sound industrial relations, and that this function must be carried out in accordance with the principles of freedom of association and collective bargaining.

In view of the direction in which our country is heading, promoting the extension, by gradual stages, of the functions of the system of labour administration in accordance with Article 7, involves the coverage of workers with non-standard work arrangements. This is a matter of concern in the light of Convention No. 150, which conceives of labour administration

as an active system for the protection and effective application of labour rights. There is a lack of social dialogue, a lack of consultation with employers and workers, and a lack of cooperation. Furthermore, while it is true that there is a body called the Federal Labour Council, it is instructive for the Committee to know that, between 2000 and 2023, the Council held 124 plenary sessions, and that since December 2023, over a period of 30 months, it has only met twice.

According to an ITUC global report on compliance with rights, Argentina is one of the ten countries with the worst ranking for violations of human and trade union rights. It is important to make this point here because we are talking about labour administration and the protection of workers.

We reiterate that Argentina is experiencing, on the one hand, a process of "delabourization" with the loss of protection for workers and, on the other hand, a process of the dismantlement and breaking up of the State. We could call it a perfect storm because even the rights that remain are not guaranteed due to the inaction of the State.

Reference has been made here to a crisis. But the crisis cannot be resolved by destroying the social justice that has always been a source of pride for Argentina. We therefore reaffirm that the observations of the Committee of Experts and of the trade unions of Argentina, supported by the Trade Union Federation of the Americas (CSA) and the ITUC, point to serious failures of compliance with the principles and requirements of Conventions Nos 81, 129 and 150, and the Committee must therefore take due note of the gravity of the situation.

Observer, Education International (EI) – At the outset, I would like to align myself with every word, letter and full stop of the intervention by the joint secretary-general of the General Confederation of Labour (CGT). I am speaking on behalf of the workers of Argentina, members of the CTA, the CSA and the ITUC, and also on behalf of Education International, to express our deep concern at Argentina's non-compliance with its commitments under Conventions Nos 81, 129 and 150.

Our concern is even greater because these issues have already been raised in this forum. Two years ago, during the discussion of the General Survey of the Committee of Experts on systems of labour administration and the application of Convention No. 150 and Recommendation No. 158, the trade union confederations of Argentina denounced the beginning of a process of institutional dismantling, reflected in the reduction of public programmes, the weakening of employment policies, the downgrading of the Ministry of Labour to a Secretariat and mass dismissals in the national public administration.

In this regard, and in line with the report of the Committee of Experts on non-compliance with Articles 1(b), 4, 7 and 10 of Convention No. 150, we have to report that the process of reducing public employment has been continued through dismissals of permanent staff, the non-renewal of employment relationships and voluntary retirement programmes impacting different areas of the national administration, all without effective consultation with the representative trade unions.

These measures not only affected the working conditions of thousands of State employees, but also weakened institutional capacities, technical expertise and the State's presence throughout the country. Staff reductions in strategic agencies have undermined labour administration, the implementation of public policies and the effective access of the working population to rights recognized by the national legislation and international Conventions.

The crisis in social dialogue is another manifestation of non-compliance with Article 5 of Convention No. 150, as noted in the report of the Committee of Experts. In this regard, trade unions had to formally request the Government to convene the National Council on Employment, Productivity and the Minimum Living and Adjustable Wage, denouncing the failure to comply with the schedule of meetings set out in its own rules. The ongoing unilateral fixing of insufficient wage increases by the Government and the absence of periodic reviews constitute a serious infringement of the principles of consultation, participation and social dialogue enshrined in the Convention.

With respect to the comments by the Committee of Experts concerning non-compliance with Conventions Nos 81 and 129, it should be highlighted that this has occurred within the context of a labour reform that has not respected social dialogue or, worse still, its regulation; and which has undermined historic protection mechanisms, promoting deregulation processes that are not consistent with effective labour inspection, eliminating systems that penalize unregistered work and prioritizing voluntary regularization over State control.

All this is taking place in the context of the closure of thousands of small and medium-sized enterprises; mass dismissals in the private and public sectors; a marked fall in the purchasing power of workers and retirees; cuts to funding for public education, universities, science, technology and health care; attacks on trade unions, with the imposition of extremely heavy fines when a union calls a strike, as in the cases of the Association of Aeronautical Personnel (APA), the Tram Drivers' Union (UTA), the La Fraternidad trade union and some teachers' trade unions belonging to the Confederation of Education Workers of Argentina (CETERA); interference in unions, as in the case of the Metalworkers' Union (UOM); the persecution of union leaders; and the repression of social protest, which almost claimed the life of a photojournalist.

The results of all this are documented in the ITUC's recent Global Rights Index, in which Argentina has been ranked as one of the worst ten countries for workers' rights.

Therefore, given the severity of the situation, we call on the Committee to firmly urge the Government of Argentina to adopt urgent measures to strengthen labour inspection and administration, restore social dialogue and ensure compliance with the obligations assumed under Conventions Nos 81, 129 and 150.

Social justice is not an aberration, as the President of Argentina maintains, but a necessary condition to guarantee peace and general well-being. The trade union confederations will defend this in the ILO and in the streets, by striking and by fighting together with the whole of the working class.

Observer, Building and Woodworkers' International (BWI) – The BWI represents workers in construction, building materials, wood forestry and related sectors across the world, and our intervention focuses on the importance of effective labour inspection, labour administration and social dialogue for workers in sectors categorized by high levels of informality and occupational risk.

We note with concern the observation of the Committee of Experts regarding the functioning of the labour inspection system, including concerns at the number of inspectors, resource constraints and difficulties affecting inspection activities at both the federal and provincial levels. We also note the concerns raised regarding coordination within the inspection system and the need to ensure effective supervision under a central authority. Labour inspection is one of the most important tools for ensuring that labour legislation is respected in practice. In sectors such as construction, inspectors play a vital role in identifying

unregistered work, protecting vulnerable workers and preventing accidents and protecting workers' lives.

We therefore share the Committee of Experts' concerns regarding the capacity of the inspection services and the resources available to carry out their mandate effectively. A strong labour inspectorate requires adequate staffing, operational resources and the ability to reach workplaces throughout the country, including remote areas. The BWI is also concerned at the persistence of unregistered work. In construction and related sectors, informality is often associated with poor working conditions, lack of social protection and increased occupational health and safety risks. Effective labour inspection is essential to address these challenges and ensure a level playing field for workers and employers alike.

We further note the concerns raised regarding labour administration and the functioning of tripartite dialogue mechanisms. For workers in our sectors, social dialogue is essential for improving working conditions, strengthening workplace safety and addressing labour market challenges. Effective consultation and cooperation between governments, employers' and workers' organizations remain fundamental components of a well-functioning labour administration system. The BWI therefore supports the Committee of Experts' request for the Government to strengthen labour inspection capacity, ensure effective labour administration and maintain meaningful consultation and cooperation with the social partners in order to combat informality, improve occupational safety and health and ensure decent work for all workers.

Observer, IndustriALL Global Union – IndustriALL Global Union has 550 member organizations and represents over 50 million workers in the mining, energy and manufacturing sectors throughout the world. The dismantling and reduction of State financing by the Government of Argentina is harming workers in all sectors. It is causing a reduction in quality and rigour in all types of work, affecting health and safety and resulting in more precarious conditions, including in formal work. This approach can be considered a violation of Conventions Nos 81, 129 and 150, which relate principally to the system of supervision, administration and enforcement of labour legislation.

IndustriALL also wishes to express its deep concern and total rebuttal of the decision by the National Labour Appeal Chamber of the Republic of Argentina. Court VIII of the Chamber applied a 180-day judicial intervention to the Metalworkers' Federation of the Republic of Argentina (UOMRA), one of the principal industrial unions in the country and a long-standing member of our global trade union federation.

In so doing, it invalidated the national elections in which the current general secretary was re-elected. It subsequently destituted the elected general secretary and officers and declared the organization to be without leadership, which means that metalworkers are still awaiting the wage adjustments achieved through joint collective bargaining, because no one in the national secretariat is empowered to conclude joint agreements.

IndustriALL considers that the judicial decision amounts to serious interference in trade union independence and is a dangerous precedent for freedom of association and democracy in Argentina. The destitution of democratically elected authorities and the interference in the internal affairs of a trade union are in violation of the principles established by Convention No. 87 and offer a clear indication that in Argentina there is no adequate labour administration, in accordance with Convention No. 150.

This situation has occurred in a context of the increasing deterioration of the living conditions of workers in Argentina, characterized by the loss of purchasing power, the

implementation of regressive labour reforms and the weakening of collective bargaining and social dialogue mechanisms.

IndustriALL notes with concern the use of judicial mechanisms to remove legitimately elected trade union leaders, as a means of discipline against organizations that defend wages, collective bargaining, national industry and labour rights.

We therefore urge the authorities of Argentina to guarantee full respect for trade union freedom and independence, the normal democratic functioning of workers' organizations and compliance with the international Conventions ratified by the State of Argentina.

Government representative – The nation is undergoing a process of reform. The Government is committed to analysing its consequences and requesting the technical assistance of the Office to evaluate the operation of the labour inspection system at the federal and provincial levels, as well as labour administration. Moreover, even though the Government of Argentina is committed to keeping the Committee of Experts informed on the matters raised in its report, it should be emphasized that the comments made do not amount to serious failings of compliance. For the reasons indicated, it is respectfully requested to have recourse to other measures to resolve the matters raised. I also wish to add that those points on which no information has been provided here will absolutely be covered by the next report.

I wish to thank the representatives of Honduras, Costa Rica, Chile, Paraguay, Panama and Peru for their assessments, knowledge and understanding of the situation related to Conventions Nos 81, 129 and 150. However, we regret that many interventions strayed from the main focus of the discussions and introduced political elements, which make it necessary to note certain concepts.

I have listened attentively and respectfully to the criticisms raised on issues that, as noted above, have strayed from the central issues in this discussion. Nevertheless, I have listened to them with great attention because, in a democracy, criticism is legitimate and in these bodies where governments, employers and workers are represented it is also legitimate to respond with facts, which are extraordinary in that they are immune to ideology and do not take into account prejudices or false claims. Facts are stubborn and obstinate and merely correspond to reality. We have listened carefully to the claim that the Government has legalized instability: allow me to recall that, when the Government took office in December 2023, Argentina was in a deep crisis: the consolidated deficit of the treasury and the Central Bank was over 15 per cent of GDP, destitution was growing and 41.7 per cent of the population were affected by poverty. Inflation was one of the highest rates in the world and was rising by around 1 per cent a day. Perhaps this framework and this situation may be considered by some as legally stable at that time. Argentina had a Ministry of Labour, not a Secretariat of Labour. With reference to the opinions expressed concerning the intervention relating to the Metalworkers' Federation, it should be noted that that intervention was made by the Argentine courts and, in accordance with the unequivocal words of Montesquieu, there is a clear division of power in Argentina. Some of those in the room were predicting the collapse of Argentina. Nevertheless, there have been no national strikes under the current Government, when in comparison, in two-and-a-half years, there were a record four such strikes under the previous Government. It is nevertheless important to recall that in 2023 the people of Argentina, weary of such lack of wisdom and incompetence by a desolate Government, decided to change direction, and since then the results have begun to be seen: the economy of Argentina grew by 4.4 per cent in 2025 and the International Monetary Fund predicts additional growth of 3.5 per cent in 2026, which is much higher than the regional average, estimated at 2.3 per cent. Inflation has fallen to an inter-annual variation of 32.4 per cent, with a monthly rate of only 2.6 per cent in April for the

first time since 2010. Argentina achieved a financial surplus in 2025, equivalent to 0.3 per cent of GDP, and in the first quarter of 2026 had a financial surplus and a primary surplus. While some predicted financial isolation, exports have grown by over 33 per cent a year and the country is approaching a historical record of nearly 100 billion dollars. Even though people were talking about a supposed avalanche of imports, in over a year imports fell by 4 per cent. And while questions were being raised about the capacity to attract foreign currency, Argentina achieved a trade surplus of over 11 billion dollars and its international reserves reached their highest level since 2019. A nation is not a set of calculations, a nation is its people, and we therefore need to look at what has happened at the individual level. Several million citizens of Argentina have emerged from poverty, and the index fell from its maximum of 52.9 per cent in the first half of 2024 to 28.2 per cent in the second half of 2025. The universal child allowance, the social subsidy provided by the Government, increased by over 500 per cent in relation to December 2023 and recuperated over 100 per cent of its real purchasing power. The food benefit, for which the social subsidy was increased by 137 per cent, extended its coverage to over 600,000 young persons and, while some claim that the reforms were destroying employment, the unemployment rate was 7.5 per cent, once of the lowest levels in recent decades, with the current labour market participation rate considered to be high. Around 40 per cent of workers in Argentina continue to be affected by labour informality and, precisely for this reason, the National Congress adopted a new Labour Act designed to promote formalization, provide incentives for recruitment and adapt the legislation to the new production and technological situation. However, none of this means that there are no more problems or that the Government is infallible, and that there are no mistakes to be corrected. But its meaning is much more simple and much more weighty: that the citizens of Argentina decided democratically to take the opportunity of change and did so using the most powerful tool of democracy, their votes.

It has been said that the Government is authoritarian. With over 40 per cent support at the national level, in October 2025, the people of Argentina approved of the course set by the Government and considerably strengthened the parliamentary representation of the governing party, thereby supporting the reforms discussed and approved by the National Congress. Even so, it does not have a majority in either of the two chambers. It is important to recall that this was the context in which the new Labour Act was approved even though, both in the Chamber of Deputies and the Senate, the Government was in a clear minority. This leads to a reflection: it was under the guidance of the Government, and with the final decision of a people that, with better vision than its own leaders, chose the best path to ensure a future of growth and stability. The changes met with resistance, but the vision of the people involved a growing collective awareness that if we always do the same, we will have the same miserable results. This shows, as taught by history, that nations do not fail when they confront difficulties, but when they lose the will to overcome them. Argentina has found this will once again, and it has done so by dissipating the dark and artificial clouds planted by the meteorologists of chaos who appeared to enjoy making false forecasts of disaster.

Worker members – At the outset, I would like to thank the Government of Argentina for its participation in this discussion and for the information provided to the Committee. We also thank the Committee of Experts for its examination of the application of Convention No. 150. We thank all those who contributed to the debate.

The discussion we are having today has confirmed that the concerns raised by the Committee of Experts are neither isolated nor theoretical. Rather, they point to a continued deterioration in the functioning of the labour administration system in Argentina and serious shortcomings in the application of Convention No. 150 in both law and practice. Throughout

this discussion, the Government has sought to present the reforms undertaken as necessary administrative adjustments designed to improve efficiency and modernize public administration. However, the evidence before this Committee paints a very different picture. Convention No. 150 is founded in the understanding that labour administration is not a peripheral state function. It is a cornerstone of social justice, social dialogue and sound labour relations.

As the Committee of Experts has repeatedly recalled, labour administration systems are essential for the development, implementation and monitoring of labour policy and for ensuring that workers and employers alike can benefit from effective labour market governance. We remain deeply concerned at the downgrading of the Ministry of Labour to a Secretariat, a measure that has diminished the visibility, authority and institutional standing of the labour administration system. Equally troubling are the significant reductions in staffing levels and the loss of technical expertise within the labour administration system. Convention No. 150 requires not merely the existence of administrative structures, but their effective functioning. Such effectiveness cannot be achieved when experienced personnel are dismissed, specialized capacities are weakened and public officials are deprived of the security necessary to carry out their functions independently and professionally. In this regard, we remain particularly concerned by the reforms affecting public sector employment and the provisions allowing dismissals based on so-called optimal staffing levels. Such measures appear fundamentally incompatible with Article 10 of Convention No. 150, which seeks to ensure that staff members enjoy a status and conditions of service that safeguard them from improper external influence, especially labour administrators, including labour inspectors. As the Committee of Experts has observed, the number of labour inspectors remains wholly inadequate in relation to the size of the workforce and the territory to be covered. The shortage of inspectors coupled with insufficient resources, transport and operational support significantly limits the capacity of the inspection system to perform its essential functions. Effective labour administration cannot exist where labour inspection lacks the resources necessary to enforce labour legislation and protect workers' rights.

Perhaps one of the most concerning themes emerging from this discussion is a deterioration of social dialogue. Convention No. 150 places consultation, cooperation and negotiation with the most representative organizations of workers and employers at the very heart of labour administration. The Workers' group wishes to emphasize that the concerns raised under Convention No. 150 cannot be viewed in isolation. As several speakers have noted, they form part of a broader pattern affecting the labour governance framework as a whole. The issues before us intersect directly with concerns previously raised under the labour inspection Conventions, as well as with the broader questions regarding freedom of association, collective bargaining and social dialogue.

Taken together, they suggest a sustained weakening of institutions designed to protect workers' rights and promote decent work.

The purpose of this Committee is not merely to identify shortcomings, but to assist Member States in achieving compliance with their international obligations. The Workers' group therefore believes that this case requires strong and concrete conclusions.

We call upon the Government of Argentina to take immediate and effective measures to ensure the full application of Convention No. 150. In particular, we urge the Government to: restore and strengthen the institutional capacity, authority and resources of the labour administration system, in accordance with Articles 4 and 10 of the Convention; ensure that labour administration personnel enjoy the security of tenure, independence and professional

guarantees necessary for the proper discharge of their functions; significantly increase the human, financial and operational resources available to labour inspection services, so as to guarantee effective enforcement of labour legislation throughout the national territory; ensure that workers in non-standard forms of employment, including platform workers, benefit from adequate protection and are effectively covered by labour administration services; re-establish and strengthen genuine, tripartite social dialogue mechanisms at the national, regional and sectoral levels and ensure that all labour reforms are developed through meaningful consultation with the most representative organizations of workers and employers; carry out, in consultation with the most representative workers' and employers' organizations, a comprehensive evaluation of the functioning and capacity of the labour inspection system throughout the national territory, including updated information on the number of labour inspectors, their territorial distribution, the human, technical and financial resources available and the measures taken to ensure effective compliance with labour legislation and ratified Conventions; accept a direct contacts mission of the ILO with the aim of assessing the situation and providing the needed technical assistance to strengthen coordination between the national and provincial authorities responsible for labour administration and inspection, taking into account the constitutional distribution of competences between the national State and the provinces; and, in that regard, convene a process of tripartite and federal social dialogue with the participation of the national and provincial authorities, the most representative organizations of workers and employers and the support of the ILO with the aim of identifying obstacles that affect the effective application of labour legislation, agreeing on correct measures and strengthening the implementation and compliance with ratified Conventions throughout the national territory; and report to the Committee of Experts, by 1 September 2026, on the progress made in the implementation of these measures and on the results of these processes of dialogue and institutional coordination.

Employer members – In the first place, I would like to give thanks to the Government representative of Argentina for the explanations and comments made today, as well as to all those who contributed to the discussion of the case of the Republic of Argentina. It should be noted that, although we have listened carefully and seriously to all the statements made in the room, we do not agree with most of them and we will confine the conclusions of the case to matters covered by Conventions Nos 81, 129 and 150.

On this basis, we will begin by reaffirming that, in the view of the Employer members, the existence of different administrative levels is not in itself incompatible with the Conventions. However, we will encourage the Government to strengthen existing coordination mechanisms, particularly for the compilation of statistics, the exchange of information and the joint planning of inspection activities.

With regard to material, financial and human resources for inspection and annual reports, we consider it particularly important for the Government to provide objective information on the real impact of the measures adopted on inspection activities and on the measures adopted to improve the efficient allocation of resources, as well as the application of new technologies in inspection services, in accordance with Articles 20 and 21 of Convention No. 81.

In relation to the measures adopted to ensure the application of penalties for unregistered work, in the view of the Employer members, they are fully in line with Article 18 of Convention No. 81 and we consider them to be adequate, now that the dual penalty that existed previously has been removed.

With reference to labour inspection in agriculture, the Employer members fully endorse the importance of ensuring effective supervision in the agricultural sector, taking into account the specific characteristics of the sector, the geographical dispersion of workplaces and the serious nature of certain violations that may occur in rural areas.

We therefore call on the Government to continue strengthening the coverage and effectiveness of the activities carried out in the agricultural sector, particularly in remote rural areas, and to provide additional information on the measures adopted to strengthen the specialized technical capacities of inspectors and improve coordination between the various competent institutions.

Turning to the functioning of the labour administration system, the Employer members recall that Convention No. 150 does not set out a specific administrative structure or impose a determined institutional model. It is therefore for each Member State to determine the organization of its public administration, in accordance with national needs and priorities. In any event, irrespective of the structure adopted, we agree that Articles 4 and 10 of the Convention set out the requirement for the system of labour administration to operate effectively and to be provided with adequate resources for the performance of its functions.

On the subject of consultation and social dialogue, we encourage the Government to take the necessary measures to ensure consultation, cooperation and negotiation between the public authorities and the most representative organizations of employers and workers, with the maintenance of existing dialogue mechanisms and the strengthening of the social partners so that these social dialogue mechanisms can prosper. The Employer members understand that this case raises real institutional challenges relating to resources, coordination and administrative capacity.

Nevertheless, the matters raised appear to mainly reflect operational and institutional difficulties in a broader context of administrative and fiscal reform, rather than a deliberate refusal to give effect to Conventions Nos 81, 129 and 150 or a situation of serious or systematic failure of compliance.

We therefore encourage the Government to continue collaborating closely with the Office, to benefit, where necessary, from technical assistance and to provide additional information, including the annual reports required by Convention No. 81, which allow a precise assessment of the overall effectiveness of the system of labour inspection and administration.

The Employers support a labour inspection system in Argentina that is efficient, predictable and technically competent. A weak inspection system is not only prejudicial to workers, but also gives rise to unfair competition by the failure to ensure uniform compliance with labour requirements by all enterprises. We also understand that social dialogue is essential for an effective labour administration.

Emphasis should be placed on the key role played by tripartite institutions and the importance of the effective participation of employers and workers in labour policies, in accordance with Convention No. 150. We therefore urge the Government to take measures to guarantee consultation, cooperation and negotiation, by maintaining existing social dialogue mechanisms with the most representative organizations of employers and workers. The strengthening of labour institutions, the improvement of federal and provincial coordination, and the development of effective inspection systems are objectives that are shared by Governments, workers and employers.

Chairperson – This concludes the discussion of this case. I thank the Government representative of Argentina for participating in the discussion and all the speakers who took the floor.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and of the discussion that followed. It also took note of the observations of the Committee of Experts concerning reductions in the human, operational, and financial resources available to the labour administration and labour inspection services.

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

- **ensure the proper functioning of adequate and effective tripartite social dialogue mechanisms at national, regional and sectoral levels and ensure that labour reforms are developed through meaningful consultation with the most representative organizations of workers and employers;**
- **carry out, in consultation with the most representative workers' and employers' organizations, a comprehensive evaluation of the functioning and capacity of the labour inspection system throughout the national territory, including updated information on the number of labour inspectors, their territorial distribution, the human, technical and financial resources available, and the measures taken to ensure effective compliance with labour legislation, and ratified Conventions; and**
- **strengthen coordination between the national and provincial authorities responsible for labour administration and inspection.**

Taking into account the issues raised, the Committee recommended the Government to avail itself to the ILO technical assistance if needed.

The Committee requested the Government to report to the Committee of Experts by 1 September 2026 on the measures taken to implement the above recommendations and the results achieved.

Government representative – We would like to express our sincere gratitude to the Committee and the ILO for the consideration given to the arguments presented by Argentina in the Conference Committee, and to emphasize how highly we value this opportunity for dialogue. It is important for us to highlight that the country is currently undergoing a period of growth and of laying the foundations for the future. In this regard, we are confident that any challenges or shortcomings identified in previous requests will be addressed. We therefore reaffirm our firm and unequivocal commitment to cooperate in every way necessary to advance this work.

Bosnia and Herzegovina

Employment Service Convention, 1948 (No. 88) (ratification: 1993)
Employment Policy Convention, 1964 (No. 122) (ratification: 1993)
Private Employment Agencies Convention, 1997 (No. 181) (ratification: 2010)

Discussion by the Committee

Chairperson – The fifth case today is concerned with the application of the Employment Service Convention, 1948 (No. 88), the Employment Policy Convention, 1964 (No. 122), and the Private Employment Agencies Convention, 1997 (No. 181). For the discussion of this case we have nine speakers registered on the list. I would like to inform you that the Officers of the Committee have agreed that, exceptionally, the Government representative may participate in the discussion remotely via Zoom.

I invite the Government representative of Bosnia and Herzegovina, the Assistant Minister of the Ministry of Civil Affairs, to take the floor.

Government representative – First of all, I would like to express my sincere regrets that we were unable to respond to your invitation and participate in the scheduled presentation for Bosnia and Herzegovina. Unfortunately, we received information regarding the time slot allocated to Bosnia and Herzegovina at very short notice, which did not allow sufficient time to organize our participation. Bosnia and Herzegovina will be represented at the Conference on 10 and 11 June and we look forward to the opportunity to contribute to the discussion during that period. I would also like to apologize for not being able to provide comprehensive answers to the question raised on time due to the limited time frame as well as the complex political and constitutional structure of Bosnia and Herzegovina. We were unable to gather all the necessary information from the competent authorities.

In this regard, it is important to emphasize that Bosnia and Herzegovina has five levels of government, making it one of the most administratively complex countries in Europe in the areas of labour employment and social policy. Key competencies are primarily vested at the entity and the cantonal levels, while the state level has a coordinating role and is responsible for international representation. It is particularly important to note that the Ministry of Civil Affairs of Bosnia and Herzegovina does not have direct competencies for the adoption and implementation of the labour legislation as those responsibilities lie predominantly within the following entities: the Republika Srpska, the Federation of Bosnia and Herzegovina, the Brčko District, as well as the cantons. The Ministry's role is primarily one of coordination and representation in relations with international organizations, including the ILO. Within its mandate, the Ministry of Civil Affairs coordinates the preparation, drafting and submission of reports to the ILO in the fulfilment of obligations arising from ratified Conventions.

During the reporting process, the competent entity ministries, and other relevant institutions, provide the Ministry with information and responses falling within their respective areas of competence. These contributions are collected from the relevant administrative authorities, institutions, and other bodies at the entity and cantonal levels, based on the information received. We consolidate, finalize and submit the reports to the ILO, which we failed to do on time.

Since the last reporting period, Bosnia and Herzegovina has made progress in this field, and I believe it is very important to highlight a few things that we currently do, and that is that Bosnia and Herzegovina is finalizing the plan for implementation of a "Youth Guarantee"

project in Bosnia and Herzegovina. The implementation should start at the beginning of 2027. We also have the entity plans already adopted by the entity governments, so we are finalizing now.

We also started activities on a decent work platform together with the ILO in Bosnia and Herzegovina. Also, we are in the process of adopting a state strategy on employment. At the entity level, we already have strategies that are in force. I would also like to mention some very important projects. The Ministry of Civil Affairs has excellent cooperation through an IPA (Instrument for pre-Accession Assistance) project implemented by the ILO.

We have already completed two projects, and we already have achieved results. It is very important to mention the "EU for Employment" project, and the objective of that project is increasing the employability of groups that are less employable, such as young persons, women from rural areas, Roma people and persons with disabilities. Additional training measures and direct employment were combined. More than 6,000 people underwent training, and around 800 people found a job or started their own business. I would also like to mention the "Local Employment Partnership" project. The objective of this project is to reduce unemployment at local level and move from informal undeclared work to formal employment. The project brought together municipalities, employment offices, schools and employers in 20 local partnerships across Bosnia and Herzegovina. Together they create training and programmes tailored to the exact need of companies in their local community. We also have active projects such as "EU4Jobs of the Future". The objective of these projects is to adapt the labour market to modern trends, namely the green and digital economy. This project supports retraining workers for the jobs of the future. We also have one new project: "EU4People" employment programme in Bosnia and Herzegovina. The objective of this project is to fundamentally modernize public employment services and strengthen institutions. This new project is designed to correct long-standing structural problems such as the mismatch between what is taught in schools and the real needs of the companies. It will focus on digitalizing the work of the public employment services so they can more effectively match the unemployed skills with employers' needs.

Employer members – We thank the Government of Bosnia and Herzegovina for the information on this case, of which we have fully taken note. Bosnia and Herzegovina joined the ILO in 1993 and has ratified 83 Conventions and one Protocol. The country ratified the Employment Service Convention, 1948 (No. 88), and the Employment Policy Convention, 1964 (No. 122), in 1993. The Private Employment Agencies Convention, 1997 (No. 181), was ratified in 2010.

The Committee of Experts issued observations on Convention No. 122 in 2022 and further observations in its recent report. The case has not been discussed in the Committee before. It should be noted that Bosnia and Herzegovina has been recognized by the European Union as a "candidate country" for accession. The country is on the current agenda for future enlargement, and the European Union agreed in principle to open accession talks but the country must fulfil certain conditions. The case concerns three Conventions.

Regarding Convention No. 122, the first point is on active employment policy and consultation of social partners. In 2025, the overall unemployment rate was 13.4 per cent, 10.6 per cent for men and 17.8 per cent for women. Youth unemployment remained particularly high at 35.3 per cent. Regional disparities persist and the Committee of Experts' report indicated that monitoring of the results and impact of employment strategies is inadequate.

According to Article 1(1) of Convention No. 122, each Member State shall declare and pursue an active policy designed to promote full, productive and freely chosen employment.

The Committee of Experts requested the Government to take urgent and targeted measures to review and strengthen its active labour market policies. It further requested the Government to report on the specific steps taken and provide a detailed analysis. Regarding the Law on Mediation in Employment and Social Security of Unemployed Persons, the Committee of Experts requested detailed information on the practical application of the new provisions. The Employer members support these requests.

We would like to recall the wording of Article 3 of Convention No. 122. According to this Article, representatives of employers and workers shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies. Therefore, we ask the Government to involve the social partners accordingly.

Second, on the issue of undeclared work, the Employer members note the Government reports on efforts to tackle challenges in the informal economy. However, we would like to propose to the Government to develop a comprehensive and coordinated strategy, in consultation with the social partners, to facilitate the transition to the formal economy and to provide detailed information.

Third, on the topic of education and training, we note the 2020–30 Employment Strategy of the Government. This strategy includes initiatives to improve the education system, provide training to unemployed persons, and align education with labour market needs. The Government also indicated that amendments to the Law on Adult Education have been introduced. It added that accredited adult education institutions regularly implement formal education programmes for specific professions, as well as informal education programmes for training in certain occupations. However, the Government indicated a "very significant mismatch" between education and the labour market, which is linked to the high youth unemployment rate. While we acknowledge the new strategies, we encourage the Government to intensify its efforts to ensure that these strategies effectively reduce this mismatch.

Regarding Convention No. 88 on employment services, the Employer members are concerned about reports on employment services which seemed to be fragmented and uneven in coverage.

First, on the contribution of employment services to employment promotion, we note the information provided on the Social Safety Nets and Employment Support Project (SSNESP). However, since the total number of registered unemployed persons remains critically high, the Employer members ask the Government to provide a detailed assessment of the labour market measures. Furthermore, we ask for updated information on the number of public employment offices, applications for employment received, vacancies notified and persons placed in employment by such offices.

Second, regarding the cooperation with social partners, we note efforts to strengthen the role of the Economic and Social Council and to enhance participation of the social partners. However, we would like to highlight the importance of Articles 4 and 5 of Convention No. 88 on the consultation and involvement of social partners. Taking into account these provisions, the Employer members ask the Government to seek effective cooperation with the social partners and to report on the measures taken.

Third, regarding the activities performed by the employment services, we note that, according to an evaluation of the European Commission in 2024, the public employment services' capacities remain weak and their core functions are limited by the administration of social benefits. Therefore, we ask the Government to take specific steps to strengthen the public employment services' capacities. The Government should report on the impact of all the programmes and provide information on the status, training and conditions of service of the public employment services' staff.

Fourth, regarding the prospect of young people, we note the 2023–25 Action Plan with measures to include employment programmes for the "Youth Guarantee" project scheduled for 2026. However, regarding Article 8 of Convention No. 88, special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services. Therefore, we ask the Government to intensify its efforts and to provide detailed information on the practical implementation.

As for the Private Employment Agencies Convention, 1997 (No. 181), we note that 34 private employment agencies were registered in the Federation of Bosnia and Herzegovina and that these agencies did not offer services under Article 1(b) of the Convention. Taking into account these circumstances, we ask the Government to provide further information, especially on the decline in the number of registered private employment agencies and the number of workers placed by registered private employment agencies.

Second, regarding the cooperation between the public employment services and private employment agencies, the Employer members would like to highlight the importance of Article 13 of Convention No. 181. According to this Article, members shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish, and periodically review conditions to promote cooperation between the public employment services and private employment agencies.

We note that the Law on Mediation in Employment and Rights during Unemployment stipulates that the Public Employment Office and private agencies cooperate in the interests of unemployed persons and employers. However, according to the Committee of Experts, the joint committee provided for by law has not been established and information on cooperation has not been provided. Therefore, we encourage the Government to establish the joint committee and to promote cooperation between the public and private employment services.

Furthermore, and to conclude, we request the Government to report on the practical results of such cooperation.

Worker members – This is the first time that this Committee is examining the application of Conventions Nos 88, 122 and 181 by the Government of Bosnia and Herzegovina. These Conventions relate to the development, implementation, review and monitoring of employment policy, employment services and vocational guidance and training, which collectively aim to achieve full employment and the raising of standards of living. The Worker members note with serious concern the observations of the Committee of Experts which present a picture of persistent labour market weakness and structural deficiencies that continue to undermine access to decent work and inclusive economic development in the country. The latest labour market figures clearly demonstrate the urgency of the situation.

Unemployment increased by 12.8 per cent in the first quarter of 2025. Overall unemployment remains high at 13.4 per cent, with women facing significantly higher unemployment rates than men. Women workers, particularly those in the informal economy, continue to face structural barriers to labour market participation. Particularly alarming is the

youth unemployment rate, which remains at 35.3 per cent. At the same time, the country continues to face a shortage of decent work opportunities for persons with tertiary education and for highly skilled workers contributing to the continued emigration of qualified young people.

We are also troubled by the persistently high unemployment experienced by persons with disabilities, as well as by the limited effectiveness of existing quota systems and labour market integration measures. These challenges are not isolated problems. They reflect deep and interconnected structural shortcomings in labour market governance and policy implementation and monitoring. While a number of employment strategies, programmes and legislative initiatives have been adopted by both entities in the country, the Committee of Experts' comments make clear that current measures remain insufficient to address the scale and persistence of unemployment and labour market exclusion. Incremental reforms and fragmented initiatives cannot adequately respond to the structural nature of the challenges identified.

What is required is a stronger employment policy framework capable of promoting full, productive and freely chosen employment in line with Convention No. 122. This framework must place particular emphasis on groups facing the greatest barriers to decent work including women, young people, long-term unemployed people, people with disabilities and highly skilled workers who continue to leave the country due to lack of opportunities. In this regard, the Worker members welcome the support provided by two ongoing ILO projects. The project "EU4Employment in Bosnia and Herzegovina – Harnessing the Green and Digital Transitions" (2024–28) promotes employment creation and labour market inclusion while supporting the country's transition towards a greener and more digital economy. In parallel, the "Youth Guarantee" project aims to expand young people's access to decent work and improve their prospects for labour market integration.

Given the substantial international assistance provided, we expect these initiatives to deliver concrete results on the ground and to demonstrate measurable progress in improving workers' access to the labour market and decent job opportunities. At the same time, the Committee of Experts' observations clearly demonstrate the need for a far more holistic and coordinated approach to labour market governance. Employment policies cannot be developed in isolation from employment services, vocational education and training systems, adult learning strategies and policies aimed at facilitating the transition from the informal to the formal economy. The current lack of coordination between these different policy areas is especially concerning. The Committee of Experts notes, for example, the insufficient coordination between labour administrations and education authorities in relation to adult education and vocational training policies.

This disconnect contributes directly to the persistent mismatch between education outcomes and labour market demand which, in turn, fuels high unemployment and the "brain drain". Strategies are urgently required to address skills gaps and to improve the employability of jobseekers. We are further concerned by the observations of the Committee of Experts that public employment services continue to face significant capacity constraints. Their ability to perform their core functions remains weakened by limited institutional capacity and by the continued responsibility for administering social benefits. We recall that public employment services must be adequately equipped to fulfil their functions of matching jobseekers with opportunities and collecting labour market information.

Strengthening public employment services must therefore become a priority and measures must be adopted to enable employment services to focus on active support for

jobseekers and employers alike. In addition to these challenges, we note the Committee of Experts' concerns regarding the scale of undeclared work in the country. According to the latest ILO statistics available, the informal economy accounted for 30.5 per cent of total employment in 2019, highlighting the significant number of workers who remain outside the scope of labour protection and social security systems. In this regard, we stress the importance of adopting effective measures to facilitate the transition from the informal to the formal economy. Informal employment continues to leave many workers, particularly women, without adequate labour protections and social security coverage.

A comprehensive strategy is therefore needed to reduce undeclared work, strengthen labour inspection and enforcement, expand social protection coverage and create incentives for the formalization of employment across the economy. A related concern is the protection of migrant workers recruited through private employment agencies. We regret the absence of detailed information on the measures taken to ensure their protection as requested by the Committee of Experts. We recall that under Article 8(1) of Convention No. 181, members are required to take all necessary measures to protect migrant workers from abuse, including through legislation and penalties against agencies engaged in fraudulent or abusive practices. More broadly, another issue repeatedly highlighted in the Committee of Experts' comments is the absence of sufficient information on the impact of policies and programmes already in place.

While the Government has reported on numerous initiatives, strategies and action plans, the Committee of Experts repeatedly notes the lack of detailed assessments demonstrating whether these measures are producing tangible improvement in employment opportunities. This points to the critical importance of systematic monitoring and policy evaluation. Effective labour market governance requires not only the adoption of strategies and programmes but also robust mechanisms to assess their implementation, effectiveness and impact. Without reliable and disaggregated data, it is impossible to determine whether public policies are reducing unemployment, facilitating labour market inclusion or addressing inequalities affecting women, young people and people with disabilities. We therefore strongly encourage the Government to strengthen its monitoring and data collection mechanisms.

Finally, we wish to emphasize the fundamental importance of full and effective consultation with the social partners at all stages of policy development, policy implementation, monitoring and review as required under the Conventions under review. On this matter, we note with concern the Committee of Experts' repeated observations regarding the limited functioning of tripartite bodies and the insufficient evidence demonstrating that consultations are effective in practice. Effective social dialogue is not merely a procedural requirement. Social partners possess direct knowledge of labour market realities and the challenges faced by workers. Their active participation improves policy design, strengthens implementation and enhances public trust in labour market institutions and reforms.

Strengthening social dialogue institutions in both entities, as well as in the Brčko District, should therefore be treated as a priority. The Committee of Experts' observation leave little doubt that Bosnia and Herzegovina faces significant and deeply rooted labour market challenges that require urgent coordinated and sustained action. Stronger labour market policies, better coordination between employment, education and training systems, improved monitoring and evaluation and genuine social dialogue are all essential components of an effective response. We therefore urge the Government to intensify its efforts, in full consultation with the social partners, to strengthen labour market institutions and policies, improve employment opportunities, facilitate the transition to the formal economy and ensure

that all workers, particularly women, young people, people with disabilities and highly skilled workers have access to decent, productive and freely chosen employment.

Before I finish, we regret the need to have postponed this case as several colleagues from our ranks who wished to intervene and were fully prepared to do so are no longer able to address the Committee in person. Among them is the Bosnia and Herzegovina Workers' delegate, Mr Goran Stankovic. We are grateful to the Committee for allowing, in these exceptional circumstances, that I read his statement as written.

Worker member, Bosnia and Herzegovina – As a member of the delegation of Bosnia and Herzegovina to the Conference, I was not informed by the competent ministry at the level of Bosnia and Herzegovina about the hearing or about the report of the Committee of Experts.

I consider it unacceptable that the workers' representatives in the national delegation are not informed in a timely manner about issues related to the supervision of the application of international labour standards, especially considering the importance that such procedures and recommendations have for workers, social dialogue and labour legislation in Bosnia and Herzegovina. As we highlighted during the recent meeting of the International Trade Union Confederation (ITUC) union members, Bosnia and Herzegovina is a very complex country when it comes to institutional structure, labour market, social dialogue and the responsibilities of different levels of government, state, entity and Brčko District. When it comes to the participation of the Bosnia and Herzegovina delegation at the Conference, the practice is for workers and employers' representatives to rotate annually between the Republika Srpska and the Federation of Bosnia and Herzegovina. On the part of the Government group, the Ministry of Civil Affairs of Bosnia and Herzegovina is responsible for the organization and coordination of participation. I would like to emphasize that the only information we regularly receive from the Ministry of Civil Affairs is that related to the invitation to participate in the Conference and the appointment of delegation representatives. Other communication is mainly limited to administrative and technical activities, such as purchasing airline tickets, booking accommodation and providing information on delegation members.

We are not involved in communication related to the work of the ILO monitoring mechanisms, including reports of the Committee of Experts and possible state hearings. Also, in recent years, no preparatory meeting of the delegation has been held to discuss the items on the agenda of the Conference and in particular not on issues of importance such as the observations and recommendations of the Committee of Experts. The situation is similar with the Permanent Mission of Bosnia and Herzegovina to the United Nations in Geneva, whose role is mainly administrative and technical support, such as obtaining accreditation for the delegation. We have not received any information regarding any hearings or consideration of cases related to the application of international labour standards. I will present the position of the Confederation of Trade Unions of the Republika Srpska (CTU RS) in the part that relates to the Republika Srpska.

I would like to point out that the Government of the Republika Srpska, namely the Ministry of Labour, War Veterans and Invalids' Protection of the Republika Srpska, regularly includes social partners in the process of preparing reports that the ILO requires through the Ministry of Civil Affairs. The reports submitted from the level of the Republika Srpska are agreed with the social partners and are the result of social dialogue. When it comes to Convention No. 122 on employment policy, measures and activities in the Republika Srpska are implemented in accordance with the employment strategy of the Republika Srpska for the period 2021 and 2022. Social partners actively participate in the creation and monitoring of these policies through institutionalized tripartite social dialogue.

The report particularly highlights concerns about the departure of skilled labour, high youth unemployment and a large number of highly educated individuals who are unable to find adequate employment. In this context, it is important to emphasize that at the initiative of the CTU RS, a process of negotiation has been launched on a new wage system. The main goal of these activities was to retain workers in the Republika Srpska, reduce the grey economy and strengthen the formal labour market. I would especially like to emphasize that the CTU RS has been insisting for years on continuous wage growth as one of the key measures for retaining the domestic workforce.

Unfortunately, despite our constant initiatives and demands, there is not a sufficient degree of readiness among some employers to accept the dynamics of wage increases that would enable the retention of qualified and young workers in the Republika Srpska. As a result, a significant number of workers are deciding to leave the Republika Srpska and Bosnia and Herzegovina and seek employment in Western European countries primarily because of the possibility of higher wages and a better standard of living. The departure of the domestic workforce is leading to an increasingly high shortage of workers in certain sectors which is why employers are increasingly expressing the need to hire foreign workers. At the same time, practice shows that the Republika Srpska and Bosnia and Herzegovina often represent only a temporary destination for foreign workers because they, after a short period of work, also try to find employment in Western European countries driven by the same economic reasons as domestic workers. Therefore, the issue of labour shortage should not be viewed exclusively through the policy of importing workers but primarily through improving working conditions, increasing wages and strengthening social dialogue.

With regard to Convention No. 88 on employment services, we believe that the data provided in the report does not fully reflect current developments in the labour market in the Republika Srpska. According to available data, the unemployment rate decreased from 8.8 per cent in 2024 to 7.8 per cent in 2025, which represents a decrease of 1 percentage point and a continuation of a multi-year trend of decreasing unemployment. However significant challenges remain, primarily in the unfavourable age structure of the unemployed, the immigration of young and qualified workers to the Western European countries as well as the shortage of labour in manufacturing and the healthcare sectors. The CTU RS has its representative on the Management Board of the Employment Service of Republika Srpska who actively participates in the creation and monitoring of employment policies. When it comes to the employment of foreign workers, decisions on quotas are discussed through social dialogue institutions, taking into account the needs of the labour market and protecting the interests of the domestic workforce.

Although the number of foreign workers in the Republika Srpska remains relatively low, accounting for around 1 per cent of total employment, the CTU RS continuously raises issues related to their rights, including the right to organize, collectively bargain and equal treatment in the field of work and employment relations. I believe that sustainable and long-term solutions in the field of employment policy, including the issue of labour migration, can be found only through social dialogue and consultation with social partners. Generally speaking, in the Republika Srpska, there is a clear commitment to the consistent implementation of the Conventions ratified by Bosnia and Herzegovina and the Government of the Republika Srpska, together with social partners, is trying to comply with all recommendations. We have no doubt that we will jointly follow the recommendations and implement them in order to eliminate all shortcomings.

Worker member, Sweden – I speak on behalf of the trade unions in the Nordic countries on the application of Conventions Nos 88, 122 and 181. These Conventions are not only about

labour market regulation. They are about whether people have real access to decent work, whether young people can build the future in their own country and whether labour market institutions are strong enough to protect both national and migrant workers. Above all, they are about social dialogue because without the genuine involvement of workers' and employers' organizations, no employment policy or employment service can be fair, effective or sustainable.

The situation in Bosnia and Herzegovina is deeply concerning. Unemployment remains high, especially among young people, women and skilled workers. This reflects structural barriers to equal opportunity, a shortage of decent jobs and a continuing loss of skills and talent as people leave the country in search of better prospects. Convention No. 122 requires an active employment policy aimed at full, productive and freely chosen employment. This means more than strategies on paper.

It requires coordinated measures, proper follow-up, meaningful consultation with the social partners with a view to taking full account of their experience and views. Convention No. 88 reminds us that public employment services are central institutions in a well-functioning labour market. They must have the capacity to provide guidance and training, placement and reliable labour market information. But capacity alone is not enough. They must also be developed and reviewed in cooperation with workers' and employers' organizations.

This is essential if these services are to meet the needs of workers and employers alike. Convention No. 181 recognizes that private employment agencies may have a role to play in the labour market but only within a framework of clear regulation, effective supervision and close cooperation with public employment services. This is especially important for migrant workers who must be protected from abuse, unfair recruitment, wage undercutting and precarious contracts. Here, too, social dialogue is indispensable. Cooperation between public authorities, trade unions and employers is the best safeguard against exploitation and the best guarantee that labour migration supports decent work rather than undermines it.

Labour migration is increasingly presented as a response to labour shortages and as a driver of growth, but migration cannot become a substitute for effective employment policy nor can it be used to bypass labour standards, collective agreements or trade union rights. That would create a divided labour market marked by growing insecurity. We therefore urge the Government to strengthen active employment policies to address rising unemployment, particularly among young people, women and skilled workers, reinforce public employment services, ensure proper regulation of, and cooperation with, private employment agencies and protect migrant workers in practice. Finally, we urge the Government to guarantee full consultation with the social partners at every stage of this work. Social dialogue is not a formality. It is a prerequisite for lasting balanced and rights-based labour market reform.

Observer, Building and Woodworkers' International (BWI) – I am speaking on behalf of Building and Woodworkers' International representing more than 12 million workers worldwide in construction, building materials, forestry, wood and allied industries. We note with concern the Committee of Experts' observation regarding persistently high unemployment, particularly among young people and highly qualified workers, as well as the continuing lack of decent work opportunities that is driving many skilled workers to leave the country. Despite various employment measures, unemployment remains high.

Youth unemployment exceeds 35 per cent and significant disparities remain, particularly for women. Employment policies must be judged not only by the number of programmes implemented but by whether workers gain access to decent, productive and freely chosen employment. In construction and forestry, labour shortages coexist with unemployment,

reflecting poor working conditions, weak skills matching, inadequate wages and the continuing expansion of undeclared work. We are particularly concerned by the number of fatal workplace accidents reported in the construction sector in the country. On 6 April this year, in Bišće Polje near Mostar, a construction worker lost his life on a building site and other workers were killed in Sarajevo on 2 May.

On 12 May, a 25-year-old worker died on the “Corridor 5C Highway” project, one of the country’s largest infrastructure projects. Too often these tragedies are reported under headlines beginning with the words "another fatal accident”. Behind every statistic is a worker who did not return home from work. These cases remind us that employment policy cannot be separated from occupational safety and health. Undeclared work remains a major structural challenge, particularly in the subcontracting chains in construction and forestry.

Workers in informal employment often face unsafe conditions, wage theft, lack of social protection and limited access to trade union representation. We therefore support the Committee of Experts’ call for stronger efforts to facilitate the transition from the informal to the formal economy. This requires stronger labour inspection systems, better enforcement, effective sanctions and joint responsibility throughout subcontracting chain. Incentives alone will not be sufficient. Public employment services remain essential.

However, they must have the capacity to focus on their core functions of matching workers with employment opportunities and support labour market transitions, particularly for young people and the long-term unemployed. The Committee of Experts has also highlighted the serious mismatch between education and the labour market needs. In many sectors, including construction and woodworking, employers struggle to find qualified workers while many young people face unemployment or leave the country because they see few opportunities to acquire skills and build a future at home. Vocational education, apprenticeships and pathways into skilled trades remain insufficient. We therefore welcome efforts to strengthen vocational education, adult learning and skills development.

These measures must be developed in close collaboration and cooperation with employers’ and workers’ organizations linked to genuine labour market needs and expanded to ensure that young people have access to quality training, apprenticeships and clear transition from education to employment. We also wish to emphasize the importance of collective bargaining. Collective agreements remain one of the most effective tools for improving working conditions, supporting skills development and providing workers with access to educational opportunities, including trade union education. We therefore regret that the sectoral collective bargaining in important sectors, such as construction and building materials, has stalled in recent years due to the lack of engagement from employers. At the same time, BWI recognizes that employers in sectors such as construction, wood processing and manufacturing, are increasingly relying on migrant workers to address labour shortages.

While labour migration can help to respond to immediate workforce needs, it cannot replace a comprehensive employment policy aimed at retraining domestic workers and creating decent jobs. The continuing immigration of skilled workers from Bosnia and Herzegovina reflects deeper structural challenges including inadequate wages, insecure employment, weak career prospects and insufficient investment in skills development. BWI further stresses that all migrant workers must enjoy equal treatment, equal pay for work of equal value, adequate social protection, safe working conditions and full access to trade union rights and representation. Strong labour inspections and enforcement mechanisms are essential to prevent abuse, exploitation, social dumping and unfair competition. Labour

migration should complement and not undermine efforts to promote decent work, vocational training and sustainable employment opportunities for all workers.

We therefore call on the Government to work closely with the social partners to develop coherent employment, industrial skills and transition policies to support decent work and ensure that no worker is left behind.

Government representative – I will have to apologize. I have a very short time to speak because I am outside of the work. I am very surprised by the words of the Worker member because all the information we had was sent to the workers and the employers. So, unfortunately, as I said in my first statement, we do not have any information today but we will send everything we have in writing.

Worker members – The Worker members recall that the Conventions under examination require the Government not only to adopt comprehensive policies and targeted measures but also to ensure that these policy measures are coherent, effective, coordinated and capable of delivering tangible progress towards full, productive and freely chosen employment. Bosnia and Herzegovina continues to face profound and persistent labour market challenges including rising unemployment, exceptionally high youth unemployment, structural barriers faced by women, insufficient labour market inclusion of people with disabilities, and the continued immigration of highly skilled workers due to the lack of decent work opportunities.

These challenges are further exacerbated by widespread undeclared work, persistently low wages and the limited progress in transitioning to the formal economy. In light of these concerns, the Worker members urge the Government to take concrete and coordinated action.

First, we urge the Government to review and strengthen its active labour market policies to address the structural nature of unemployment. Particular priority should be given to measures aimed at increasing decent work opportunities for women, young people, long-term unemployed workers, people with disabilities and highly skilled workers. These policies should include targeted employment programmes, skills development initiatives and measures aimed at addressing the mismatch between labour market demand and available qualifications. In this regard, we request the Government to keep the Committee of Experts informed of the measures taken and the results achieved through the "EU4Employment in Bosnia and Herzegovina – Harnessing the Green and Digital Transitions" project and the "Youth Guarantee" project.

Second, we urge the Government to establish a coherent and coordinated labour market governance framework. Employment policies, public employment services, vocational education and training systems, adult learning strategies and policies aimed at facilitating the transition from the informal to the formal economy, must be developed and implemented in a coherent manner. We also request the Government to strengthen coordination mechanisms between labour administrations, education authorities and the social partners to address skills mismatches, improve employability and reduce skills gaps.

Third, we call on the Government to reinforce the institutional capacity of public employment services in all entities. Public employment services must be adequately resourced and enabled to focus on their core functions including individualized support for jobseekers, labour market matching, vocational guidance and the collection of labour market information. Measures should also be taken to separate the administration of social benefits from active employment support functions.

Fourth, we urge the Government to intensify its efforts to facilitate the transition from the informal to the formal economy in line with the Transition from the Informal to the Formal

Economy Recommendation, 2015 (No. 204). This should include comprehensive measures to reduce undeclared work, strengthen labour market inspection and enforcement, extend labour and social protection to workers in the informal economy, and address the specific vulnerabilities faced by women in informal employment.

Fifth, we urge the Government to provide detailed information on the measures taken to protect migrant workers recruited or placed in its territory by private employment agencies and to prevent abuses against them.

Sixth, we stress the importance of developing robust monitoring, evaluation and data collection systems. The Committee of Experts repeatedly highlighted the absence of sufficient information regarding the actual impact of policies and programmes currently in place. The Government must therefore establish clear benchmarks and measurable indicators to assess whether the labour market policies are effectively reducing unemployment and improving labour market inclusion. The social partners should be fully involved in the regular monitoring and evaluation of the impact of these policies. Statistical information disaggregated by sex, age, qualification, disability and region should be regularly collected and published.

Finally, we underline the importance of ensuring full and effective consultation with the social partners at all stages of policy development, implementation, monitoring and review as required by the Conventions under examination. Social dialogue must be meaningful, institutionalized and operational in practice. The Government should therefore take immediate steps to strengthen and revitalize tripartite consultation bodies in both entities and in the Brčko District and ensure that the social partners are fully involved in shaping labour market, employment and vocational training policies. The scale and persistence of the challenges identified in this discussion require urgent, sustained and coordinated action. The Worker members therefore urge the Government to act decisively to strengthen labour market institutions and policies, improve coordination across employment and training systems, improve and reinforce public employment services and promote decent, inclusive and formal employment opportunities for all workers. To support these efforts and accelerate progress in the implementation of the Convention, the Worker members encourage the Government to avail itself of ILO technical assistance.

Employer members – Considering the Committee of Experts' observations and today's discussion, the Employer members would like to recommend to the Government to implement the recommendations made in our previous intervention.

In summary and in particular, we propose the following recommendations to the Government. First, to consult and engage with social partners in line with the respective provisions of Conventions Nos 88, 122 and 181. Second, to enter a process of amending the legislation and strengthen initiatives in law and practice in line with Conventions Nos 88, 122 and 181. And finally, to provide information on all measures taken. To conclude, we count on the collaboration of the Government for the implementation of these recommendations.

Chairperson – The discussion of this case is now concluded. I thank the Government representative of Bosnia and Herzegovina as well as all the other speakers who participated in the discussion.

Conclusions of the Committee

The Committee took note of the written information available and the discussion that followed.

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

- **take targeted measures to strengthen active labour market policies, including to improve access to decent work for vulnerable groups and provide information on their impact, in particular with regard to rising unemployment and skills mismatches;**
- **provide information on the application of recent legislative and policy measures, including with regard to new provisions related to employment services and on the protection of migrant workers recruited or placed by private employment agencies;**
- **develop and implement a coherent and coordinated strategy for all public entities, in consultation with the most representative employers' and workers' organizations, to address skills mismatches, improve employability, reduce the "brain drain", facilitate the transition from the informal to the formal economy, and provide information on the results achieved;**
- **strengthen the capacity of public employment services and provide updated information on the number of public employment offices, applications for employment received, vacancies notified and persons placed in employment by such offices;**
- **ensure effective cooperation between public and private employment services and the most representative employers' and workers' organizations, including through the establishment of the joint committee provided for by law, and provide information on the practical results of such cooperation;**
- **strengthen monitoring, evaluation and impact assessment mechanisms to assess the effectiveness of labour market policies and programmes.**

The Committee requested the Government to avail itself of ILO technical assistance, and to report to the Committee of Experts by 1 September 2026, on the measures taken to implement these recommendations and the results achieved.

Government representative – I would like to take this opportunity to sincerely apologize to the Committee for not being able to attend the session on 4 June. In accordance with the Constitution of Bosnia and Herzegovina, the Ministry of Civil Affairs of Bosnia and Herzegovina coordinates activity and harmonizes plans of entity authorities in the area of labour, employment and social protection with great dedication. One of the most important priorities of our work is cooperation with the ILO. We are pleased to consolidate, finalize and translate all reports we collect from competent authorities at the entity and cantonal levels with the prescribed deadlines, thus fulfilling our obligation arising from ratified ILO Conventions.

In particular, we would like to inform the Committee that at the beginning of this year, 2026, we launched the development of the Decent Work Platform together with the ILO. We sincerely hope to receive positive opinions from all the partner institutions soon, so that Bosnia and Herzegovina can adopt this strategically important document as soon as possible. Our successful technical cooperation with the ILO is best reflected in the implementation of the Instrument for Pre-accession Assistance (IPA) project which we proudly share with you through three key phases.

First, we have significant results from the completed project. Through the "European Union for Employment (EU4Employment)" project, with a budget of up to €5 million, we trained more than 6,000 less employable citizens, and around 800 people successfully found employment or started their own businesses. The "Local Employment Partnership (LEP II)" project successfully united municipalities, bureaux, schools and employers in 20 communities across Bosnia and Herzegovina creating programmes tailored exactly to the local market.

Secondly, we are currently implementing active projects such as "EU4Jobs of the Future" that is steering our labour market toward the green and digital economy. Through grants such as EXPRO and SEED project, we are happy to help people start modern and sustainable businesses.

Thirdly, we are very optimistic about announcing a new project that has just begun. The project is "EU4People" and our goal is to modernize and digitalize public employment services in order to bridge the long-standing gap between the education system and the real needs of the economy.

Also, I would like to emphasize that we are in the final stage of adopting the "Youth Guarantee" project in Bosnia and Herzegovina and the implementation is scheduled for January 2027. Bosnia and Herzegovina remains fully committed to ILO standards, strengthening institutions and continuing open cooperation with the Committee of Experts, all with the aim of creating decent work opportunities for all our citizens together with our social partners.

Colombia (ratification: 1976)

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

Written information provided by the Government

With regard to the examination of the application of the Convention, the Government of Colombia reiterates its commitment to strengthening guarantees for the exercise of workers' fundamental rights in a national context that continues to face significant security and human rights protection challenges. Against that backdrop, the State has undertaken institutional efforts intended to prevent violence and strengthen protection mechanisms for social and trade union leaders, acknowledging the need for permanent progress in consolidating the conditions needed for the exercise of freedom of association and social dialogue.

It is equally important to highlight that the country's current situation remains marked by security challenges created by persistent criminal structures, illicit economies and organized armed groups affecting different sectors of the Colombian population, including social leaders and trade union representatives. The Colombian State has, however, progressively strengthened its institutional capacity to counteract these phenomena through comprehensive prevention, protection and investigation activities, and by deploying strategies to enhance security, ensure an institutional presence across the territory and strengthen individual and collective protection mechanisms. In this context, the Government reaffirms its commitment to guaranteeing fundamental rights, promoting social dialogue and meeting the international obligations assumed by Colombia with regard to freedom of association and the protection of workers.

On the basis of these considerations, the Government has taken a range of actions to make progress towards addressing fully the matters governed by the Convention.

Violence against trade unionists

In fulfilment of its constitutional duty, the Public Prosecutor's Office (FGN) is responsible for prosecuting crimes, investigating acts which may constitute offences and bringing cases against suspected perpetrators before the competent courts. To comply with its institutional

commitments, it prioritizes dealing with the impact suffered by specific groups, including human rights defenders and trade union members.

The FGN has developed institutional mechanisms aimed at addressing each crime in accordance with its particular nature. In that connection, it has a specific strategy for investigating and prosecuting murders of trade union members, and another strategy for murders of human rights defenders, including trade union leaders. In 2025 the FGN drew up a prioritization plan that brought together murder cases under investigation in remote and hard-to-reach areas, known as the investigation strategy to link cases with common elements, related to criminal organizations and their funding, to reach substantive decisions.

Following up murders of trade union members continues to be a priority for the FGN.

In 2025, the Special Investigation Unit (UEI) again lent its support in addressing a number of cases involving murders of trade union leaders as part of the implementation of the strategy for investigating and prosecuting crimes against human rights defenders. The Representative for Territorial Security continued to work on murder cases in which the victims belonged to a trade union but did not have any form of leadership role.

Regarding the number of prosecutors assigned exclusively to crimes against trade unions, the following action was taken in 2025:

- Within the FGN, coordination was strengthened between the strategies for investigating murders of trade union members, murders of human rights defenders and intentional homicide.
- A public official from the national team was assigned to the Representative for Territorial Security to lead and monitor proceedings in all cases in which the victim is a trade unionist.
- The Deputy Public Prosecutor's Office provided support.
- A victimology protocol for serious human rights violations, drawn up in 2022, was implemented which allows victims' different trade union and social leadership profiles to be identified so that they may be considered when building hypotheses about crimes and defining investigative activities.
- Progress was made in the investigation strategies aimed at dismantling criminal structures in the different departments; these comprehensive achievements strengthen understanding of crimes of this type and the institutional capacity to tackle them.
- The investigation strategy to link cases with common elements, related to criminal organizations and their funding, in order to reach substantive decisions was implemented.

In addition, Memorandum No. 001 of 2024 has been implemented. Through this memorandum, the Public Prosecutor issued guidelines to ensure unity in investigations and a comprehensive approach to them at all stages of the process. It emphasizes that, in the view of the Public Prosecutor's Office, it is vital that the FGN's constitutional mandate to investigate and prosecute is fulfilled in a timely, full and effective manner as an essential requirement of the administration of justice.

It is established that "each investigating authority is called to: (i) undertake, promptly and efficiently, all necessary investigative activities in order to gather the material and physical evidence and legally obtained information that allow for clarification of the facts – identifying the manner, time and place in which they occurred – identify perpetrators and participants in the crime and evaluate and quantify the damage caused; (ii) adopt, on the basis of that evidence, appropriate legal decisions in strict observance of the procedural safeguards

applicable to the parties and participants, particularly victims; and (iii) take part in trials in cases in which indictments have been submitted in order to prove, beyond reasonable doubt, the alleged facts and the defendant's liability".

The objectives include achieving unity in investigations, meaning that prosecutors themselves will be familiar with investigative processes in their entirety, from the investigation stage to the trial. Moreover, a comprehensive approach to investigations is proposed, strengthening the application of restorative justice mechanisms, initial strategic analysis to link cases, the effective leadership of investigations and the adoption of immediate measures to restore rights.

The strategy for combating crimes against trade union members is not simply the responsibility of a single unit of the Public Prosecutor's Office; the Office has taken steps to ensure sufficient institutional capacity to tackle crimes against that group. While there are trained prosecutors at the national and regional levels, they enjoy the support of multiple public officials assigned to the units.

The strategy aligns with the investigative efforts of the Representative for Territorial Security and the Specialized Directorate against Human Rights Violations, and in some specific circumstances with those of the Special Investigation Unit.

The immediate response to murders is provided by the officials available at any of the 35 sectional directorates of the Public Prosecutor's Office, particularly those dealing with a high number of crimes against trade union members. Those teams include prosecutors and public officials of the judicial police assigned to the Public Prosecutor's Office and the National Police of Colombia.

It is important to underline that the assigned officials in the Specialized Directorate against Human Rights Violations and the Representative for Territorial Security do not deal exclusively with crimes against trade unionists. They have an additional workload and have been assigned to investigations into such crimes because they have experience and training in this area.

Threats against trade unionists

The Public Prosecutor's Office confirms that it is committed, as an institution, to dealing with crimes of making threats and exercises its constitutional duties in full, providing, as a matter of priority, protection for specific groups, including trade unionists, human rights defenders and other vulnerable groups.

Through an on-call system, the National Working Group to support, lead and coordinate the analysis, investigation and prosecution of cases involving threats against human rights defenders (GTNA), which currently has ten offices dedicated exclusively to investigating threats against human rights defenders and social leaders, undertakes urgent action and immediate investigations in such cases, including by opening cases based on information received via the email address and telephone line provided for that purpose. These on-call shifts take place each week from Tuesday at 8 a.m. until the following Tuesday at 8 a.m. The teams staffing each shift comprise a prosecutor, an investigator, an analyst and an assistant.

As soon as they are notified of an incident, these teams undertake the urgent action (including interviews, statements, hearings for selective searches in databases, interceptions and raids) required in response to threats against social leaders and human rights defenders in the country, with the aim of gathering the necessary material and/or physical evidence to identify the perpetrators of the crime.

Reporting mechanisms for threats against human rights defenders have been created and are in operation 24 hours a day. These are the 3506011181 helpline, the 122 contact centre and the recepcion.amenazas@fiscalia.gov.co email address.

There is effective coordination within the FGN, particularly with the 35 sectional directorates, through the assignment of prosecutors to the National Working Group in different regions of the country. As part of these efforts, days to review, categorize, reduce and expedite cases have taken place in each of the sectional directorates, strengthening investigation management in the territories. Similarly, there is ongoing communication with the Special Investigation Unit, contributing to inter-institutional coordination and the follow-up of murder cases dealt with by the Unit.

Protection for trade unionists

The National Protection Unit (UNP) reiterates its institutional commitment to the effective protection of trade union activists and leaders, in accordance with the provisions of Decree No. 1066 of 2015, which expressly recognizes them as a protected group.

It is important to mention that the UNP has recently strengthened inter-agency coordination processes, as well as training for staff with a focus on trade union rights, and has also allocated technical and logistical resources to address protection requests made by trade union organizations and leaders, particularly in areas of the country most exposed to anti-union violence.

It should be highlighted that the UNP acts diligently and is accessible to all persons requiring its protection. The Unit receives, verifies and manages all requests made in line with the established procedures, ensuring that they are processed in a timely manner and prioritizing the protection of rights and the safety of protected groups. These actions reflect the strengthening of its solid institutional commitment to its service users.

It is essential to clarify that a risk level assessment may only begin at the express request of a person requesting protection, both when submitting a request and when formally authorizing an assessment. The UNP cannot launch such an assessment ex officio, in line with the principles of informed consent, due process, access to information and respect for the requester's autonomy. It is therefore only through such a request and authorization that the technical and operational steps may be taken to determine whether a risk exists and, if so, what measures must be adopted.

Similarly, although the UNP accepts and processes all requests received, not all lead to a risk level assessment, owing to factors such as:

- non-compliance with the requirements set out in the regulations in force;
- incomplete or insufficient documentation;
- lack of competence of the Unit in certain situations;
- absence of a causal link between the facts reported and the population group into which the individual in question has been categorized.

When the information submitted is incomplete, the Unit contacts the requester directly to provide guidance and support in fulfilling the requirements. Likewise, when the situation does not fall within its competence, the request is forwarded to the relevant authority, thereby ensuring that the case is dealt with appropriately and avoiding an institutional vacuum in the response.

With regard to the classification of risk levels, it must be reiterated that the UNP uses a standardized technical tool, approved and backed by the Constitution and jurisprudence, which prevents any undue discretion in assessments.

The Committee for the Assessment of Risks and the Recommendation of Measures is the collegial body that, based on technical analysis by the Subdirectorate for Risk Assessment, validates the level of risk and, where necessary, recommends protection measures and time frames and is also able to adjust, reassess and suggest the suspension or withdrawal of measures, and to refer follow-up actions to other bodies.

The UNP has already taken specific, sustained and verifiable action to strengthen its risk assessment system and protection guarantees as part of institutional modernization efforts. This includes strategic plans and initiatives intended to transform its operating model, with milestones such as institutional redesign and increased emphasis on prevention, in fulfilment of its constitutional mandates and commitments towards trade union organizations.

Similarly, the Unit has fulfilled its commitment to strengthen the protection system under the National State Agreement (Domestic Sector), adopted in 2023.

The UNP will continue to strengthen its institutional capacities to provide a timely, effective response that adopts a differential approach to the risks faced by trade union leaders in Colombia, reaffirming its commitment to guaranteeing the fundamental rights to life, freedom, integrity and free association. In that connection, actions that promote inter-agency coordination, efficient resource use and the continuous improvement of protection mechanisms will continue to be implemented with the aim of contributing to a safe environment conducive to the full exercise of trade union activity in the country.

Trade union contracts

The Government understands through the Ministry of Labour that trade union contracts have been used as a mechanism for illegal labour placement, and this is why section 68 of the draft labour reform (amending section 482 of the Substantive Labour Code (hereinafter: Labour Code)) sought to eliminate such contracts. Nevertheless, the National Congress eliminated this provision during the legislative process.

The Ministry of Labour has been taking measures to ensure that trade union contracts are not misused and do not undermine workers' trade union rights. Among these measures, it should be emphasized that the Labour Reform Act (Act No. 2466 of 2025), under Title II (Individual employment relationships) and specifically in Chapter V (Measures for the appropriate use of outsourcing and labour placement), established section 48 (Prohibition of evasion on the part of employers), through which section 59A was added to the Labour Code, as follows:

> In accordance with the principle of the primacy of reality, employers are prohibited to make fraudulent use of the differentiated privileges granted to certain productive sectors or to micro- and small enterprises, with the aim of disregarding or undermining the labour rights recognized for workers under the present Act.

The Government thus seeks to ensure that any form of labour placement or outsourcing, including trade union contracts, cannot be used by employers as a mechanism for disregarding or undermining the labour rights of workers.

Since May 2026, the Ministry of Labour has been developing a draft regulatory decree aimed at curbing illegal labour outsourcing through the strict regulation of trade union contracts. This regulation, which amends Decree No. 1072 of 2015, seeks to guarantee labour

rights, establish explicit prohibitions against the misuse of this arrangement, and create a mandatory registration system for these contracts.

The draft decree prohibits the use of trade union contracts for permanent core activities and the supply of labour, while establishing controls through the implementation of an information and registration system for union contracts, which minimizes the evasion of labour or social security obligations and establishes minimum guarantees in the rules on union contracts, such as the minimum membership period required to participate in contract implementation. Furthermore, it makes it mandatory for the assembly to approve or renew union contracts.

Furthermore, Decree No. 0234 of 6 March 2026, issued by the Ministry of Labour, regulates multi-level collective bargaining in the private and public sectors, establishing rules for negotiation by industry, trade union or sector, not just at the enterprise level. The decree seeks to strengthen trade union bargaining, prescribes coexistence with collective accords and establishes the mandatory nature of sectoral agreements. The Decree allows for collective bargaining by industry, sector, group of companies or geographical area, in addition to the traditional enterprise level. The Decree restricts the signing of collective accords (agreements with non-unionized workers) where representative trade unions exist, and extends the application of collective agreements to all enterprises in the sector. It seeks to ensure that there is only one collective bargaining process per company or sector, adopting the oldest agreement or that of the majority trade union, and that non-unionized workers benefiting from a collective agreement pay union dues.

It is appropriate to bring to the attention of the Committee of Experts the communication sent by the Colombian trade union confederations to the International Trade Union Confederation (ITUC), with a copy to the Government, in which they state their position regarding the inclusion of Colombia on the Committee's preliminary list of individual cases. This is of particular relevance insofar as the communication reflects the stance of the country's main trade union organizations, which express their disagreement with the possible inclusion of Colombia on the short list for examination, highlighting progress, social dialogue forums and measures adopted by the Colombian State with regard to guaranteeing freedom of association and the protection of labour rights. In this regard, we consider it important that this information be taken fully into consideration within the technical and objective analysis of the national situation in relation to the application of the Convention. To this end, part of the communication is reproduced below:

"... The Colombian trade union movement believes that the Government of Colombia should not under any circumstances be included on the shortlist of countries to be examined by the Committee this year. This position is based not only on technical reasons and statistics – which we can provide in detail if deemed relevant – but also on substantive reasons which are set out below.

Firstly, the country has made significant progress in the field of labour relations, unprecedented in recent history. Thanks to the support of the Government, measures have been adopted which the trade union movement had been demanding for decades but without receiving an effective response, and this marks a structural change in the relationship between the State and the world of work.

Secondly, Colombia is going through a particularly sensitive political and electoral period, in which profoundly divergent visions for the country are being pitted against one another to define the Government for the next four years (first round of the presidential election on 31 May, possible second round on 21 June). In this context, the country's inclusion on the shortlist

could have a negative impact on the domestic democratic debate, favouring regressive narratives regarding the progress achieved. It cannot be ignored that, historically, external pressures on Colombia regarding labour matters have been exploited in the domestic political debate, precisely by those sectors which for decades turned their backs on the trade union movement and which today invoke international standards that they never defended when they had the power to do so. Of particular concern is the risk that far-right political factions, comparable to regressive trends in other countries in the region, might exploit any international monitoring to the detriment of the continuity of the labour and social reforms taking place.

Thirdly, whilst we acknowledge that challenges remain in the area of trade union rights, it is undeniable that unprecedented levels of protection have been achieved over the last three years. These include: the effective opening up of forums for trade union participation; the recognition of the trade union movement as an entity entitled to collective reparation for being a victim of the internal armed conflict, with specific measures of reparation, remembrance, protection and non-recurrence in relation to anti-union crimes being prescribed; the adoption of a regulatory framework that expands collective bargaining, including the first decree on sectoral bargaining; the strengthening of safeguards for the exercise of the right to strike; and the implementation of the most rights-protective labour reform in recent decades, which closed regulatory loopholes that for years had been used to make employment precarious, to circumvent job security, and to disguise relationships of dependency under contractual forms that deprived workers of their rights; all of these among other substantive forms of progress.

These advances must be assessed objectively and in a balanced way in international forums, avoiding decisions that fail to take account of the national context and genuine efforts towards transformation.

Consequently, we respectfully request the ITUC to give its firm backing to prevent Colombia from being included on the shortlist at the next session of the Conference. We believe that this will help to protect the progress achieved and strengthen a process of change which has been called for historically by the Colombian trade union movement."

In light of the above, the Government of Colombia reiterates its full willingness to continue strengthening actions aimed at effectively guaranteeing freedom of association, protecting workers' rights and strengthening tripartite social dialogue, in compliance with the obligations arising from the Convention. The regulatory, institutional and operational progress described in this report demonstrates the Colombian State's sustained commitment to adopting concrete measures to address the challenges that remain, as well as to consolidating an increasingly favourable environment for the exercise of trade union activity. In this regard, we consider that the country's current context, the progress achieved and the willingness demonstrated by the national institutions and social partners constitute objective factors which must be fully taken into consideration by the Committee.

Collective reparation for the trade union movement

Firstly, it is important to highlight the progress made and the commitment shown by the Government with regard to collective reparation for the trade union movement and compliance with the Convention. In this regard, it is worth noting that the draft decree on collective reparation ("Adding Chapter 10 to Title 7 of Part 2 of Book 2 of Decree No. 1084 of 2015 (Sole regulatory decree for the social inclusion and reconciliation sector) and establishing guidelines to strengthen, complement and guide the progress of collective reparation for the Colombian trade union movement and ordering measures of symbolic satisfaction and

reparation") (currently in the process of being enacted)) and the Comprehensive Plan for Collective Reparation (PIRC) (currently being formulated) complement one another structurally. The primary purpose of the set of measures envisaged in both instruments is to strengthen trade union action, contribute to the reconstruction of the organizational fabric and preserve the memory of the acts of victimization suffered by the Colombian trade union movement, as a fundamental guarantee of non-recurrence and of promotion of the rights of freedom of association.

The progress made on the draft decree ("Adding Chapter 10 to Title 7 of Part 2 of Book 2 of Decree 1084 of 2015 …") and its accompanying explanatory memorandum is described in detail below:

Formal recognition of the collective entity: Through Decision No. 31247 of 24 March 2023 issued by the Comprehensive Victim Support and Reparation Unit (UARIV), the State formally recognized the Colombian trade union movement as an entity entitled to collective reparation. It is recognized as a national, cross-cutting and multi-sectoral entity, comprising the trade union organizations CUT, CGT, CTC and FECODE.

Protection schemes (guarantees of freedom of association): The draft legislation instructs the National Protection Unit (UNP) to strengthen and adapt protection measures, moving beyond an individual approach to incorporate collective schemes that expressly include the protection of trade union headquarters and organizational spaces under threat. A differentiated strategy is established for the sector of unionized teachers, recognizing the specific risks associated with their work in the field.

In terms of prevention, institutional dialogue is being promoted with the Ombuds Office to address a current operational gap: the existing framework (Decree No. 2124 of 2017) does not expressly provide for a trade union approach within the Early Warning System (SAT), and so the decree prescribes the incorporation thereof to ensure a timely response by the State to territorial threats. These measures seek to mitigate the impact of documented systematic violence (15,481 incidents involving victims) and the high rate of impunity. To ensure their relevance, the actions mainstream gender, territorial and sectoral approaches, with an emphasis on the protection of women leaders and the creation of specific programmes for strategic sectors such as mining and energy.

Measures of satisfaction and dignification (guarantees of non-recurrence): In strict compliance with the standards of UN Resolution 60/147 and the case law of the Inter-American Court of Human Rights, the decree establishes the "Programme for the recognition and dignification of trade union work and plural memories". This programme seeks to reverse the "enemy within" doctrine and the systematic stigmatization that has linked trade union work with insurgency. At the heart of these measures is a solemn ceremony of national recognition, presided over by the President of the Republic, designed to honour the memory of victims and acknowledge the gravity of the violations they suffered through the numerous acts of victimization, 70 per cent of which occurred during the 1994–2006 period.

Furthermore, the "Week for the dignification and recognition of trade union work and memories" is an institutional event during the first week of May each year. This measure of satisfaction will incorporate educational and cultural activities, including affirmative measures to recognize the work of women trade unionists who were victims. Lastly, in relation to historical memory and to ensure non-recurrence, coordinated action will be taken with the National Centre for Historical Memory (CNMH) to create a room (housing a permanent or travelling exhibition) in the National Museum of Memory to highlight the structural

contribution of trade unionism and the labour movement towards building democracy and peace in Colombia.

Inter-institutional coordination: Pursuant to Act No. 2421 of 2024, which prescribes the adoption of coordination mechanisms to overcome institutional delays, the decree consolidates the harmonized planning of the entities within the National Comprehensive Victim Support and Reparation System (SNARIV). This coordination will be headed by UARIV and the Ministry of Labour, ensuring the monitoring of measures through the Standing Dialogue Forum (Decree No. 624 of 2016).

In light of the above, and in order to tackle the institutional delay of more than 13 years in reparations for trade unionism, the decree establishes a governance model based on harmonized sectoral and cross-system planning. This measure responds directly to Ruling T-718 of 2017 of the Constitutional Court, which warned that the fragmentation of the State's response violates the fundamental rights of victims. The decree therefore establishes linkages between all SNARIV entities that are under the technical leadership of UARIV and the support provided by the Ministry of Labour.

As a mechanism for monitoring and transparency, the trade union movement's participation is guaranteed through the Standing Dialogue Forum (Decree No. 624 of 2016), a forum where the progressive implementation of measures will be monitored in accordance with fiscal sustainability criteria. Lastly, to ensure legal certainty with regard to implementation, the decree prescribes the creation of an implementation plan within 60 working days of its signing, ensuring that each entity sets out clear time frames and budgets for comprehensive reparation, in line with the recommendations of the Committee on the Application of Standards with regard to the Convention.

Social dialogue

The Government reaffirms that strengthening social dialogue is a key element for consolidating dignified and decent work, guaranteeing fundamental rights at work, and establishing social peace. In this regard, tripartism remains a key principle for the organization of labour relations, in accordance with the standards promoted by the ILO, enabling the creation of forums for consultation between workers, employers and the State for the formulation of public policies and the prevention and resolution of labour disputes.

As a concrete example of these social dialogue mechanisms, the Special Committee for the Handling of Disputes referred to the ILO (CETCOIT) plays a significant role as a standing forum for tripartite consultation aimed at promoting consensual and lasting solutions in labour matters. This forum promotes the exchange of ideas, the formulation of agreements and the realization of the rights to freedom of association and collective bargaining, as set out in ILO Conventions Nos 87, 98, 151 and 154, ratified by Colombia. CETCOIT thus constitutes a key institutional tool for strengthening social justice, fostering understanding between the social partners and promoting the stability of industrial relations in the country. A report on CETCOIT activities is attached.

The following table provides statistical information on the cases processed within this forum:

Category	2024	2025	2026	Total
Total number of cases (as at 8 May 2026)				91
Cases from 2024				71
New cases in 2025				16
New cases in 2026				4
Plenary meetings of CETCOIT (Special Committee for the Handling of Disputes referred to the ILO)	1			1
Subcommittee sessions for the admission of cases	10	2	1	13
Cases approved by the subcommittee, case analysis	17	10	1	28
Cases not approved by the subcommittee, case analysis	21	5	2	28
Cases approved by the subcommittee on follow-up	2	0	0	2
Case decisions and closures (signed or pending signature)	2	8	1	11
Cases pending approval	0	0	4	4
Subcommittee on case handling – stages – records and listings to date	16	69	22	107
Subcommittee on case follow-up	2	0	1	3
Mediation and coordination meetings with confederations of unions and employers and internal meetings of CETCOIT team	19	5	4	28
Cases referred by CETCOIT to the ILO Committee on Freedom of Association	0	0	0	0

Consolidated by CETCOIT (April 2024–May 2026).
Own sources.

Similarly, the Government highlights other instances of tripartite social dialogue, such as the subcommittee for the analysis and monitoring of decrees and laws, which held a number of discussion and consultation sessions on the draft decree "replacing Chapter 7 of Title 2 of Part 2 of Book 2 of Decree No. 1072 of 2015 issuing consolidated labour regulations, in relation to unified collective bargaining by level with private sector workers' organizations and organizations of official workers". These efforts reflect the importance that the Government places on the social partners' active participation in developing regulations intended to strengthen collective bargaining and labour guarantees in Colombia.

Labour reform bill

As indicated in the information previously submitted, although Act No. 2466 of 2025, promoted by the Government as a significant step forward in decent and dignified work in Colombia, did not include specific provisions on collective bargaining, regulations on multi-level collective bargaining were subsequently adopted by means of a decree, representing noteworthy progress in strengthening collective bargaining mechanisms in the country.

It should be highlighted that the Act included a dedicated chapter on guarantees for the exercise of the right to organize and the promotion of trade union unity. In that connection, the Government reaffirms its commitment to progressively strengthening guarantees for the effective exercise of freedom of association and the protection of the right to organize, in line with the international obligations assumed by the Colombian State and with the principles promoted by the ILO.

Lastly, the Government reiterates that this information complements and updates the communication submitted previously as part of the State's international obligations and the monitoring of the application of ILO instruments.

Discussion by the Committee

Chairperson – The following case that we have before us for examination by the Committee is concerned with the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Colombia. For the discussion of this case we have 28 speakers on the list. The Officers of the Committee have therefore decided to reduce the maximum speaking time for individual speakers from five to three minutes. I now invite the Government representative of Colombia, H.E. the Permanent Representative of Colombia to the United Nations Office and other international organizations in Geneva, to take the floor.

Government representative – It is an honour to speak on behalf of the Government of Colombia during this examination of the application of the Convention. Allow me to begin by reiterating the State's full commitment to the principles and rights enshrined in this Convention, one of the fundamental pillars of the ILO regulatory system. Colombia recognizes that freedom of association is an essential element of democracy, social dialogue and the building of fairer and more inclusive societies. Our country appears before this Committee with full transparency, a willingness to engage in dialogue and with deep respect for the ILO supervisory mechanisms. We do so aware of the challenges that still remain, but also with the conviction that the advances achieved in recent years constitute significant progress that must be assessed in an objective, balanced and comprehensive manner; and with the hope that this examination will help to clarify the path which we must continue to follow in order to advance in the fulfilment of the Colombian State's obligations under the Convention, and above all to strengthen social dialogue to ensure the level of such fulfilment.

Colombia continues to face significant security challenges arising from the persistence of organized armed groups, illicit economies and criminal structures that affect large sections of the population. This reality impacts social leaders, human rights defenders, local authorities, ethnic communities and, of course, trade union leaders and members as well.

There has been a dramatic increase in violations of trade unionists' rights to life, freedom and physical integrity in the country between 1971 and 2023, as shown by records from the National Trade Union School's Human Rights Information System (SINDERAH). The historical data allows us to identify the different phases of anti-trade union violence in the country, highlighting periods of high incidence, particularly during the 1990s and 2000s, when there was an increase from 200 violations of the right to life, freedom and physical integrity of trade unionists in 1988 to 1,000 in 1998, as well as a progressive reduction in more recent years with 800 cases still recorded in 2008 and fewer than 100 in 2023, reflecting a significant decrease compared to the peaks observed at the end of the last century, although this reduction is still insufficient. We must continue to step up our efforts to move closer to zero violations, which is the goal and the challenge we face as an imperative.

The Government of Colombia categorically rejects all forms of violence against the trade union movement. No act of violence, threat or intimidation against those who legitimately engage in trade union activities is acceptable. For this reason, the State has progressively strengthened its mechanisms for prevention, protection, investigation and prosecution, with the aim of ensuring increasingly safe conditions for the exercise of trade union freedom.

In the area of investigation and the fight against impunity, the Public Prosecutor's Office (FGN) maintains addressing crimes committed against trade union members as an institutional priority. To this end, it has specialized strategies for the investigation and prosecution of murders of trade unionists and human rights defenders. During 2025, prioritization mechanisms were implemented to concentrate investigation efforts in remote and hard-to-reach areas, as well as case-linking strategies aimed at identifying criminal patterns, dismantling criminal organizations and disrupting their financial structures. Coordination was also strengthened between the various departments of the FGN, including the Representative for Territorial Security, the Specialized Directorate against Human Rights Violations and the Special Investigation Unit.

The measures adopted include the implementation of the victimology protocol for serious human rights violations, which allows victims' trade union profiles to be incorporated into the building of investigative hypotheses, as well as the application of Memorandum 001 of 2024, which reinforces the principle of unity of investigation and a comprehensive approach to cases from the initial stage through to trial. These actions reflect an institutional policy aimed at improving the State's investigative capacity and making effective progress in combating impunity.

With regard to threats against trade unionists and human rights defenders, the FGN has strengthened the National Working Group specializing in the investigation of threats, comprising units dedicated exclusively to this area. Permanent mechanisms have been established to handle and receive complaints 24 hours a day, as well as rapid-response teams responsible for carrying out urgent investigative measures from the very moment a threat is reported. These institutional capacities have enabled the State to respond to one of the phenomena of greatest concern to the Government and trade union organizations. The protection of trade union leaders and activities constitutes another pillar of state action.

The National Protection Unit (UNP) continues to develop and strengthen measures in favour of this group, which is expressly recognized by law as requiring special protection. In recent years, inter-institutional coordination processes have been strengthened, along with specialized training for officials and the allocation of technical and logistical resources to meet the protection needs of trade union leaders in different regions of the country. The UNP is currently undertaking a process of institutional modernization aimed at strengthening its risk assessment mechanisms, expanding its prevention capacities, and improving the effectiveness of individual and collective protection measures. These actions seek to ensure timely, technical and appropriate responses to the specific conditions faced by those engaged in trade union activities in high-risk contexts.

Allow me also to highlight the progress made regarding collective reparation for the Colombian trade union movement. After years of historic demands, the Colombian State formally recognized the country's trade union movement as an entity entitled to collective reparation. This recognition constitutes an unprecedented milestone and reflects the State's commitment to addressing the consequences of decades of anti-union violence.

Work is currently under way to adopt a regulatory framework aimed at strengthening collective reparation for the trade union movement through measures of satisfaction, remembrance, dignification, protection and guarantees of non-recurrence. These include strengthening collective protection schemes, incorporating a trade union approach into early warning mechanisms, holding public events to acknowledge historical responsibility, including a national week to dignify the memory of trade unionists, and creating permanent historical memory spaces relating to the contribution of trade unionism to democracy in Colombia.

These initiatives represent a concrete expression of the State's commitment to truth, memory, reparation and guarantees of non-recurrence.

In the area of social dialogue, Colombia has significantly strengthened institutional spaces for tripartite consultation. The Special Committee for the Handling of Disputes referred to the ILO (CETCOIT) continues to establish itself as an effective mechanism for the prevention and concerted resolution of labour disputes related to freedom of association and collective bargaining. Through this forum, dozens of cases have been processed, fostering agreements between the parties and strengthening the culture of social dialogue as a fundamental tool for dispute resolution. The Government considers that social dialogue is the most effective means of ensuring balanced and democratic labour relations, and will continue to promote these participation forums.

I would like to refer to the regulatory progress achieved recently. Act No. 2466/2025, which contains the labour reform promoted by the Government, incorporated into Title III (Freedom of association and compliance with international standards) a single chapter on "Guarantees for the exercise of trade unions' right to organise and the promotion of trade union unity". In particular, sections 59 and 60 establish measures aimed at strengthening guarantees for the effective exercise of the right to organize and the strengthening of trade union organizations.

Furthermore, through Decree No. 0234 of 2026, multi-level collective bargaining was regulated, allowing for negotiation by branch of activity, economic sector, group of enterprises or geographical area. This measure represents a significant step forward in expanding collective bargaining mechanisms and responds to historical demands made by trade union organizations. The Government has also promoted measures aimed at preventing the misuse of labour placement arrangements that may affect labour or trade union rights. All of this demonstrates a clear commitment to progressively strengthening the exercise of freedom of association and collective bargaining in Colombia.

It is particularly worth noting that the main trade union confederations in Colombia have publicly acknowledged the various advances made in recent years in the areas of labour rights, social dialogue, collective reparation, the strengthening of collective bargaining, and the expansion of trade union safeguards. These confederations issued the following statement: "Whilst we acknowledge that challenges remain in the area of trade union rights, it is undeniable that unprecedented levels of protection have been achieved over the last three years. These include: the effective opening up of forums for trade union participation; the recognition of the trade union movement as an entity entitled to collective reparation for being a victim of the internal armed conflict, with specific measures of reparation, remembrance, protection and non-recurrence in relation to anti-union crimes being prescribed; the adoption of a regulatory framework that expands collective bargaining, including the first decree on sectoral bargaining; the strengthening of safeguards for the exercise of the right to strike; and the implementation of the most rights-protective labour reform in recent decades, which closed regulatory loopholes that for years had been used to make employment precarious, to circumvent job security, and to disguise relationships of dependency under contractual forms that deprived workers of their rights; all of these among other substantive forms of progress."

The Government fully acknowledges the remaining challenges while bearing in mind the process of institutional transformation that has generated concrete and verifiable progress appreciated by key actors in the trade union movement. We therefore consider that the analysis of the situation in Colombia must take into account both the existing challenges and the progress achieved.

Colombia is appearing before this Committee to demonstrate that there is unequivocal political will, sustained institutional action and a genuine commitment to fulfilling the obligations arising from the Convention. The institutional and operational regulatory advances we have outlined reflect concrete efforts aimed at strengthening freedom of association, combating anti-union violence, improving the protection of trade union leaders, promoting social dialogue and consolidating effective collective bargaining mechanisms. For these reasons, the Government respectfully requests the Committee to comprehensively assess the national context, recognize the progress made and support the efforts that the Colombian State continues to make to fully guarantee the rights enshrined in the Convention. We reiterate our ongoing willingness to continue cooperating with the International Labour Organization and with all social partners in building a fairer, more democratic and inclusive world of work. We hope that this exercise will help to appreciate the successes achieved, shed light on the remaining challenges and the ways to overcome them and, above all, strengthen our capacity for social dialogue for the benefit of everyone in Colombia.

Worker members – We thank the representative of the Government of Colombia for his statement. On behalf of the workers, we are once again appearing before this Committee to discuss the case of Colombia in relation to the Convention. Talking about Colombia before this Committee has never been easy. For decades, when the international labour community heard the name Colombia, it did not think first of social dialogue, collective bargaining or democracy; rather, it thought of murders, threats and impunity. It thought of the country where we lost hundreds of comrades fighting for decent work.

And it is precisely because of that history that we must state clearly that today we are concerned with a country that continues to face enormous challenges, but according to information from our sister trade union organizations in Colombia, it is also undergoing a real process of change – imperfect, still insufficient, but real – , of institutional transformation, the restoration of rights and the strengthening of guarantees for the exercise of freedom of association, after so many years of isolation for the Colombian trade union movement.

For decades, the international recommendations of the supervisory bodies were repeated without bringing about substantial changes. In the last four years, however, the Government took a political decision that deserves to be recognized by this Committee, to give to the observations and recommendations of the ILO supervisory system – one of the cornerstones of this institution – the weight they deserve.

It is true that the recommendations of the supervisory bodies were systematically ignored or postponed. But ultimately we must acknowledge a determined effort by the Government to implement these recommendations through legal reforms, administrative decisions, action by the labour inspectorate and some new regulatory tools aimed at giving effect to the international standards we have adopted here.

With regard to the observations made by the Committee of Experts, we must begin by stating that the historical concerns of the supervisory bodies remain valid. Challenges persist in relation to: anti-union violence, impunity, protective measures, historical restrictions on the right to strike, difficulties relating to criminal investigations, and structural obstacles that have for decades hindered the full exercise of freedom of association. The Committee of Experts reiterated its concern regarding the murders of trade unionists, and we, as workers, fully share that concern. This is where the main challenges regarding freedom of association in Colombia persist. Although these were crimes that occurred within the complex context of concurrent internal armed conflicts, during the implementation of transitional justice established through the peace process, it has finally become evident that anti-union violence was characterized by

state complicity and some form of external funding. We have finally seen progress on the issue of truth, but delays and unresolved issues remain in the area of justice. We therefore urge the Government, in conjunction with the Public Prosecutor's Office (FGN) and the justice administration, to continue with effective and prompt investigations that lead to the actual prosecution of the perpetrators and instigators of historical violence. Above all, while we acknowledge the significant decrease in attacks on the safety of trade unionists in Colombia, both in their personal lives and in the course of their duties, it remains unacceptable that joining a trade union should still cost lives, in Colombia or anywhere else in the world.

The trade union organizations of Colombia, our sister trade union organizations, state that today in Colombia the trade union movement is no longer stigmatized or persecuted and, for the first time, is being made a key player in the country's labour policy.

While acknowledging the challenges, the Workers' group must emphasize that we have observed progress, but to a large extent this is also due to the resilience and struggle of our fellow trade unionists in Colombia.

Last year, a labour reform was passed that was more ambitious than any seen in many years, following months of intense and committed tripartite discussions and months of national and legislative public debate. A reform built precisely around principles historically promoted by the ILO such as: the strengthening of decent work, the restoration of labour rights, stability in employment, a significant gender focus, and the formalization of historically precarious sectors including domestic workers, community mothers, apprentices and food preparers. It is just regrettable that, despite the commitment and persistence of the Government and the mobilization of the trade union movement, the proposals on freedom of association – which amounted to nothing more than implementing the recommendations of the Committee of Experts and the Committee on Freedom of Association – were stripped from the bill, with the removal of sections relating to freedom of association, collective bargaining and strikes. In other words, everything that is being discussed today in this case.

Colombia has made progress on a sustained policy of wage recovery through an unprecedented increase in the minimum wage, which has made it a living wage, in line with the recommendations of this House.

This year, for the first time, the country adopted a public policy on decent and dignified work, which contains a road map of specific institutional actions with budgets committed for ten years, aimed, among other things, at strengthening freedom of association, transforming historically scattered obligations into a state road map that includes, among other regional initiatives, trade union training, a new trade union census and a number of labour inspections specializing in freedom of association and trade union promotion.

I would like to focus in particular on an issue that has been overlooked historically: collective reparation for the trade union movement. For years, the State refused to address the issue of murdered, persecuted or displaced trade unionists as individual victims. But the harm was collective: organizations were destroyed, federations were fractured, organizational capacity was reduced and social dialogue was profoundly weakened. It is therefore particularly important to recognize: (i) that at this stage the trade union movement is a victim of the armed conflict and that the State bears responsibility for many of these acts of victimization; (ii) moreover, that today there is an official assessment of this collective harm suffered by the trade union movement; and (iii) that the development of the "Comprehensive plan for collective reparation for the trade union movement" is progressing, with many reparatory measures agreed with its representatives and binding on various public bodies, as well as other measures. This does not resolve the decades of violence, but it does represent an institutional

step forward that the trade union movement has awaited for generations and constitutes progress towards truth, justice and non-recurrence.

Regarding the trade union contracts mentioned in the report – which the trade union movement has criticized for years for distorting the nature of trade unions and turning them into labour intermediaries – we must finally highlight one of the most significant advances of the recent period following months of tripartite discussions. Although it was not possible to reach a consensus, the Government issued one of the most progressive trade union regulations in the region: Decree No. 0234 of March 2026, which regulates collective bargaining at levels above the enterprise level – a provision long demanded by the trade union movement and repeatedly recommended for years by the ILO supervisory bodies, and which is now a reality. Thanks to this regulation, trade unions in the electricity, transport, mining, agriculture, industrial, audiovisual and other sectors are already engaged in sectoral bargaining processes. The truth is that, whilst collective bargaining coverage is being reduced in other parts of the world, we encourage Colombia to begin establishing mechanisms specifically aimed at expanding it.

We workers are not here today to claim that Colombia has solved its problems. Violations of life and physical safety persist, and there is still a high level of impunity. Regulatory challenges remain. Pending reforms relating to strikes, collective bargaining and criminal investigations remain.

It is essential to institutionalize recent progress and major achievements in the field of inspection, thereby effectively underpinning the new model of collective bargaining.

However, this Committee must acknowledge that progress is being made because, for our sister trade union organizations in Colombia, this is a country where social dialogue is beginning to take shape, where the trade union movement is starting to be recognized as a key player rather than being persecuted, where there is a commitment to collective bargaining rather than restricting it, where there must be respect for both social partners, employers and workers, and for the right to strike, which should not be seen as a threat but as an exercise of trade union freedom, and is beginning to be recognized as an essential component of democracy.

I know that, before we conclude, you are asking me – and my entire team, the Workers' group, which is also supporting all the cases – to explain that you are asking us not to applaud, and I believe we will comply; we will behave appropriately and will not applaud. Thank you for asking me to do so, so as not to disrupt working procedures.

To conclude, the Worker members consider that Colombia should be recognized today as a case of progress. It is a country that still faces enormous challenges, but for the first time we can see that it is clearly moving in the right direction. However, it must comply with what is called for in the report, and we must not overlook the observations of the Committee of Experts, which is why this matter is under consideration.

Employer members – We thank the Government of Colombia for the information provided for the examination of this case and we duly note the comments made by the Committee of Experts and the observations sent by the workers' and employers' organizations. This is a case that the Committee has been examining for many years. Colombia ratified the Convention in 1976 and its application has been subject to constant monitoring by the ILO supervisory bodies. The case has been discussed on 17 occasions by this Committee, and the Committee of Experts has made numerous comments since 2000, including the most recent ones in 2019, 2020, 2023 and 2025.

We also take note of the additional information submitted by the Government, which describes various measures aimed at the strengthening of investigations, the protection of trade unionists and institutional coordination to address violence and the challenges that persist in certain regions of the country.

The Employer members wish, first and foremost, to emphasize, firstly, that freedom of association is one of the fundamental principles of the ILO, with Article 2 of this fundamental Convention establishing the right of workers and employers to establish and join organizations of their own choosing without previous authorization; and, secondly, that the effective protection of trade union leaders and members against all forms of violence, threats or intimidation is an indispensable condition for the exercise of the rights guaranteed by the Convention.

At this stage, we wish to make an opening statement. The Employers take note of the recent advisory opinion of the International Court of Justice, which is of an advisory nature. The Employers' group respectfully takes note of this advisory opinion, which does not imply any determination regarding the precise content, scope or conditions for the exercise of the right to strike. This reinforces our view that the scope and conditions of this right are regulated at the national level. At its next session in November the Governing Body will have the opportunity to examine the opinion and follow-up measures in detail, while fully respecting the different perspectives and the diversity of national legal systems and industrial relations, and, in view of this, the Employers' group will not address, during the examination of this case, the comments of the Committee of Experts on the right to strike.

We shall now turn to the various issues raised by the Committee of Experts.

Anti-union violence and the protection of trade unionists

The Employer members categorically condemn all acts of violence against leaders and members of trade union organizations. We deeply regret the deaths, threats and other acts of violence that have been reported, and we reiterate that no circumstances can justify attacks against individuals on account of the legitimate exercise of trade union rights.

We take note of the information provided by the Government regarding progress in investigations, as well as the strengthening of the Threats Group in the Human Rights Department (GTNA) of the FGN, the National Protection Unit, and mechanisms for coordination between the various competent authorities. We also acknowledge the efforts made to strengthen the individual and collective protection of trade unionists in risk situations and to improve institutional capacity to investigate crimes committed against members of the trade union movement.

We share the concern regarding the persistence of anti-trade union violence and, in particular, regarding the need to continue improving results in the identification, prosecution and punishment of both the perpetrators and instigators of these crimes. We therefore encourage the Government to continue strengthening investigation, protection and prevention measures, paying particular attention to the most affected regions and sectors.

With regard to collective reparation measures, we take note of the actions taken by the Government within the framework of the Standing Dialogue Forum on Collective Reparation for the Trade Union Movement, as well as the efforts made to advance various initiatives addressing the harm suffered by the trade union movement during the armed conflict. We value these efforts, which appear to be yielding limited results, and we support the Government in continuing to make progress, in consultation with all relevant social partners in the world of work, towards the adoption of concrete, effective and verifiable measures of

collective reparation that contribute to strengthening institutional trust and guarantees of non-recurrence. In this context, we welcome the fact that these issues continue to be addressed within the framework of the tripartite Standing Dialogue Forum with the active participation of all social partners.

With regard specifically to section 200 of the Penal Code, which establishes criminal penalties for a series of acts contrary to freedom of association and collective bargaining, and its usefulness as such or otherwise, we recall the importance of assessing the context comprehensively. This means not only considering quantitative aspects, but also taking qualitative aspects into account. In this way, aspects of public policy other than the number of convictions would be incorporated into the analysis. Alternative dispute resolution mechanisms, such as conciliation between the parties, may be one of the public policy elements through which this is addressed, in line with the Government's statement regarding numerous conciliations outside institutional channels.

Legislative reforms

We note that a comprehensive labour reform process has been undertaken in Colombia, addressing a range of issues connected with labour relations. We also note that some of the issues initially included in the draft reform responded to requests made by the Committee of Experts itself regarding the alignment of law and practice to the Convention, whilst others formed part of the broader labour policy agenda promoted by the Government.

Without prejudice to the content of the reforms finally adopted or those that did not proceed during the legislative process, the Employers' group wishes to express its concern regarding the allegations of a lack of effective tripartite consultation during this process. In particular, we take note of the observations made by the National Employers Association of Colombia (ANDI), according to which the Standing Committee for Consultation on Wage and Labour Policies was not convened to examine the draft bill that led to the adoption of Act No. 2466 of 2025.

Consultation with the most representative social partners is not a mere procedural formality. On the contrary, it is an essential condition for building balanced, sustainable reforms that are broadly legitimized by those who will have to implement them in practice. We therefore share the concern expressed by the Committee of Experts and call on the Government to ensure that any future reform process relating to matters covered by this Agreement is preceded by full, effective and meaningful consultation with the most representative employers' and workers' organizations. Lastly, in this regard, we encourage the Government not to abandon the institutional forums for social dialogue and tripartite consultation, in particular the Standing Committee for Consultation on Wage and Labour Policies, recognizing that tripartite dialogue remains the best tool for building lasting consensus on labour policy.

With regard to trade union contracts, we take note of the information provided by the Government concerning the use of trade union contracts, which is a contractual arrangement provided for in Colombian legislation, in the Labour Code, and which is subject to inspection by the Government, through the labour administration, which continues to keep a register of trade union contracts which have been entered into, carries out inspection visits and conducts investigations into possible misuse, which are given priority for consideration by the Special Investigation Unit, as the Government itself has noted in its comments to the Committee of Experts. Furthermore, Act No. 2466 added section 59A to the Code, which seeks to ensure that no form of labour placement or outsourcing, including trade union contracts, is used as a mechanism to violate workers' labour rights.

The Employer members reiterate the comments made by the ANDI, noting that trade union contracts do not contravene the provisions of Article 10 of the Convention and, as it allows trade unions to maintain constant dialogue with the employer and secure benefits for their members, they also recall that Government recently submitted for discussion a draft decree regulating union contracts in the health sector, which has been one of the few regulatory proposals discussed in the Standing Committee. Rather than a ban being imposed, new measures for inspection, monitoring and control were established. We believe that this is the direction the Government's intervention in this matter should take, rather than necessarily banning the practice altogether.

Judicial cancellation of trade union registration

With regard to the judicial cancellation of trade union registration, the Employer members take note of the comments made by the Committee of Experts and the information provided by the Government concerning recent developments in the applicable procedural framework. It should be noted that there were recent amendments to the cancellation procedure, which is a statutory provision upheld by the Supreme Court of Justice and approved by the National Congress. This ensures respect for the right to due process and strengthens the safeguards for the parties involved in the procedure. Without prejudice to the differing positions that may exist regarding the content of the provisions currently in force, we wish to reiterate that any legislative review or reform in this area must be the subject of full and effective consultation with the most representative employers' and workers' organizations.

Lastly, regarding the right of workers' organizations to organize their activities and formulate their programmes, we refer to what has already been stated concerning any reform of labour legislation, which must be carried out in consultation with the most representative social partners, as indicated by the Committee of Experts, and to what has already been stated regarding the relevant ruling of the International Court of Justice.

Worker member, Colombia – The trade union movement is surprised that Colombia has been included on the final list of countries appearing before this honourable Committee. It is important to acknowledge the progress that Colombia has made in recent years, which is supported by statistical data and verifiable facts that this Organization itself has publicly recognized. This is particularly true of labour reform, which represents one of the most significant changes in recent decades, and the recent legislation promoting collective bargaining by branch of activity and the reduction in the unemployment rate, which has fallen to its lowest level in the last 15 years.

The trade union movement considers that Colombia should not be included on this list. We do not, of course, disregard the deep concern expressed by the Committee of Experts in its observations under the Convention regarding anti-union violence, particularly affecting the education, health, mining and agro-industrial sectors. We also acknowledge that the Committee of Experts has called on the Government to revise the section of the Substantive Labour Code prohibiting trade union federations and confederations from exercising the right to strike; has urged an assessment of the effectiveness of section 200 of the Penal Code, which criminalizes actions against freedom of association; has highlighted the risks of trade union contracts being used for the wrong purpose; and, finally, has called for guarantees of tripartite consultation in all public policy decision-making relating to the world of work.

Before presenting evidence of the progress made by Colombia in each of these areas, the trade union movement has a responsibility to make an observation before this Committee that is neither rhetorical nor political, but technical in nature: the claims that have led to Colombia's

inclusion on this list relate, for the most part, to events that occurred between 2009 and 2011, that is, more than 15 years ago.

In response to each of these concerns, the trade union movement considers that Colombia has achieved tangible, verifiable progress supported by a solid legal framework, including the following:

- *Legislative and institutional measures to address anti-union violence*. The Committee of Experts expressed deep concern regarding murders and acts of violence against trade unionists. The trade union movement does not deny this. However, this historical debt is now being acknowledged and addressed. The national Government has begun strengthening the National Protection Unit, allocating specific resources to protect trade union leaders who are at risk, particularly in the most affected areas, and has developed a "Comprehensive plan for collective reparation for the trade union movement", thereby acknowledging at institutional level the harm caused by anti-trade union violence.

- *Section 200 of the Penal Code*. The Committee requested the Government to undertake an exhaustive assessment of the criminal offence in section 200 of the Penal Code and its enforcement. In this regard, we consider that the Colombian State has been working to strengthen the specialized unit within the Public Prosecutor's Office responsible for investigating offences against the right to freedom of association. We agree on the importance of conducting an assessment of the impact of these measures, which will help to document the progress made, identify ways to strengthen their implementation and broaden the protection of freedom of association in the country.

- *Social dialogue*. The trade union movement shares concerns regarding shortcomings in tripartite dialogue in the process of labour reform and other public policies. However, we also recognize that efforts are under way to address these shortcomings.

  Recently, the tripartite partners that form part of the Standing Committee for Consultation on Wage and Labour Policies agreed to ratify the Violence and Harassment Convention, 2019 (No. 190), demonstrating that social dialogue works when all parties are willing to engage. In addition, extensive consultations took place prior to the adoption of Decree No. 234 of 2026 on collective bargaining at different levels and across branches of economic activity. This is the first public policy instrument in Colombia's history to extend the coverage of collective bargaining beyond the enterprise level and bring it closer to the standard that this Organization has been promoting for decades. As we all know and agree, labour relations based on collective agreements are more predictable, more stable and more productive.

  Allow me to emphasize this point. The Decree on collective bargaining by branch of activity adopted by Colombia gives effect to Convention No. 87, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Bargaining Convention, 1981 (No. 154), and responds to the recommendations that the Committee of Experts has been making for more than a decade.

  The trade union movement requests and expects that this honourable Committee will recognize this development as a significant step forward for the exercise of freedom of association and that it will be reflected as such in the final report to be adopted in this case.

- *Trade union contracts*. The Committee urged the Government to step up inspection activities relating to the use of trade union contracts, particularly in the health sector, and to take the necessary measures to ensure that this arrangement does not undermine the right to join a trade union or does not serve as a vehicle for illegal labour placement.

In this regard, I wish to inform you that the Government of Colombia is in the process of issuing a regulatory decree that will prevent illegal labour placement through trade union contracts and establish objective criteria to guide labour inspection, monitoring and enforcement in identifying illegal labour placement, based on ILO Conventions Nos 87 and 98. This draft decree was discussed within the Standing Committee for Consultation on Wage and Labour Policies, where all the tripartite partners were in agreement.

- *Right to strike*. The Committee requested the Government to repeal the prohibition on the right to strike for federations and confederations as set out in section 417 of the Substantive Labour Code, to ensure that the mere participation in a strike declared unlawful is not grounds for dissolution of a trade union, and to extend the time limits established in section 313 of the Labour Procedure Code. As we all know, the International Court of Justice recently issued a landmark advisory opinion confirming that the right to strike is protected under the Convention.

Colombia participated actively at every stage of the advisory proceedings. It submitted a written statement and appeared before the Court in public proceedings in The Hague, arguing that the right to strike is inherent in freedom of association and that, without its protection, trade union organizations would be deprived of any real bargaining power.

In Colombia, the recent labour reform adopted by the Colombian State has strengthened the protection of the right to strike by establishing safeguards for workers involved in collective disputes and reinforcing the conditions necessary for the effective exercise of the right to organize.

The significance of these achievements extends beyond Colombia. Multi-level collective bargaining, the first process of collective reparation for the trade union movement in the country's history, the tripartite ratification of Convention No. 190, and Colombia's historic leadership before the International Court of Justice in defence of the right to strike have the scope and institutional foundations to serve as a benchmark for the transformation of labour relations throughout Latin America and the Caribbean.

In light of the above, the trade union movement considers that Colombia should not be included on this list and respectfully recommends to the honourable Committee that the criteria and procedures for determining the final list of countries called to appear before this Committee be carefully reviewed.

We therefore request the Committee that the measures taken by Colombia, together with the progress outlined here, be recognized and disseminated as good practices for the other countries of Latin America and the Caribbean. The trade union movement stands ready to share and promote these achievements and to support the national social dialogue processes that should be pursued in each Member State, as an expression of its commitment to freedom of association, which is a fundamental pillar for democracy and the promotion of decent work and drives social justice.

Employer member, Colombia – The case of Colombia before the Committee invites reflection on three matters which, although distinct, are inseparable. Firstly, the need to develop public policies through tripartite cooperation that ensure the exercise of freedom of association. Secondly, respect for the autonomy of organizations in the world of work, including, by the way, employers' organizations, which is a prerequisite for genuine social dialogue. Thirdly, recognition of the regulatory progress which the Colombian Government has made in addressing problems identified by the Committee of Experts.

My remarks will focus on these three points. However, before turning to the specific points, I would like to emphasize that the position of the National Employers Association of Colombia (ANDI) – and of Colombian employers in general – is one of unequivocal condemnation of the violence that has been directed at trade union members.

The Colombian productive sector has always regarded this matter as being of the utmost seriousness and has, without exception, unequivocally condemned it, while reaffirming its commitment to putting an end to this problem. We also acknowledge the efforts made to strengthen individual and collective protection for trade unionists at risk and, as the Ambassador noted, to improve institutional capacity to investigate crimes committed against members of the trade union movement.

Although we agree with the Government's position, the aim is to ensure that there are no cases of violence against members of trade union organizations. Furthermore, we emphasize that threats to, and violations of, freedom of association cannot be tackled through unilateral decisions.

Protective measures are legitimate and effective only when they are developed with the effective participation of the three key stakeholders in the world of work: government, workers and employers. Excluding any one of these undermines not only the technical quality of policies but also their implementation in practice. Tripartism is not merely a formal requirement; it is a founding principle of this Organization and, moreover, the condition that transforms agreements into sustainable long-term commitments in daily practice. In this context, and on the basis of tripartism and social dialogue as the foundation for the protection of various rights, particularly freedom of association, it is important to recognize certain regulatory efforts undertaken by the Colombian Government in these areas.

I would like to highlight two matters that have been raised by both the Workers' representatives and the Government.

One of these concerns the misuse of trade union contracts. As Mr Caicedo Villegas noted, a draft decree was brought before the Standing Committee for Consultation on Wage and Labour Policies which strengthens control and monitoring mechanisms relating to trade union contracts. As Mr Mailhos, the Employer representative, emphasized, rather than prohibiting trade union contracts, priority should be given to enforcing the controls available to the Ministry to address instances of their misuse. This is significant not so much because of trade union contracts themselves, but because it demonstrates that regulatory measures developed in good faith and in a spirit of conciliation can be successful when they are brought before the institutional bodies established under Colombian law for conciliation. This matter was brought before the Standing Committee for Consultation on Wage and Labour Policies, established pursuant to article 56 of the Constitution. The Government presented its position. Employers broadly supported the proposal, while making a number of adjustments and suggestions, which were accepted in good faith. The resulting draft is expected to be adopted by the Government in the coming days in order to regulate an arrangement that had, in fact, been misused to restrict certain workers' rights.

Another successful example of social dialogue, this time in the procedural sphere, is the Labour Procedure Code recently adopted by the Colombian Congress. It resulted from a bill that was similarly developed through a process of consensus-based dialogue and in which, as the Employer representative noted, the judicial branch also participated. The Supreme Court of Justice and labour judges more generally, who are responsible for applying these guarantees, provided their input, which was taken into account by the Government in preparing the bill. The bill was subsequently submitted to Congress, proceeded through the

legislative process without major difficulty and was approved by both chambers of the Colombian Congress. Both the draft decree and the recently approved Labour Procedure Code, beyond their specific subject matter, are examples of what can be achieved when effective social dialogue takes place among the three social partners acting in good faith.

These are two real, current and concrete examples showing that the protection of freedom of association – whether through strengthening the exercise of that right or addressing violations of it – is more effective when there is regular, fluid and sincere dialogue among all the social partners, rather than only one or two of them.

In this regard, and despite what these examples of success might appear to indicate, we must distance ourselves from the rather general remarks made by the Ambassador and the spokesperson of the Workers' group that social dialogue in Colombia is a success story. From our perspective, social dialogue is in a critical state, and to avoid making a general statement that loses its impact, I would like to highlight two specific areas in which social dialogue in Colombia has been seriously undermined in recent years.

The first is the disregard for institutional mechanisms established under the legal framework, including the Constitution itself. These mechanisms have been used only sporadically, instrumentally, or without any genuine willingness to reach agreements. The first example of the crisis in social dialogue in Colombia is therefore the disregard for institutional mechanisms. The second is the disregard for the tripartite stakeholders. Under the notion of "expanded tripartism" or "tripartism plus", discussions have been diluted, displaced, and the legitimate social partners have been supplanted. This is particularly concerning not only for the world of work but for democracy more generally. We must not forget that governments of any ideological orientation may use such mechanisms to undermine the legitimacy of traditional social partners and create the false impression that they are engaging in dialogue with the genuine representatives of the interests of the world of work. This is precisely what has occurred in relation to some of the recently adopted measures referred to by the Workers' group. This is the case with Decree No. 0234 of 2026, which has been cited as an example of social dialogue. However, the Decree was adopted following only limited consultation by the Government and is currently the subject of numerous legal challenges brought by a wide range of stakeholders in the world of work. This is a matter of fact, not opinion. We shall see how the courts ultimately rule on the Decree. The other example concerns legislative proposals which, having been introduced without sufficient dialogue and through a regrettable process of distancing from social dialogue, have failed to secure passage through Congress.

In this regard, and in closing, I would reiterate that the very foundation of the protection of rights, and particularly freedom of association, ultimately depends on progress in social dialogue. The progress made undoubtedly deserves recognition, but we must not lose sight of the fact that its consolidation depends on the effective implementation of these measures, with genuine tripartite participation and verifiable monitoring. We therefore call on both the Government and the social partners in Colombia to strengthen the forums for social dialogue and to engage in them in good faith. We cannot continue to take measures or address matters without ensuring that all the social partners have been invited to participate, have been heard and have had their proposals considered in a spirit of open, pluralistic dialogue – above all, one that is sincere and genuinely aimed at reaching agreement.

Government member, Brazil – The Governments of Brazil and Uruguay welcome the information provided by the Government of Colombia as a demonstration of its ongoing and constructive cooperation with international supervision and fundamental labour rights promotion mechanisms. While we understand that challenges persist, we also acknowledge

the commitment of the Government of Colombia to the promotion, protection and effective guarantee of freedom of association and the right to organize, which are enshrined in the Convention. We commend the progress and action taken on protection for trade unionists, collective reparation for the trade union movement, the strengthening of social dialogue and guarantees for workers' collective rights. We highlight that the defence of freedom of association in Colombia is a state policy and a vital requirement for consolidating a more democratic, participatory society that respects human and labour rights. The information provided by the Government of Colombia confirms its commitment to the principles of the ILO, social justice, decent work and the protection of workers' rights as essential elements of sustainable development and peacebuilding.

Employer member, Guatemala – I support what was said by our spokesperson and by my colleague representing the employers of Colombia, and I therefore express my profound concern at the lack of effective tripartite consultation during the legislative reform process that supposedly responds, in part, to the Committee of Experts' comments.

This is simply unacceptable. The National Employers Association of Colombia (ANDI) has reported that the Standing Committee for Consultation on Wage Labour Policies did not include the employers in discussions on the bill that resulted in Act No. 2466 of 2025, in clear violation of the fundamental principle of social dialogue, even though the Committee of Experts itself and the other supervisory bodies of this Organization were clear on the need to undertake such consultation and promote consensus-building.

Tripartite dialogue is more than a formality, it is not merely a bureaucratic requirement; it is the only way to ensure that measures adopted reflect the reality of those who experience them, and in that regard the employers have much to contribute. This could constitute a reversal of a genuine process of social dialogue which has been ongoing in Colombia for decades and has produced very positive results, with the 2006 tripartite agreement that we witnessed in this Organization. The legitimacy of any labour policy depends on those who implement it having participated in its design. That is not negotiable, it is the very foundation of the ILO Constitution as well as the Convention that we are examining.

The Government must therefore commit to ensuring that no reform process is undertaken without full, effective and tripartite consultation, consensus-building and dialogue. The Committee of Experts has expressed its concern in that regard, which we fully share.

Worker member, Chile – I would like to start by pointing out something important. The Committee of Experts' observations on Colombia must be taken seriously. Anti-union violence, impunity, restrictions on the right to strike and historical difficulties in the full exercise of freedom of association are matters that cannot be downplayed. The Committee on Freedom of Association itself has recalled repeatedly that freedom of association can only be exercised fully where there is effective respect for civil liberties and fundamental human rights.

But it is precisely for this reason that this Committee must look at the case of Colombia not only as an accumulation of historical problems, but also as an ongoing political, institutional and social process. And in that process, we must acknowledge that in Colombia there has been substantial, verifiable and recent progress benefiting workers.

Firstly, with regard to anti-union violence, there has been a significant change of approach. For many years, the Colombian trade union movement reported that the violence it suffered was denied, minimized or treated as an isolated phenomenon. Today, there is institutional acknowledgement of the collective damage caused to trade unionism, and progress is being made towards a comprehensive plan for collective reparation for the trade

union movement. While this alone will not make up for shortcomings in truth, justice and non-recurrence, it constitutes a significant democratic change: trade unionism is no longer treated as an "enemy within" but is beginning to be recognized as a social entity, a collective victim and a legitimate and necessary actor in democracy.

Secondly, with regard to collective bargaining, Colombia has recently adopted Decree No. 234 of 2026, which opens the door to unified collective bargaining at levels higher than the enterprise, including branch or sector of activity. This progress addresses a historical concern of the ILO supervisory bodies: that collective bargaining cannot be limited exclusively to an enterprise when that limits its real coverage, fragments organizations and weakens the ability to represent workers. In Chile we have a good understanding of the negative effects of collective bargaining that is focused exclusively on enterprises and the risks of parallel or substitute bodies replacing trade union organizations that we inherited from the labour sector of the dictatorship. We therefore always particularly welcome any measure intended to strengthen trade unions as the main party in collective bargaining and to prevent collective agreements or other instruments from being used to diminish freedom of association.

The ILO is not only a system for monitoring non-compliance, it is also a system of dialogue, persuasion, technical cooperation and democratic strengthening. When a country continues to deny its problems, a clear signal must be sent, but when a country recognizes its shortcomings, enters into dialogue with trade union organizations, adopts reforms and opens up institutions to correct historical failings, this Committee must also be able to recognize that change in direction. The Committee must therefore base its conclusions on democratic assessments. Colombia is not standing still; Colombia is moving forward, and that progress, driven by trade union organizations, international solidarity and the State's recent decisions, deserves to be recognized, supported and protected.

Government member, **Mexico** – Mexico is grateful for the information provided by the Government of Colombia and for its openness to dialogue with this Committee and with the ILO supervisory bodies. We recognize that Colombia has, for a long time, been facing complex structural security challenges that have had an effect on the exercise of freedom of association. We welcome the fact that the Colombian Government itself has recognized this reality and the need to address it through comprehensive and sustained action.

Mexico wishes to highlight the Colombian Government's clear willingness to comply with the Convention. This willingness is reflected in specific measures aimed at institutional strengthening, protection for trade unionists and the resolution of historical problems. We recognize in particular the effort made to strengthen investigation and prosecution mechanisms for cases of anti-union violence, as well as the promotion of protection strategies with an increasingly comprehensive and preventive approach. We also believe that relevant progress has been made in collective reparation for the trade union movement, including its recognition as an entity entitled to reparation and the development of measures in the areas of dignification, memory and guarantees of non-recurrence. Mexico also commends the strengthening of tripartite social dialogue reflected in mechanisms such as the Special Committee for the Handling of Disputes referred to the ILO (CETCOIT) which promote coordinated, sustainable solutions.

We would also like to emphasize that the Colombian trade union confederations themselves have recognized recent progress in trade union rights, social dialogue and labour reform, indicating a change in the relationship between the Government and the trade union movement, as well as the extension of forums for participation and guarantees for the exercise

of these rights. This recognition is particularly significant and provides valuable insights for a balanced assessment of the case.

We believe that, given the structural nature of the challenges identified by the Committee of Experts, the results require continuity, time and institutional consolidation. In this regard, the efforts made by Colombia must be understood as part of a progressive process that is already showing positive signs.

Mexico views this case as an opportunity to support and strengthen the actions under way through constructive dialogue and the ILO's technical cooperation. We know that the Government of Colombia will continue to intensify its efforts, particularly in preventing anti-union violence, strengthening investigations and consolidating safe environments for the full exercise of freedom of association, in consultation with the social partners. Mexico reiterates its confidence in the approach taken by this Committee based on dialogue, cooperation and the recognition of national contexts.

Lastly, we express our support for the Government of Colombia in its commitment to continuing to make progress in the application of the Convention and in the promotion of decent work. This confidence and support are based on the fact that the current Government of Colombia has promoted labour rights like no other government in the country's history, as demonstrated by the 2025 labour reforms, which represented a watershed moment for this Latin American sister country.

Employer member, Argentina – We are taking the floor on behalf of the employers of Argentina in the examination of this case on freedom of association, and we are speaking with the conviction that to protect freedom of association in a country is to protect the function of its democratic institutions. In order for social dialogue to work as a legitimate mechanism for building public policy, each of its actors must be able to participate with its own voice, free from external pressure. While that is true for trade union organizations, it is equally true for employers' associations. Their autonomy is not a privilege; it is a structural condition for social dialogue. An employers' association that cannot act freely, without fear of reprisals, is not a real partner, it is a façade, and tripartism built on fiction does not produce sustainable public policies, it produces empty agreements that are illegitimate and with which no one complies because nobody feels that they own them. Recognizing and respecting the autonomy of employers' associations without undue interference in their internal affairs, without acts of violence or threats towards their representatives, is a necessary condition for effective social dialogue between actors that respect each other and recognize each other as representative. The Government must ensure in all cases full respect for this autonomy so that social actors are truly able to enter into commitments and be held accountable for them. An independent partner is a responsible partner, and that is exactly what effective public policy requires.

Worker member, Brazil – The application of the Convention by Colombia has been subject to close monitoring by the Committee of Experts and this Committee for decades. We have witnessed anti-union violence and a government position that denied and minimized the seriousness of the local conflict which cost the lives of many trade union colleagues.

Today, however, we are meeting here in a very different context. After a democratic and peaceful transfer of power, we find ourselves dealing with a Government that not only recognizes the trade union movement as a victim of armed conflict, but is also making progress towards collective reparation for it. The Government's measures have revitalized social dialogue, replacing trade unions' stigmatization with a leading role in the country's labour and political life. Clearly, this change is neither easy nor immediate. On the contrary, it creates internal tensions, particularly with the business sector.

In fact, as the Committee has been informed, the Government is facing political resistance as it makes the necessary legislative and practical changes to apply the Convention effectively. It is for precisely this reason that the Government launched, in May this year, a public policy known as CONPES 4189 (National Policy on Dignified and Decent Work of the Government of Colombia), which constitutes a road map and, in practice, the financial arm of the labour reform. This new policy includes five priority strategies, including specific measures to promote and guarantee freedom of association.

Specifically, this public policy includes, among other measures: the creation of an ethno-educational strategy to promote trade unionism as a social agent and holder of rights; the inclusion of the "trade unionist" category in tools to identify aggression against rights defenders; the setting up of regional trade union training schools and the provision of virtual courses on the importance of tripartite social dialogue; the creation of administrative tools to regulate trade union guarantees, essential minimum services in the event of a strike and the registration of collective agreements; the undertaking of a new administrative trade union census and the publication of annual reports on freedom of association and collective bargaining to promote good practices; and an increase in the number of inspectors and the carrying out of labour inspections focused specifically on the protection and reestablishment of the right to freedom of association.

We are therefore dealing with a specific case of progress.

Employer member, Costa Rica – I wish to refer to an aspect that I consider key in the examination of the case we are discussing this morning. That is, the role of tripartite social dialogue as a fundamental tool to tackle violence against those participating in trade union activities. Violence against leaders and members of trade union organizations not only affects those who experience it, but it also weakens the effective exercise of freedom of association and erodes the trust necessary for building stable and democratic labour relations, thereby undermining economic and social progress as an intrinsic good that ensures that workers and employers have a say and a stake in their respective societies.

Consequently, the response to this challenge must go beyond declarations of goodwill and isolated actions. It requires public policies which are sound, legitimate and sustainable, and which can create an enabling environment with various forms of legal and institutional protection. To achieve this, it is crucial for all specific actions to be developed with the participation of the three stakeholders of the world of work: the government, workers and, of course, employers.

Experience shows that the best solutions arise when these parties work together to identify issues and develop proposals to resolve them. Trade union organizations know firsthand the risks faced by their members and can provide valuable information on situations requiring priority attention. Employers, for their part, provide a complementary perspective of the productive, economic and regional factors that give rise to these risks, thereby helping to better understand the causes behind many of these phenomena, including violence.

It is therefore the responsibility of the State, as guardian of the legal system, to translate this dialogue into effective policies, prevention mechanisms, protection measures and institutions capable of guaranteeing effective results. When one of these stakeholders is left out, the chances of success are significantly reduced, policies lose legitimacy, implementation becomes more difficult and commitments eventually become weaker. We consider that the effective participation of all the social partners should not be seen merely as a formality but as a prerequisite for developing sustainable responses, particularly in relation to the matter under discussion today.

Social dialogue can only be conducted in a genuine manner when each participant acts independently and autonomously. This principle, as my colleague Laura rightly pointed out, applies equally to trade union organizations and employers' organizations. The autonomy of employers' associations is not a special privilege but a basic requirement for them to be able to fully exercise their role as responsible partners representing the employers as a whole, and to act freely without fear of being punished for it.

Worker member, Uruguay – We are speaking on behalf of the workers of Uruguay, represented by the Inter-Union Assembly of Workers – Workers' National Convention (PIT-CNT), and in memory of the 205 disappeared detainees, who were victims of the last civilian and military dictatorship.

For decades, we have firmly denounced the violation of freedom of association in Colombia against a backdrop of systematic persecution of the labour movement. When we refer to the examination of the Convention, we are not only talking about an international legal obligation. We are also talking about the political and historical responsibility of States to address anti-union repression, impunity, and the need to ensure truth, justice, reparation, and non-recurrence. Successive governments in Colombia have denied or minimized anti-union violence, despite the thousands of victims murdered, persecuted or displaced, and the systematic destruction and persecution of trade union organizations, which impacted their organizational capacity and weakened any mechanism or possibility of social dialogue.

However, today, it is necessary to recognize that, after 12 years of relentless efforts, an event of enormous political and historical significance has taken place: the recognition of the trade union movement represented by the General Confederation of Labour (CGT), the Confederation of Workers of Colombia (CTC), the Single Confederation of Workers of Colombia (CUT) and the Colombian Federation of Education Workers (FECODE) as victims of armed conflict. This has marked the repayment of an unacceptable debt to those who suffered anti-union violence, and it was no small gesture that the current Government publicly acknowledged this and immediately initiated a process of collective reparation.

Today, there is an official acknowledgement of the collective harm inflicted on the trade union movement, in which the measures implemented are developed in consultation with the trade union movement itself and directly involve public bodies.

Today, we also recognize that the current Government has signed a decree to declassify military intelligence files, in response to a long-standing demand from human rights, social and trade union organizations. Opening these files is a vital condition to ensure that remembrance, institutional accountability and reparation cease to be merely promises and instead become actions. These measures are the result of almost 16 years of tireless efforts for collective reparation in response to anti-union violence.

Under the current Government, this historical demand has finally begun to open an institutional pathway for which Colombian trade unionism and the international trade union movement were waiting for generations. We are therefore witnessing concrete steps towards truth, justice, reparation, and non-recurrence. This means acknowledging these steps, supporting them and insisting that they be taken further until freedom of association is no longer marked by violence and is definitively protected by democracy.

Employer member, Mexico – The Mexican employers welcome and note the information shared by the Government of Colombia, and take note of the observations of the Committee of Experts.

As we know, social dialogue is an instrument that enables governments, workers and employers to facilitate increased employment opportunities, the growth and strengthening of enterprises and, consequently, the creation of more and better jobs. Tripartite dialogue must prevent trade union violence and protect and guarantee freedom of association including, of course, the right to organize and bargain collectively. Although the acts of violence against members of trade union organizations are not an isolated phenomenon, they violate the fundamental right of trade union freedom of association.

Therefore, in order to combat acts of violence, it is not enough to make statements of goodwill. Sound public polices allowing the free exercise of union rights and promoting social dialogue are needed. This is only possible when the stakeholders in the world of work – government, workers and employers – participate on an equal footing:

The case of Colombia that we are examining today makes us realize that tripartite dialogue should not be merely a formality. It is essential to ensure that legislation, public policies and the measures adopted are in line with the reality experienced by those affected by them.

Trade union organizations, workers and employers complement the contextual perspective that is so important when identifying the structural causes of violence, and the State, which is the guardian of the legal system, must ensure that the social dialogue provided for in standards, protocols and protection mechanisms is effective and enforceable.

In this case, it is extremely important to consider that the autonomy of employers' associations is also a pillar of genuine social dialogue. As tripartism is already established as a legitimate mechanism for the development of public policies, each party should be able to participate with a voice of their own, and free from external pressure. This applies to trade union organizations, but it also applies equally to employers' organizations.

Autonomy is not a privilege. It is a vital condition for social dialogue. Recognizing and respecting the autonomy of employers' associations does not mean exempting them from liability. On the contrary, it means positioning them as stakeholders with a genuine capacity to undertake commitments. Therefore, while recognizing the progress Colombia has made in recent years, I support the comments made on this case by the Employer spokesperson, as well as the requests that he made to the Government of Colombia.

Worker member, Mexico – I wish to address a subject that has been a matter of concern for the ILO supervisory bodies for a number of years: the use of so-called trade union contracts.

Mexican trade union organizations share the Committee of Experts' concern regarding this arrangement and the risks it may pose to freedom of association when it is used as a mechanism for outsourcing or labour placement.

The experience of Latin America demonstrates that such arrangements may give rise to conflicts of interest that are incompatible with the principles of the Convention, by blurring the role of trade union organizations and distancing them from their essential function of representing and defending workers. In Mexico, we experienced a similar situation for many years through the so-called collective employer protection contracts, which were used to simulate trade union representation, obstruct genuine collective bargaining and undermine freedom of association.

We recognize that the current Colombian Government has made significant efforts to address this problem. We note that the original labour reform proposal provided for the abolition of this arrangement and that this provision did not get through the legislative

process. We also note the measures taken to prevent the misuse of trade union contracts and the recent regulatory initiative aimed at preventing their use as a mechanism for illegal labour placement and strengthening the protection of workers' rights. We consider these measures to be positive steps in the right direction.

We also recognize that bringing these arrangements into conformity with the principles of the Convention requires extensive and ongoing social dialogue. Reforms in this area must be carried out with the effective participation of representative organizations of workers and employers, in order to strengthen trade union independence, avoid conflicts of interest and ensure that workers are genuinely represented. We therefore believe it is important that the proposed measures have been discussed in tripartite forums and that social dialogue continues to be given priority in order to develop lasting solutions.

Mexican trade union organizations consider that freedom of association requires organizations that are independent, representative and committed exclusively to defending the interests of workers. We therefore respectfully request that the Committee take note of the efforts made by the Colombian Government to address the concerns raised by the Committee of Experts regarding trade union contracts, to encourage the prompt adoption and effective implementation of the regulatory measures currently under consideration, and to promote the continuation of tripartite social dialogue in order to work towards solutions that are fully compatible with the principles of the Convention.

Employer member, Peru – We regret the persistence of acts of anti-union violence in Colombia, and the challenges that remain in investigating and punishing those responsible, particularly the instigators of such acts. Effective protection for trade unionists' lives and physical integrity is an essential condition for the genuine exercise of freedom of association under the Convention. In this regard, we would like to refer to the labour reform process in Colombia. We note that the Committee of Experts has welcomed certain legislative initiatives adopted in that country which sought to address previous observations made under the Convention.

However, the report itself reflects the concern expressed by employers regarding the absence of tripartite consultation in the adoption of Act No. 2466, indicating that the institutional mechanisms for social dialogue were not used. From the employers' perspective, this is incompatible with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which has also been ratified by the Colombian State, and is therefore unacceptable. We must be clear: positively assessing the content of a law without considering the process through which it was adopted creates an inconsistency in the supervisory system. Respect for social dialogue is not an accessory element but a structural principle of the ILO's standards system. A reform adopted without tripartite consultation lacks an essential component of its legitimacy.

The experience of Peru is illustrative in this regard. Likewise, in 2022, a significant amendment to the regulation of collective labour relations was introduced without respecting an effective consultation process with representative organizations, particularly employers' organizations. That regulation remains a source of conflict today. From our perspective, such situations demonstrate that there can be no exceptions to compliance with Convention No. 144. Tripartite consultation is both a legal obligation and a founding principle of the ILO.

Non-compliance cannot be justified on the basis of the content of the measures taken. Respect for international labour standards requires a holistic approach. The assessment of legislative reforms cannot be dissociated from compliance with the social dialogue procedures that ensure their legitimacy. The existence of genuine and timely opportunities for dialogue

between the social partners, conducted in good faith, is an essential requirement for the development of balanced and sustainable standards.

The ILO system is founded on tripartism. The quality and sustainability of labour standards depend not only on their content but also on strict observance of the principles governing their adoption, including social dialogue. It must be made clear that the end does not justify the means.

Interpretation from German: **Worker member, Germany** – I am speaking on behalf of the German Trade Union Confederation. In recent years we have seen noteworthy development in Colombia after decades of ongoing conflict. This Government has for the first time taken a genuine effort to overcome societal divides and to guarantee and protect fundamental trade union rights. Social dialogue has been strengthened. The political and institutional role of trade unions has been also increased and there have been many social and political reforms that have been undertaken.

This Government has taken a resolute stance against anti-trade union discrimination. So it has taken the path towards the effective protection of trade unions and established a viable basis for social dialogue and lasting peace, which is something we are very glad to see. In many places the Government has taken historical steps in order to strengthen trade union work. In particular, with the issuing of Decree No. 234 in March 2026, which created a legal framework for collective bargaining at the branch and sector level. It was an agreed decree that restructured the wage negotiation system and reformed trade union activities by accordingly strengthening them. But it has also been working at the enterprise level. There have been reforms to the structure of the largest state corporation in Colombia, where trade union representatives are now on the supervisory board and participate in decision-making. Key positions in the Ministry of Labour Relations and Inspection and in the Ministry of Mining and Energy have been given to former trade union officials who have far-reaching experience and an understanding of social dialogue and how to implement those in a continuing difficult environment. We in the German trade unions have for many years cooperated with our Colombian colleagues. It is a form of cooperation that we have been able to intensify and broaden in recent years. And that was in no small part due to the fact that our Colombian colleagues had for the first time the political support and the space to speak on social, political and labour issues. For example, in the area of cooperation on a just transition and the profound changes in the world of work. So the previous and ongoing efforts of the Colombian Government are worthy of note in their successes and we urge them to continue making strides on this path.

Employer member, Honduras – The matter before us concerns the application of the Convention and acts of violence against trade union organizations, which are not isolated incidents but a direct threat to the exercise of the fundamental right of trade union freedom of association. The case of Colombia before the Committee today demonstrates that tripartite dialogue is not a mere formality; it is the framework that ensures that measures taken reflect the daily realities faced by those who experience them.

Workers and their organizations provide direct insight into the risks. They know who is under threat, in which sectors and under what circumstances. Employers, for their part, provide an equally important contextual perspective when it comes to identifying the structural causes of violence. The State, as guardian of the legal order, must translate that dialogue into enforceable and effective regulations, protocols and protection mechanisms. When any one of the parties is excluded from the process, the result is predictable: measures are not implemented, protocols are not followed and commitments gradually lose force.

The legitimacy of a trade union protection policy depends, to a large extent, on the participation in the design of those responsible for its implementation. For tripartism to function as a legitimate mechanism for public policymaking, each actor must be able to participate with its own voice, free from external pressure. This applies equally to workers' organizations and, with equal force, to employers' organizations. Their autonomy is not a privilege; it is a structural requirement for social dialogue. Tripartism built on a façade does not produce public policy; it only produces meaningless agreements that no one implements because no one takes ownership of them. In conclusion, an autonomous partner is a responsible partner, and that is precisely what effective public policy requires.

Worker member, Italy – The Worker members of Italy and France, speaking jointly, wish to express their solidarity with the workers and trade union organizations of Colombia and to recognize the importance of the dialogue we are holding today on the application of the Convention. We are deeply concerned that anti-union violence continues to affect trade union leaders and members in various regions of the country. Trade unions continue to be the target of threats, attacks and acts of intimidation that are incompatible with the full exercise of freedom of association and with the fundamental principles of the ILO. No democracy can accept that defending workers' rights should involve risking the lives and physical integrity of those engaged in trade union activities. At the same time, we consider it important to acknowledge a significant change from the past.

For the first time in many years, allegations of anti-union violence no longer identify the Government as a promoter or instigator of practices that stigmatize the trade union movement. We welcome the progressive abandonment of the narrative of the "enemy within" and the recognition of trade union organizations as legitimate actors and key participants in the country's working, social and democratic life. This shift in approach constitutes significant progress and deserves recognition. Trade unionism should not be perceived as a threat, but rather as an essential partner in the development of public policy, the strengthening of social dialogue and the promotion of social justice. However, these political and institutional advances cannot conceal the persistence of serious challenges.

Progress in investigating, prosecuting and punishing those responsible for crimes against trade unionists remains insufficient given the scale of the problem. The fight against impunity remains an essential priority. Various reports have indicated that threats and attacks now originate mainly from illegal armed groups and criminal organizations operating in certain areas, particularly in rural areas. We therefore encourage the Colombian Government to step up its efforts to guarantee truth, justice and reparation.

We also acknowledge the initiatives taken to strengthen the investigative capacity of the Public Prosecutor's Office, and measures aimed at improving individual and collective protection mechanisms for trade unionists and their organizations. We also note the efforts made to advance the investigation of crimes committed against trade unionists and of the court rulings issued in these cases.

Lastly, we wish to emphasize that the full enjoyment of freedom of association requires not only the absence of violence, but also effective safeguards for trade union action, collective bargaining and the exercise of the rights recognized under the Convention. The workers of Italy and France encourage the Government of Colombia to continue strengthening social dialogue with workers' and employers' organizations, to consolidate the progress achieved, and to take additional measures to eradicate anti-union violence and impunity once and for all.

Employer member, Chile – Acts of violence against trade union members are not an isolated phenomenon; they constitute a direct and real threat to the exercise of the fundamental right of trade union freedom of association recognized under the Convention. Addressing this phenomenon requires more – far more – than mere declarations of goodwill. It requires public policies that are legitimate, sustainable and robust. Such robustness is possible only when all the actors that make up the world of work – employers, governments and workers – are involved in their development.

The case of Colombia before the Committee today clearly demonstrates that tripartite dialogue is not a mere formality. The measures taken, or to be taken, must reflect the realities faced by those who experience them. Workers provide direct insight into the risks they face. They know who is threatening them, in which sectors those threats occur and under what conditions they live. Employers, for their part, contribute their own perspective on the context in which they operate. It is the State, however, as guarantor of the legal order, that must translate these realities into enforceable and effective regulations and protection mechanisms.

When any one of the parties is excluded from the process, the result is predictable: measures will not be implemented, protocols will not be followed and commitments will gradually lose force. Therefore, the legitimacy of a trade union protection policy depends, to a large extent, on the participation in its design of those responsible for its implementation. Protecting those who defend the rights of the actors in the world of work is to protect democracy itself, and that protection can only be built together by all the actors to whom I have referred.

Worker member, Finland – I speak on behalf of the Nordic Trade Unions. Over the years serious obstacles to freedom of association and collective bargaining in Colombia have been identified not only by the ILO supervisory bodies but also by the OECD. These obstacles include labour inspection, use of collective pacts and trade union contracts in ways that effectively undermine unions, restrictions on the right to strike and the bargaining system with limited coverage. From a Nordic perspective this convergence is important.

In our experience, strong collective bargaining and effective social dialogue are essential to economic and social stability. We therefore recognize that the present Government has begun to take measures in response to recommendations long made by both the ILO and the OECD. The recent steps deserve positive attention. Legal amendments in 2025 and 2026 affirm that no form of labour mediation or outsourcing including trade union contracts may be used to violate workers' rights. The law promoting multi-level bargaining responds to long-standing calls to move beyond an excessively narrow enterprise-level model of collective bargaining.

The draft decree on collective pacts and trade union contracts is also important and should be adopted without delay and fully enforced in practice. We also recognize progress in addressing anti-union violence and collective reparation. The recognition of the trade union movement as a collective victim of armed conflict and the ongoing work on remedial measures are important steps towards justice and non-repetition. Yet we must underline that recognition of progress cannot mean compromise on fundamentals. The Committee of Experts makes it clear that trade union contracts continue to be used on a very large scale, especially in the health sector, and it expressly regrets the reduction in inspections focused on these contracts.

Like the Committee of Experts, we urge the Government to immediately and substantially strengthen inspections and to ensure that these arrangements are not used in ways that undermine the proper application of the Convention. The same clarity is needed on the right to strike and trade union existence. As the Committee of Experts reiterates, mere participation in a strike later declared unlawful should not be grounds for dissolving a union. Procedural

time limits should be extended and federations and confederations must not be prohibited from calling strikes. The same applies to anti-union violence.

This Committee should be deeply concerned by the persistence of violence. We need to stress the need not only to investigate these crimes but also to identify and convict both perpetrators and instigators. There can be no acceptable gap between commitment and enforcement. We call on this Committee to welcome the steps already taken while stating with equal clarity that full compliance requires prompt completion, effective enforcement and concrete legal reform. Colombia now has the opportunity to turn converging recommendations from the ILO and OECD into durable guarantees for freedom of association and collective bargaining.

Worker member, United Kingdom of Great Britain and Northern Ireland – In 2002, the TUC and its affiliates created the organization Justice for Colombia in response to the systematic violence and repression faced by trade unionists in Colombia with the aim of building international solidarity. Through them, British unions have followed closely the situation faced by trade union members and leaders for almost a quarter of a century. As we know, that situation was often one of brutal violence. As the Colombian Truth Commission has recognized, the trade union movement was the victim of sustained, selective and systematic persecution in which the State itself bore an essential and primary responsibility in enabling violence with more than 3,300 killings recorded between 1971 and 2020 alongside almost 8,000 death threats.

But in recent years the Government has broken down that historical model. It has recognized our movement as a victim of collective harm. It has pursued total peace alongside strengthened protection measures for union leaders. It has strengthened labour rights, formalizing previously excluded workers, reinforcing guarantees on association and collective bargaining and seeking alignment with ILO standards. Once trade unionists were stigmatized as an internal enemy, now they are recognized as a fundamental part of democracy.

The Single Confederation of Workers of Colombia (CUT) has said that never in recent history has a Colombian Government consulted so extensively with social partners. As the Minister of Labour said, members of the trade union movement were victims of stigmatization built to say that unions were bad, that they bankrupted businesses and organizations. They were not shown for what they really are, part of a system of checks and balances that the world of work should have. In short, the Government has recognized that freedom of association is an enabling right and that unions are an essential safeguard against exploitation and other abuses. The recent decree on collective reparation is a sweeping demonstration of the State's commitment with 180 measures aiming to repair historic harm and prevent its recurrence.

This is real, tangible progress, but it is not the end of the story. Violence has decreased but not disappeared. Key elements of reform, particularly on collective bargaining and the right to strike have been delayed or diluted. Measures designed to prevent recurrence will need the support of future governments to succeed. But it shows that with political will, a culture of violence and repression can be challenged and the process of change can take hold.

Genuine and lasting transformation requires persistence. So, we welcome the huge strides made by the Government over the last few years and we hope that its commitment to addressing this will remain unwavering so that enjoyment of the right to freedom of association can one day soon take place without fear.

Worker member, Spain – The information submitted for consideration today opens up a different perspective on a case that this Committee has examined on several occasions. We

are discussing progress that represents the manifestation of historical demands by the Colombian trade union movement and demonstrates that the ILO system for the supervision of standards can be an effective tool in promoting real transformation in countries.

The supervisory bodies have consistently maintained that freedom of association cannot be understood in isolation. We are aware that the Colombian trade unions have insisted repeatedly, and rightly, that its effective exercise requires a suitable environment that reduces fear and increasing precariousness, since it is difficult for trade union autonomy to exist where precariousness limits the ability to organize.

Act No. 2466 of 2025 responds to the structural concerns that the Committee of Experts has raised repeatedly.

As workers, we greatly appreciate the fact that the Act limits fixed-term employment (a major factor discouraging trade union membership), restores night rates and rates for mandatory rest days, eliminates extended work days for domestic workers up to ten hours per day, and expressly establishes a general limit of eight hours per day.

We also welcome as a milestone the formalization, with full rights, of historically unprotected workers such as domestic workers, nursery workers, foster mothers, sportspeople and food handlers.

In relation to economic sectors where companies use digital platforms – a highly relevant matter at this moment and at this Conference –, regulations that render social security the responsibility of employers, the right to human supervision, and registration requirements for companies constitute innovative technical benchmarks that, as workers, we view as significant progress in Colombia.

As the Committee of Experts has recognized, labour stability and adequate working conditions are the indispensable substantive foundation of the Convention. The strengthening of this normative basis is reflected objectively in Colombia's economic indicators: between 2022 and 2025, the unemployment rate fell from 11.2 per cent to 8.9 per cent, while the minimum wage increased progressively to become a living wage. We believe that the workers of Colombia today enjoy adopted legislation, up-to-date regulations and verifiable figures that represent clear progress in the protection of their right to organize.

Recognizing what the trade union movement has won in the legislative arena is the most effective way of continuing to consolidate the application of the Convention in Colombia based on the recommendations of the Committee of Experts.

Worker member, Costa Rica – I am speaking on behalf of the workers of Costa Rica and in support of the statement made by Education International based on the report of the technical secretariat of the National Committee on Collective Reparation for the Colombian Trade Union Movement. For decades, the Colombian trade union movement has fought to survive persecution and the creation of an anti-union culture in which it was labelled as the "enemy within" and treated as such. Anti-union violence has been used as a policy of extermination that undermined the right of association, collective bargaining and the right to mobilize. The trade unions have indicated that the Colombian State was responsible through its actions or omissions.

It is important to highlight that the Truth Commission and the Special Jurisdiction for Peace have allowed the truth to be clarified, revealing complicity among the military and paramilitary forces and enterprises in several cases of violence against trade unions. In the current Government, the Ministry of Labour and the Victims' Unit have supported the collective

reparation process. After more than 15 years of struggle, the trade union movement comprising the CGT, CTC, CUT and FECODE confederations has been recognized as a collective victim of the armed conflict, by means of a resolution and a public event with the current President.

Progress is being made in designing a comprehensive collective reparation plan that defines administrative measures over a period of three years. To ensure that they are established as lasting public policy measures, a decree on the matter is in the process of being adopted.

The current Government has promulgated regulations to re-establish labour rights, dignified and decent work, collective bargaining and the eradication of gender-based violence, as well as a decree that declassifies military intelligence files to allow the truth about action taken against the trade union movement to be known.

We recognize the progress made on action on collective reparation. It is only through implementation of such action and guarantees of rights that progress will be made in eradicating anti-union culture. Polarization in the midst of the current electoral context is of deep concern since the stigmatization and persecution of trade unions has worsened owing to their defence of the labour and social changes made by the current Government. It is therefore necessary to strengthen measures to protect trade unionists' lives, and to guarantee the trade union leave of teachers and trade unionists in general, which has been violated by local governments. We have therefore requested national mechanisms to guarantee it. The Costa Rican workers call for support and guidance in the adoption and implementation of these measures and for employers to recognize the fundamental right to freedom of association and to engage in the process of collective reparation for the trade union movement.

Given the fresh prospect of a change in government, it is hoped that the ILO will take action to support the agreed measures.

Government representative – Allow me to thank the representatives of the Governments, Employers and Workers who have made statements during this discussion. Colombia deeply values this dialogue and the opportunity to exchange views on the challenges and progress relating to the application of the Convention. We have listened carefully to the statements made at this meeting. The Government of Colombia welcomes them with respect, in the spirit of dialogue and cooperation that characterizes the relationship between our Government and the International Labour Organization.

At the same time, we consider it important that the analysis relating to Colombia should reflect in a balanced manner both the challenges that still persist and the concrete progress that has been achieved. Nobody is unaware that Colombia has historically faced serious acts of violence which have affected various sections of society, including the trade union movement. However, precisely because we recognize this reality, the Colombian State has been steadily strengthening its institutional capacities to prevent, investigate and punish these acts, as well as to protect those engaged in trade union activities.

We have outlined the measures taken to strengthen the capacity of the Public Prosecutor's Office (FGN) to investigate murders and threats against trade unionists: namely, the consolidation of specialist investigation mechanisms; the implementation of new strategies for institutional coordination; and the prioritization of these cases within the State's policy to combat crime.

We have also presented the measures taken by the National Protection Unit (UNP) to strengthen individual and collective protection schemes for trade union leaders and activists.

These measures reflect an ongoing institutional commitment to the effective protection of freedom of association.

I would like to highlight one particular aspect that is of special importance to the Colombian Government: the recognition of the trade union movement as an entity entitled to collective reparation. This is a historic decision that acknowledges the suffering endured by thousands of workers and trade union organizations over decades of violence.

The measures currently being developed are not merely symbolic gestures: they include mechanisms for collective protection, initiatives relating to historic memory, programmes for dignification, guarantees of non-recurrence, and institutional coordination schemes aimed at strengthening trade union activity and preventing further violations. These initiatives represent a significant step towards building trust between the State and the trade union movement.

Furthermore, I would like to highlight the progress made in the areas of social dialogue and collective bargaining. The Government has strengthened tripartite forums such as the Special Committee for the Handling of Disputes referred to the ILO (CETCOIT), which continues to establish itself as an effective tool for the prevention and concerted resolution of labour disputes. Likewise, the recent regulation of multi-level collective bargaining constitutes a significant step forward in expanding bargaining spaces and strengthening the representativeness of trade union organizations.

Allow me to refer to an element that we consider particularly relevant to this examination. The main trade union confederations have publicly acknowledged the various advances made in recent years regarding freedom of association, social dialogue, collective reparation and the strengthening of collective bargaining.

This does not mean that the challenges have disappeared. It means that even actors who have historically been critical of existing shortcomings recognize that significant changes are taking place which must be taken into account when assessing the country's situation.

The Government of Colombia reiterates that freedom of association is a national priority. We will continue to strengthen measures aimed at combating anti-union violence. We will continue to support the Special Jurisdiction for Peace in fulfilling its valuable mandate to ensure transitional justice, truth, reparation and non-recurrence, and to foster reconciliation wherever possible in cases of human rights violations and breaches of international or monetary law, including those committed against trade unionists and the trade union movement.

We will continue to work to improve the protection of trade union leaders and organizations. We will continue to promote tripartite social dialogue, and we hope to overcome the difficulties that have arisen in this regard. We will continue to promote measures that strengthen collective bargaining and the effective exercise of trade union rights, and we will continue to cooperate fully with the ILO and its supervisory bodies.

Our commitment is to make progressive and sustained progress towards an increasingly effective guarantee of the rights protected by Convention No. 87.

Colombia has appeared before this Committee with transparency, a willingness to cooperate, and the firm conviction that the path to strengthening freedom of association lies in institutional strengthening and respect for the principles that inspire this Organization. We trust that the conclusions of this Committee will reflect in a balanced manner the national context, the progress achieved, and the efforts that the Colombian State continues to make to fully comply with its international obligations.

We reiterate our ongoing willingness to continue working together with the ILO, with workers' organizations and with employers' organizations in the promotion of social justice, decent work and freedom of association, and we hope that the exercise we have all undertaken before this Committee today will contribute to strengthening social dialogue in Colombia.

This is an aim that forms part of a broader objective related to overcoming the serious situation which our country, including the trade union movement, has experienced for many years.

The Truth Commission, established under the peace agreement signed in 2016, revealed in its report submitted four years ago, in 2022, that in Colombia a deeply discriminatory mindset has developed since the conquest, resulting in a massive dispossession of land, carried out with great impunity by powerful actors: state agents, paramilitaries and guerrillas linked even to drug trafficking, which has created a distrustful and ailing society, a wounded and imperfect democracy, and a civilian population severely affected by the war.

The Truth Commission has also proposed, in order to overcome this grave situation, that we address at least eight challenges: (i) consolidating peace by dismantling armed groups that still exist; (ii) restoring the dignity of victims by redressing their rights; (iii) revitalizing democracy through a national accord rejecting violence, among other measures; (iv) regulating drugs rather than prohibiting them; (v) overcoming impunity with international support; (vi) transforming security agencies into protectors of the population's rights; (vii) rethinking rural life, addressing the serious existing inequalities; and (viii) promoting a culture of peace to replace the culture of war that has prevailed in the country.

Upon receiving the report from the Truth Commission on 28 June 2022, our President undertook to comply strictly with its recommendations. That is what we have been striving to do over the last four years, and it is what we will continue to do to the best of our ability.

Compliance with the Colombian State's obligations under Convention No. 87 is an essential part of that commitment. We greatly appreciate the support you have given us and can continue to give us from the ILO to achieve this, as well as from governments, workers and employers. To this end, it is crucial – and allow me to reiterate this before you – to strengthen social dialogue.

Employer members – To start the concluding remarks of the Employers' group, I would like to thank the Government of Colombia for being present at today's debate and for the explanations and information it has shared with us, and also thank all the speakers who have taken part in this rich discussion.

In view of certain comments made by some delegates, I would like to recall the statement we made in the first part of our presentation, and we wish to reiterate that the Governing Body will have the opportunity, at the next session in November, to examine in detail the advisory opinion of the International Court of Justice and the corresponding follow-up measures, while fully respecting the different perspectives and the diversity of national legal systems and labour relations. For this reason, the Employers' group will not refer in the conclusions to the Committee of Experts' observations regarding the right to strike. Having said that, I would like to say, firstly, as a primary conclusion from the various factors that led to the report of the Committee of Experts, that there is an urgent need to strengthen the forums in which the Colombian Government conducts tripartite dialogue and to increase the frequency of such dialogue. The participation of the social partners is essential to ensure that any regulatory or legislative changes have the necessary legitimacy, adequately reflect the realities of labour relations, and contribute to strengthening trust in labour institutions.

We also reiterate that dialogue is a means of respecting and promoting the right of association, to which employers are also entitled; their inclusion enriches democratic dialogue, and in a context of cooperation and collaboration, there is less likelihood of infringing upon the essential elements of the right of association for the social partners in the world of work. We have noted that there are still shortcomings in the employers' participation in consultation forums that should be tripartite but are not in reality. For all these reasons, the Employers' group will request the Government of Colombia to continue strengthening measures to protect the right to freedom of association for both social partners: the workers and employers.

Secondly, we request the Government to continue strengthening measures to protect against and investigate acts of anti-union violence, with a view to improving the identification and punishment of perpetrators and instigators. Hence the Employers' group cannot support the view that this constitutes a case of progress, among other things because even in the most recent period examined by the Committee of Experts from 2023 to 2025 there were 24 murders.

While we acknowledge the substantial decrease in the number of murders, they still persist. So this remains for us a serious and urgent case, and we cannot agree that it constitutes a case of progress.

We will also ask the Government to continue making progress on consultation with the social partners, on measures for collective reparation for the trade union movement. It would be beneficial to involve the employers here as well when defining progress in this area.

We also call for the application and effectiveness of section 200 of the Penal Code to be assessed, following consultation with the social partners, and, once the decision to amend it has been reached, for this be done through genuine and effective consultation with the social partners. We urge the strengthening of inspection, monitoring and control activities regarding trade union contracts, particularly in sectors where their use is most frequent. We ask that any legislative reform relating to matters covered by the Convention is preceded by full and effective consultation with the most representative employers' and workers' organizations. Lastly, we ask the Government to revitalize the institutional mechanisms for tripartite social dialogue, especially the Standing Committee for Consultation on Wage and Labour Policies.

Worker members – Firstly, allow me to begin by confirming, as stated by our Vice-Chairperson at the outset, the absence of any reference to the International Court of Justice's ruling on the right to strike and its outcome prior to its discussion by the Governing Body in November. This is in line with what the Employer spokesperson has recalled, and we wish to confirm this point. I therefore say this not only on my own behalf but also on behalf of all my colleagues who have spoken.

Having said that, we shall now turn to the case of Colombia. First of all, we would like to thank the Government of Colombia for its participation in this debate, and also thank the governments, employers and workers who have contributed to this discussion. In particular, we express gratitude for the tone of the statements we have heard, because the debate has been enriched by the importance of dialogue, but above all by highlighting the strength of the ILO supervisory system, which provides a space for analysis and the collective development of solutions. Precisely at a time when multilateral forums are being called into question in various regions of the world and mechanisms for international cooperation are being weakened, this Committee continues to demonstrate the relevance of a model based on dialogue, on listening to one another and seeking consensus.

There have been two points of agreement. We might call this progress, improvement or a softening of the issues, but many matters remain unresolved. The statements reflect the importance that this Committee attaches to monitoring the effective application of international labour standards, but also to reaffirming, from this group, that the ILO supervisory system retains its full validity when it is capable of supporting real processes of transformation and contributing to the strengthening of democratic institutions and social dialogue.

Today's debate allows us to recognize that Colombia continues to face significant challenges regarding freedom of association. Legitimate concerns persist regarding anti-union violence, impunity, the effective protection of trade union leaders, and the need to continue making progress in bringing legislation into line with the principles of Convention No. 87. It has also become clear that we are not in a state of stagnation.

On the contrary, we are witnessing a process of institutional, regulatory and political change that deserves to be recognized by this Committee and which has been echoed by the various components of the Committee. These advances are the result of a historical struggle for us, the Colombian trade union movement, but also of the commitment of the social partners and a shared political will that is now focused on placing dialogue at the heart of labour policymaking.

The ultimate aim of our work is not simply to identify non-compliance but also to help States, workers and employers find ways to give effect to the principles and rights they have freely undertaken to uphold by ratifying international Conventions. This debate also leads us to a broader reflection: namely, the full implementation of international labour standards, fundamental labour rights and human rights can only flourish and be sustained where there is democracy, peace and the rule of law.

The history of the international trade union movement shows that where democratic institutions are weakened, the first things to be threatened are often precisely freedom of association, collective bargaining and collective action. When democratic forums are eroded, when the independence of institutions deteriorates, or when discourses of intolerance and exclusion are promoted, the ability of workers to organize and defend their interests is also weakened.

Nor do we believe that a rights-based society can be built when hate speech, discrimination or intolerance towards those who think differently is normalized. Historical experience demonstrates the enormous human, social and democratic cost of conflict, stigmatization and violence. But it also shows that when a society commits to peace, to strengthening its institutions, to respect for diversity and to the democratic participation of social actors, pathways are opened to expand rights and build a more just society.

For this reason, the Worker members believe that the promotion of freedom of association requires values to be reaffirmed which are essential to our societies: internal and external peace, the full functioning of democratic institutions, respect for the rule of law, the eradication of all forms of violence and hate speech, the recognition of diversity in identities and life choices, and an ongoing commitment to social justice.

A special comment on the Special Committee for the Handling of Disputes referred to the ILO (CETCOIT), which is where dialogue becomes a practical tool for resolving disputes, protecting freedom of association and, above all, rebuilding trust among stakeholders in the world of work. I believe that Colombia should make the most of the fact that it has established this body and learn how to put this experience to good use.

In light of the discussion held in this Committee, we consider that Colombia should indeed be recognized as a case of progress, advancement or whatever equivalent term we might use in Spanish. It is a country which, as we all know and have acknowledged, undoubtedly faces significant challenges, but we can see that it is beginning to embark on a path of strengthening trade union freedom, expanding social dialogue and complying with the recommendations made by the supervisory bodies. Everything that has been achieved is not a point of arrival but rather a path that must continue to be followed, and that is why this Committee is here, to ensure that the action it calls for is carried out.

We therefore propose that the Committee should recognize Colombia as a case of progress, but at the same time that the ILO should continue to provide firm support through technical guidance, the strengthening of institutional capacities, and above all support for the social partners, to ensure that they are heard and participate in the formulation and development of policies, and for the Government, so that it can consolidate and extend the progress achieved. We truly believe that Colombia faces many challenges ahead and must therefore take into account the comments and conclusions of the Committee.

Chairperson – This concludes the discussion of this case. I would like to express particular thanks for the participation of the Government representative of Colombia and of all the speakers who took the floor.

Conclusions of the Committee

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

While taking note of the complex security situation in Colombia, the Committee requested the Government to take, in full consultation with the most representative workers' and employers' organizations, effective and time-bound measures to:

- **strengthen measures to protect against and investigate acts of anti-union violence, with a view to improving the identification and punishment of both the perpetrators and those who instigate such acts;**
- **strengthen protection measures for trade unionists and ensure their effective implementation in practice in the exercise of their right to freedom of association;**
- **ensure that collective reparation measures for the trade union movement are translated into concrete and measurable outcomes;**
- **undertake a comprehensive assessment of the effectiveness of section 200 of the Penal Code and take the necessary measures to ensure that anti-union acts are effectively penalized;**
- **strengthen inspection, monitoring, and oversight activities regarding union contracts, especially in sectors where their use is most frequent, and take the necessary measures to ensure that the use of trade union contracts is not incompatible with the Convention;**
- **ensure that legislative reforms are preceded by full and effective consultation in line with the Convention; and**
- **strengthen the institutional mechanisms for tripartite social dialogue, including the Permanent Commission for the Coordination of Wage and Labour Policies.**

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

Eritrea (ratification 2000)

Forced Labour Convention, 1930 (No. 29)

Written information provided by the Government

I. Introduction

The Government reiterates its continued commitment to constructive engagement with the ILO and its supervisory mechanisms within the framework of mutual respect, sovereign equality, objectivity and the principles enshrined in the ILO Constitution.

The Government is dismayed by the inaccurate, selective, and politically motivated characterizations contained in the observations of the Committee of Experts concerning Eritrea's National Service Programme. The Government regrets that the Committee of Experts continues to rely extensively on unverified allegations and politicized reports produced by external actors, particularly the reports of the so-called United Nations (UN) Special Rapporteur on the situation of human rights in Eritrea, a mandate the Government has consistently rejected as fundamentally flawed, and lacking impartiality.

The observations fail to adequately situate Eritrea's national service policy within the historical, geopolitical, and security realities confronting the country since independence. The observations indeed fail to recognize three cardinal factors and parameters that are pivotal in the whole discourse:

(i) The National Service was enacted in the immediate aftermath of independence as the Government embarked on a massive demobilization of the freedom fighting army. In the initial demobilization programme, 65,000 freedom fighters (that is almost two thirds of the 100,000 strong liberation army) were demobilized with reinsertion packages. Government military doctrine centred on maintaining a small army of 35,000 with a National Service that would essentially act, for reasons of contingency, as a Reserve Army in the event of war. The National Service was, and remains limited to, 18 months in statutory terms although it can naturally be extended in the event of war and a prolonged state of aggression or external belligerency.

(ii) The National Service operated in accordance with the statutory provisions until Ethiopia declared war against Eritrea in May 1998. But, with the signing of the Algiers Agreement, the Government launched, in September 2001, a second and much larger Demobilization Programme (Commission for Demobilization was established) and earnestly began to implement it with substantive financial support from its development partners. But the programme was terminated in 2007 as Ethiopian forces continued to reject the "final and binding" Arbitral Award of the Eritrea-Ethiopia Boundary Commission; continued to occupy sovereign Eritrean territories; and doubled down on its belligerent policies.

(iii) The current Ethiopian regime has also reverted to much graver policies of aggression under the rubric of "sovereign access to the sea", dashing the hopes for enduring peace enunciated in the Joint Declaration of Peace and Friendship signed between the two countries in Asmara in 2018.

As a committed Member State, Eritrea is currently forwarding a comprehensive technical report to address the specific inquiries raised by the Committee of Experts. This preliminary response seeks to clarify the legal, security and developmental context of the National Service Programme.

II. Legal basis of national service under Convention No. 29

1. Application of Article 2(2)(a): Compulsory military service

The Government reiterates that the National Service Programme established under Proclamation No. 82/1995 is grounded in the inherent sovereign right and responsibility of every State to safeguard its national defence, territorial integrity, political independence, and constitutional order. The Government therefore maintains that compulsory military service, as provided for under domestic law, falls within the exception recognized under Article 2(2)(a) of Convention No. 29 concerning "work or service exacted in virtue of compulsory military service laws for work of a purely military character".

The Government notes that Convention No. 29 recognizes the legitimacy of compulsory military service and does not prohibit Member States from maintaining such systems where justified by prevailing security conditions, nor does the Convention prescribe a uniform model regarding the duration or structure of national defence arrangements, which necessarily depend on the specific geopolitical realities confronting each State.

Under section 5 of Proclamation No. 82/1995, the objectives of the National Service Programme include:

- safeguarding national independence and sovereignty;
- ensuring national defence and security;
- preserving national unity and social cohesion; and
- fostering a disciplined and resilient citizenry capable of responding to national emergencies and existential threats.

The Government therefore rejects the characterization of Eritrea's National Service as "forced labour," noting that such assessments fail to adequately account for the prolonged security challenges and external existential threats that the country is encountering.

The Government further emphasizes that reserve mobilization measures, extensions of service, and periodic emergency call-ups undertaken during periods of heightened insecurity were directly linked to objectively existing security exigencies, including the recent tragic conflict in northern Ethiopia, that have and continue to pose grave threats to its sovereignty and territorial integrity.

At the same time, the Government underscores that the Committee of Experts should not conflate Eritrea's broader National Service Programme with "compulsory military service" within the narrow meaning of Article 2(2)(a). Compulsory military service under Convention No. 29 refers specifically to service of a purely military character, whereas Eritrea's National Service Programme constitutes a broader institutional framework encompassing military preparedness, reserve mobilization, emergency response and national resilience functions that involves the entire nation.

Accordingly, different components of the programme must be assessed separately under the applicable exceptions contained in Article 2(2), taking into account their nature, purpose,

and context of implementation. Failure to maintain this distinction risks misinterpreting the structure and objectives of Eritrea's national service framework.

The Government therefore maintains that Eritrea's national service system constitutes a lawful exercise of sovereign authority consistent with Article 2(2)(a) of Convention No. 29, particularly in light of the exceptional and prolonged security circumstances confronting the country over the past decades.

2. Application of Article 2(2) (b): Normal Civic Obligations

The Government further maintains that certain duties performed within the framework of the National Service Programme fall within the exception recognized under Article 2(2)(b) of Convention No. 29, which excludes from the definition of forced or compulsory labour:

> any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country.

The Government respectfully submits that the concept of "normal civic obligations" must be interpreted in light of the historical, developmental, and security realities prevailing within each Member State, particularly countries emerging from conflict and operating under severe resource and security constraints.

In Eritrea's case, civic responsibility is deeply rooted in the country's historical experience of collective struggle, national sacrifice, and shared responsibility. Following a prolonged liberation struggle, Eritrea faced devastated infrastructure, limited institutional capacity, environmental degradation, and significant developmental challenges. Under such conditions, citizen participation in reconstruction and resilience-building efforts became an essential component of national recovery and state-building.

The Government emphasizes that Proclamation No. 82/1995 was conceived not solely as a military framework, but also as a broader nation-building mechanism intended to strengthen social cohesion, promote self-reliance and mobilize national capacities in support of essential public interests.

Accordingly, certain forms of service undertaken within the national service framework constituted legitimate civic obligations aimed at supporting national reconstruction, emergency response, environmental rehabilitation, food security, infrastructure development and broader public welfare objectives.

The Government also recalls that many States maintain various forms of mandatory civic, reserve, emergency or public service obligations during periods of crisis or heightened insecurity. Such systems are widely recognized as legitimate manifestations of civic responsibility when directed toward the protection of the public interest and national well-being.

The Committee of Experts' interpretation of Article 2(2)(b), however, appears to adopt an unduly restrictive approach that insufficiently recognizes the differing historical trajectories and developmental realities of Member States. The Government respectfully submits that the determination of what constitutes "normal civic obligations" must necessarily allow a degree of contextual appreciation, particularly for States confronting exceptional post-conflict reconstruction burdens and persistent national security threats.

The Government also rejects the characterization that participation in development-related national service activities was undertaken for purposes of private economic gain or exploitation. The activities referenced by the Committee of Experts were implemented within

a public national framework intended to address essential developmental and humanitarian needs affecting the broader population.

Furthermore, many of the programmes cited by the Committee of Experts – including environmental rehabilitation, food security initiatives, infrastructure reconstruction and emergency response activities – were directly linked to safeguarding the well-being of communities affected by war, drought, climate-related pressures and regional instability. Such initiatives therefore cannot be divorced from the broader public interest and national resilience objectives they were designed to serve.

The Government further reiterates that national service obligations and related administrative measures have evolved over time in response to changing circumstances, security conditions and development priorities.

At the outset, it should be clarified that prolonged national service does not generally entail continuous deployment within the armed forces. In practice, the majority of National Service members (90 per cent) are assigned to civilian functions within the Civil Service and other public institutions in support of essential national, developmental, and administrative needs.

The Government continues to undertake periodic assessments and adjustments within the framework of Eritrea's broader institutional, developmental, and security objectives.

In this context, the Government also wishes to provide additional clarification regarding ongoing domestic policy measures aimed at improving the socio-economic conditions of public sector employees, including members of the Civil Service and the Defence Forces, as part of broader national efforts to strengthen institutional capacity, enhance motivation and improve living standards within available national resources.

In August 2015, the Government began implementing the first phase of salary increments and adjustments in the Civil Service and Eritrea's Defence Forces. This reform represented a significant policy initiative aimed at improving remuneration structures across key categories of public employment. The new salary scale envisaged a substantial improvement of the economy as a whole over the medium to long term, and involved an approximate threefold increase across multiple categories of professional qualification and job classification. The revised salary structure for new entrants was as follows:

▶ **Comparative salary scales** (New entrants in Civil Service/Army)

Category of employment/Qualification	Old scale (Nakfa)	New scale (Nakfa)
Post-secondary certificate	800	2 000
Diploma	1 250	2 500
First degree (four-year programme)	1 400	3,500
First degree (five-year programme)	1 400	4 000
National Service Army entrant	800	1 800

Within the framework of this reform, priority was given to members of the National Service. The Government emphasizes that all National Service members holding post-secondary academic qualifications, as well as those assigned to the Army, are remunerated in accordance with the new and significantly improved salary scale.

The Government further notes that this reform constitutes part of a broader and ongoing effort to enhance the attractiveness and sustainability of public service, strengthen human resource capacity within national institutions and improve the socio-economic welfare of public sector employees, within the constraints of national economic resources and external economic challenges.

The Government also clarifies that a fully comprehensive revision of the salary structure for permanent civil servants holding second degrees or higher qualifications, as well as for those with secondary education or below in certain categories, has not yet been fully implemented. This reflects a phased and resource-dependent approach to public sector reform, consistent with national development planning priorities and fiscal capacity.

The Government considers these measures to be relevant in assessing the broader context of national service and public employment policies, as they demonstrate ongoing efforts to improve remuneration conditions, recognize qualifications and enhance institutional motivation within the framework of national socio-economic development.

The Government therefore respectfully disagrees with the Committee of Experts' characterization that no progress has been achieved in either law or practice. Such conclusions fail to adequately acknowledge the complex and evolving regional environment, the extraordinary security burdens historically imposed upon Eritrea, and the gradual adjustments undertaken within the constraints of prevailing national realities.

Accordingly, the Government maintains that the civic and developmental components of its National Service Programme fall within the scope of permissible "normal civic obligations" contemplated under Article 2(2)(b) of Convention No. 29 when assessed in light of Eritrea's specific historical, developmental and security context.

III. Observations regarding the Special Rapporteur

The Government reiterates its long-standing position regarding the mandate of the so-called UN Special Rapporteur on the situation of human rights in Eritrea and expresses concern over the Committee of Experts' continued reliance on reports produced under this mechanism.

The Government maintains that the mandate was established through politicized processes inconsistent with the principles of impartiality, objectivity and constructive cooperation that should guide international human rights engagement. Since its inception, the mandate has operated in a confrontational rather than cooperative manner, relying on political pressure and predetermined conclusions.

The Government therefore rejects the treatment of the Special Rapporteur's reports as authoritative evidentiary sources within the ILO supervisory system. The reports rely predominantly on anonymous testimonies, remote interviews, secondary allegations and information provided by politically motivated actors and hostile advocacy groups operating outside Eritrea. Such methodologies lack transparency, verifiability, and adequate procedural safeguards necessary to ensure credibility and objectivity.

The Government is therefore concerned that the Committee of Experts' observations reproduce allegations derived from the Special Rapporteur's reports without sufficient independent scrutiny, thereby risking the objectivity and credibility of the ILO supervisory system.

The Government respectfully recalls that the legitimacy of the ILO supervisory system has historically rested on technical expertise, tripartite dialogue and objective assessment grounded in cooperation rather than politicized external mechanisms.

The Government continues to reaffirm its commitment to continued dialogue and constructive cooperation with the ILO within a framework based on technical engagement, mutual respect, sovereign equality and the depoliticized application of international labour standards.

IV. Cooperation with the ILO

The Government reiterates its commitment to constructive engagement and dialogue with the ILO and its supervisory mechanisms within the framework of mutual respect, sovereign equality, objectivity and non-politicization.

The Government recognizes the important role of the ILO in promoting international labour standards and fostering technical cooperation among Member States. The Government has consistently engaged with the Organization through the submission of reports, participation in supervisory processes and interaction with relevant ILO bodies despite the challenging political and regional circumstances confronting the country.

At the same time, the Government notes with concern that discussions relating to Eritrea within certain international mechanisms have too often been influenced by politicized narratives, selective approaches and reliance on unverified external allegations that fail to adequately reflect Eritrea's realities and perspectives.

The Government respectfully emphasizes that meaningful and constructive engagement can only be achieved through dialogue grounded in:

- impartiality and objectivity;
- respect for the sovereignty and independence of Member States;
- recognition of differing historical and developmental contexts;
- reliance on credible, balanced and verifiable information; and
- genuine cooperation aimed at mutual understanding rather than political pressure or stigmatization.

The Government remains open to continued technical dialogue and constructive engagement with the ILO concerning labour-related matters, including discussions relating to national service implementation, labour administration, employment policies, vocational development and institutional capacity-building.

The Government believes that cooperative engagement based on partnership and mutual respect is more effective than approaches rooted in confrontation, politicization or externally driven pressure campaigns.

The Government further reiterates that Eritrea's sovereign right to determine its national security policies, development priorities, and state-building strategies must be fully respected in accordance with the principles of the Charter of the United Nations and international law.

The Government also recalls that the ILO supervisory system was intended to promote dialogue, cooperation, and progressive realization of labour standards while taking into account the differing conditions and circumstances of Member States. The Government therefore encourages the Committee of Experts to approach Eritrea's situation in a balanced,

objective and context-sensitive manner that recognizes the country's legitimate security concerns, developmental realities and sovereign responsibilities.

The Government remains prepared to continue engaging with the ILO in good faith and welcomes constructive technical cooperation that respects Eritrea's sovereignty, national priorities, and independent development path.

V. Conclusion

The Government reiterates its commitment to the principles of the ILO and to constructive engagement based on mutual respect, sovereign equality, objectivity and non-politicization.

At the same time, the Government firmly rejects the characterization of Eritrea's National Service Programme as a system of forced labour contrary to Convention No. 29. Such portrayals fail to adequately account for Eritrea's historical experience, prolonged and relentless existential threats and challenges against its sovereignty and territorial integrity, and broader state-building and developmental realities.

Eritrea's National Service Programme was indeed established as a legitimate sovereign instrument aimed at safeguarding national independence, preserving territorial integrity, strengthening social cohesion, promoting national resilience, and supporting reconstruction in the aftermath of prolonged conflict. Its practical prolongation at specific intervals has stemmed from and is interlinked with the perennial and continuing external threats to its sovereignty and territorial integrity.

In any event, the Government emphasizes that Eritrea's policies cannot be assessed in isolation from the realities the country has faced since independence. The Government accordingly maintains that Eritrea's National Service Programme must be understood within the framework of the exceptions recognized under Convention No. 29, including compulsory military service under Article 2(2)(a), and normal civic obligations under Article 2(2)(b).

The Government therefore respectfully disagrees with the Committee of Experts' conclusion that the present case warrants discussion before the Conference Committee on the Application of Standards, as such action risks further politicizing matters that should instead be addressed through objective technical engagement and cooperation.

Discussion by the Committee

Chairperson – We will start with the examination of the first case which concerns the application of the Forced Labour Convention, 1930 (No. 29) by Eritrea. For the discussion of this case, we have 11 speakers registered on the list of speakers. I will now invite the Government representative of Eritrea, who is joining us remotely via Zoom, to take the floor.

Government representative – Distinguished members of the Committee, Distinguished Delegates, I appreciate and thank the Committee Secretariat for arranging this Zoom meeting for us to present our report. I have my delegates here, Mr Kebrab Kidane and Mr Abraham Bereket from the Workers' group, and Mr Berhane Gebrehiwet from the Employers' Federation of Eritrea (EFE). I am going to present the Government's report that addresses the specific enquiries raised by the Committee of Experts.

The Government reiterates its continued commitment to constructive engagement with the ILO and its supervisory mechanisms within the framework of mutual respect, sovereignty, equality, objectivity, and the principles enshrined in the ILO Constitution. The Government regrets that the Committee of Experts continues to rely extensively on unverified allegations and politicized reports produced by external actors, particularly the reports of the so-called

UN Special Rapporteur on the situation of human rights in Eritrea, a mandate Eritrea has consistently rejected as fundamentally flawed and lacking impartiality. The observation fails to adequately situate Eritrea's national service policy within the historical geopolitical and security realities confronting the country since independence. The observation indeed fails to recognize three cardinal factors and parameters that are pivotal in the whole discourse.

National service was enacted in the immediate aftermath of the independence as the Government embarked on a massive demobilization of the freedom fighting army. In the initial demobilization programme, 65,000 freedom fighters, that is almost two thirds of the liberation army, were demobilized with reinsertion packages. Government military doctrine centred on maintaining a small army of 35,000 with national service that would essentially act, for reasons of contingency, as a reserve army in the event of war. National service was and remains limited to 18 months in statutory terms, although it can naturally be extended in the event of war and the prolonged state of aggression or external belligerency.

National service operated in accordance with the statutory provisions until Ethiopia declared war against Eritrea in May 1998. But with the signing of the Algiers agreement, the Government of the State of Eritrea launched, in September 2001, a second and much larger demobilization programme. The Commission for Demobilization was established and earnestly began to implement it with substantial financial support from its developmental partners, but the programme was terminated in 2007 as Ethiopia continued to reject the final and binding Arbitral Award of the Eritrea-Ethiopia Boundary Commission, continued to occupy sovereign Eritrean territories, and doubled down on its belligerent policies.

Third, the current regime of Ethiopia has also reverted to much graver policies of aggression under the rubric of "sovereign access to the sea", dashing the hopes of enduring peace enunciated in the Joint Declaration of Peace and Friendship signed between the two countries in 2018.

As a committed Member State, the Government is currently forwarding a comprehensive technical report to address the specific enquiries raised by the Committee of Experts. This preliminary response seeks to clarify the legal, security and developmental context of the national service programme. With regard to the legal basis of national service under the Convention, the Government reiterates that the national service programme established under Proclamation No. 82/1995 is grounded in the inherent sovereign right and responsibility of every State to safeguard its national defence, territorial integrity, political independence and constitutional order. The Government therefore maintains that compulsory military service under domestic law falls within the exception recognized under Article 2(2)(a) of the Convention concerning work or service exacted in virtue of compulsory military service laws for work of a purely military character. Under section 5 of Proclamation No. 82/1995, the objectives of the national service programme include: safeguarding national independence and sovereignty, ensuring national defence and security, preserving national unity and social cohesion, and fostering a disciplined and resilient citizenry capable of responding to national emergencies and existential threats. The Government, therefore, rejects the characterization of Eritrea's national service as coercive labour, noting that such assessments fail to adequately account for the prolonged security challenges and external existential threats that the country is encountering.

The Government further emphasizes that reserve mobilization measures, extensions of service and periodic emergency call-ups undertaken during periods of heightened insecurity were directly linked to objectively existing security exigencies, including the recent tragic

conflict in northern Ethiopia, that have and continue to pose grave threats to its sovereignty and territorial integrity.

At the same time, the Government underscores that the Committee of Experts should not conflate Eritrea's broader national service programme with "compulsory military service" within the narrow meaning of Article 2(2)(a). Compulsory military service under the Convention refers specifically to service of a purely military character, whereas Eritrea's national service programme constitutes a broader institutional framework encompassing military preparedness, reserve mobilization, emergency response and national resilience functions that involve the entire nation. The Government, therefore, maintains that Eritrea's national service system constitutes a lawful exercise of sovereign authority consistent with Article 2(2)(a) of the Convention, particularly in light of the exceptional and prolonged security circumstances confronting the country over the past decades.

With regard to the application of Article 2(2)(b) of the Convention, on "normal civic obligations", the Government respectfully submits that it must be interpreted in light of the realities prevailing within each Member State, particularly countries emerging from conflict and operating under severe resource and security constraints. In Eritrea's case, civic responsibility is deeply rooted in the country's experience of collective struggle, national sacrifice and shared responsibility. Following a prolonged liberation struggle, Eritrea faced devastated infrastructure, limited institutional capacity, environmental degradation and significant developmental challenges.

Under such conditions, citizen participation in reconstruction and the resilience-building efforts became an essential component of national recovery and State-building. The Government emphasizes that Proclamation No. 82/1995 was conceived not solely as a military framework but also as a broader nation-building mechanism intended to strengthen social cohesion, promote self-reliance and mobilize national capabilities in support of essential public interests. Accordingly, certain forms of service undertaken within the national service framework constitute legitimate civic obligations aimed at supporting national reconstruction, emergency response and environmental rehabilitation, food security, infrastructure development and broader public welfare objectives.

Further, many of the programmes cited by the Committee of Experts, including environmental rehabilitation, food security initiatives, infrastructure reconstruction and emergency response activities, were directly linked to safeguarding the well-being of communities affected by war, drought, climate-related pressures and regional instability. Such initiatives, therefore, cannot be divorced from the broader public interest and national resilience objectives they were designed to serve.

The Government reiterates that national service obligations and the related administrative measures have evolved over time in response to the changing circumstances, security conditions and development priorities. Within the framework of this reform, priority was given to members of the national service. The Government emphasizes that all national service members holding the qualifications, as well as those assigned to the army, are remunerated in accordance with the new and significantly improved salary scale.

The Government further notes that this reform constitutes part of the broader and ongoing effort to enhance the attractiveness and sustainability of the public service, strengthen human resource capacity within national institutions and improve the socio-economic welfare of public sector employees, within the constraints of national economic resources and external economic challenges.

The Government therefore respectfully disagrees with the Committee of Experts' characterization that no progress has been achieved in either law or practice. Such conclusions fail to adequately acknowledge the complex and evolving regional environment, the extraordinary security burdens historically imposed upon Eritrea and the gradual adjustments undertaken within the constraints of prevailing national realities. Accordingly, the Government maintains that the civic and developmental components of its national service programme fall within the scope of permissible "normal civic obligations" under Article 2(2)(b) of the Convention, when assessed in light of Eritrea's specific historical, developmental and security context.

The Government further reiterates its long-standing position regarding the mandate of the so-called UN Special Rapporteur on the situation of human rights in Eritrea and expresses concern over the Committee of Experts' continued reliance on reports produced under this mechanism. The Government maintains that the mandate was established through politicized processes inconsistent with the principles of impartiality, objectivity and constructive cooperation that should guide international human rights engagement. Since its inception, the mandate has operated in a confrontational rather than cooperative manner, relying on political pressure and predetermined conclusions.

The Government therefore rejects the treatment of the Special Rapporteur's reports as authoritative evidentiary sources within the ILO supervisory system. The reports rely on anonymous interviews, secondary allegations and information provided by politically motivated actors and hostile advocacy groups operating outside Eritrea. Such methodologies lack transparency, verifiability and adequate procedural safeguards necessary to ensure credibility and objectivity. The Government is therefore concerned that the Committee of Experts' observations reproduce allegations derived from the Special Rapporteur's report without sufficient independent scrutiny, thereby risking the objectivity and credibility of the ILO supervisory system. The Government respectfully recalls that the legitimacy of the ILO supervisory system has historically rested on technical expertise, tripartite dialogue and objective assessment grounded in cooperation rather than politicized external mechanisms.

The Government continues to reaffirm its commitment to continued dialogue and constructive cooperation with the ILO within a framework based on technical engagement, mutual respect, sovereignty, equality and the depoliticized application of international labour standards.

Regarding cooperation with the ILO, the Government reiterates its commitment to constructive engagement and dialogue with the Organization and its supervisory mechanisms within the framework of mutual respect, sovereignty, equality, objectivity and non-politicization. The Government recognizes the important role of the ILO in promoting international labour standards and fostering technical cooperation among Member States. The Government has consistently engaged with the Organization through the submission of reports, participation in supervisory processes and interaction with relevant ILO bodies despite the challenging political and regional circumstances confronting the country.

The Government also recalls that the ILO supervisory system was intended to promote dialogue, cooperation and progressive realization of labour standards, while taking into account the differing conditions and circumstances of Member States. The Government remains prepared to continue engaging with the ILO in good faith and welcomes technical cooperation that respects national priorities and an independent development path.

In conclusion, the Government firmly rejects the characterization of Eritrea's national service programme as a system of forced labour contrary to the Convention. Such portrayals

fail to adequately account for Eritrea's historical experience, prolonged and relentless existential threats and challenges against its sovereignty and territorial integrity and broader State-building and development realities. In any event, the Government emphasizes that Eritrea's policies cannot be assessed in isolation from the realities the country has faced since independence. The Government accordingly maintains that Eritrea's national service programme must be understood within the framework of exceptions recognized under the Convention, including compulsory military service under Article 2(2)(a) and normal civic obligations under Article 2(2)(b).

The Government requests that the present observations and clarifications of their policy be fully reflected in the records of the supervisory process relating to the 114th Session of the Conference.

Worker members – This is unfortunately not the first time that this Committee has examined the application by Eritrea of the Convention. We already addressed the situation in Eritrea during the 104th Session of the Conference in 2015 and during the 107th Session in 2018. On both occasions, the case was already accompanied by a double footnote. This is once again the case this year.

As mentioned by the Committee of Experts, the situation has been ongoing for more than 20 years. This fact demonstrates not only the seriousness of the issue, but also the persistence of the use of forced labour previously highlighted, as well as the inability or unwillingness of the Government to provide a satisfactory response to it to this day. According to the United Nations Refugee Agency (UNHCR), Eritrea was the tenth largest country of origin for refugees and asylum seekers globally, with 18 per cent of its population having fled the country. Eritrea had the third highest rate worldwide of nationals who had fled the country relative to its population size.

This situation should not come as a surprise to us. For many years, increasingly alarming assessments have continued to accumulate regarding the situation in Eritrea. The latest report of the Special Rapporteur on the situation of human rights in Eritrea of 2025 characterizes the situation as critical from a human rights standpoint. The Special Rapporteur observes numerous violations of fundamental human rights, including through the widespread and systematic arbitrary detention and enforced disappearance of dissenting voices. Among the violations of human rights standards, the report underscores the centrality of national service. This compulsory national service is also central to the Committee of Experts' observations in its review of compliance of Eritrea with the Convention.

Under the Proclamation on National Service No. 82/1995, all citizens of Eritrea between the ages of 18 and 50 have the obligation to perform a duty of national service, which includes active national service, and service in the reserve army. This compulsory national service is, in theory, limited to a duration of 18 months, of which the first six months are devoted to military training. The remaining 12 months are dedicated to active military service. In practice however the duration of the national military service continues to be indefinite, with the duration of individuals' national service remaining arbitrary and most Eritreans serving for periods ranging from several years to sometimes decades. The service has also extended far beyond the statutory limit of 50 years of age.

The Special Rapporteur notes that in recent years, particularly in the context of the Tigray war, children between 15 and 18 years of age as well as persons over 60 years of age were also conscripted. Moreover, national service encompasses a wide range of activities such as, for example, construction or agriculture. Others are assigned work in civilian roles such as in schools, in the judiciary, hospitals or companies owned by the military or the People's Front for

Democracy and Justice. It quickly becomes apparent that these activities are not purely military in nature and therefore cannot fall within the scope of the exception provided in Article 2(2)(a) of the Convention. The nature and scope of the activities covered under national service likewise do not allow the Government to invoke the "normal civic obligation" exception.

In the General Survey of 2007 on the forced labour Conventions, the Committee of Experts recalled that only three normal civic obligations are specifically mentioned in the Convention: compulsory military service, work or service in cases of emergency and minor communal services. The exception of "normal civic obligations" must be read in the light of other provisions of the Convention and cannot be invoked to justify recourse to forms of compulsory service which are contrary to such other provisions. The Committee of Experts stresses once again in its observation that the exceptions to the prohibition of forced labour contained in Article 2 of the Convention (military service, normal civic obligations and situations of emergency) are strictly defined and that the work involved must respond to precise requirements. In the case of Eritrea, national service encompasses activities which are far broader in scope and objectives, which is not consistent with the requirements of the Convention. Eritrean citizens have very limited prospects of evading this forced labour.

Reports indicate that authorities are conducting mass roundups and forced recruitment and are resorting to violence and threat of severe punishments to themselves and their families to compel the population to participate in military action. Deserting or evading national service are criminal offences. Those who attempt to desert or avoid the draft are punished accordingly by prolonged arbitrary detention, enforced disappearance, torture and inhuman or degrading treatments.

Completion of national service is a prerequisite for accessing basic services and legal entitlements. Families may obtain ration coupons only upon certifying that all members of draft age are currently performing national service.

Forced or compulsory labour is defined in Article 2(1) of the Convention as any work or service exacted from an individual under the menace of any penalty or for which the said person has not offered himself or herself voluntarily. In light of these considerations, it is therefore difficult to contend that Eritreans enter national service of their own free will.

We also wish to highlight the particularly critical situation of women who are subjected to compulsory national service. According to the UN Committee on the Elimination of Discrimination against Women, women performing national service continue to be victims of sexual violence, including rape, committed with impunity by male officers and recruits.

All these elements demonstrate a grave and systematic breach of the Convention.

The Government maintains that it is still compelled to requisition its population, within the framework of national service, for reasons of legitimate national defence and due to unrelenting threats by Ethiopia. As early as 2015, the reasons of national defence and more specifically the strained diplomatic relations with Ethiopia were already invoked by the Eritrean authorities as justification for a situation that is in violation of the Convention. The conclusion of a peace agreement in 2018 between Ethiopia and Eritrea did not improve the situation. This peace agreement was concluded only a few weeks after the deployment of the technical advisory mission of the ILO following the Committee's discussion of 2018. In light of the peace agreement, demobilization was anticipated, and it was expected that the compulsory nature of national service would no longer be justified. Since then, however, the hostilities have resumed and demobilization has not taken place. National service continues to remain in force.

We consider that the compulsory national service, as it is currently drafted and implemented, constitutes an institution that gravely infringes upon the fundamental rights of Eritrean citizens. The recommendations issued by this Committee in 2015 and 2018, as well as those of the United Nations Human Rights Council's Commission of Inquiry and of the Special Rapporteur on the situation of human rights in Eritrea, ought to be implemented. This should include revoking Proclamation No. 82/1995.

We trust that the discussion we are once again about to hold before this Committee will help persuade the Government to finally take all necessary measures to ensure that its legislation and practice are brought into full conformity with the requirements of the Convention. The Worker members, therefore, urge the Government to take concrete and time-bound measures to ensure full compliance with the Convention, both in law and in practice.

Employer members – We note that the Government delegation was accredited belatedly, and in the presence of the national social partners. We hope that these partners will have the opportunity to provide their views in line with the ILO's basic principle of tripartism.

The Employer members recall the importance of respect for the ten fundamental Conventions by all ILO Member States, which include Convention No. 29. The elimination of forced labour is an obligation under international law, based on a fundamental moral duty of all ILO members: employers, workers and governments. The national authorities must remain proactive, not only by bringing their legislation into conformity with the Convention, but also by ensuring its effective application in practice.

Eritrea ratified the Convention on 22 February 2000. It was thus over 25 years ago that the Eritrean authorities formally undertook to suppress the use immediately, totally and definitively throughout its territory of all forms of forced or compulsory labour. Unfortunately, no meaningful progress has been made to date. A quick overview of the supervisory mechanisms shows that the national situation relating to forced labour has been permanently on the ILO agenda since 2014: not only in the experts' reports of 2014, 2015, 2017, 2018, 2021, 2022 and 2025 but also within our Committee, which already examined this case in 2015 and 2018, and also in the Office's recent attempts to provide support to Eritrea in addressing the challenges related to employment relationships.

The national situation remains so concerning that this national case is included, this year, on the list of cases in respect of which a special note is provided (known as "footnoted cases") due to the nature of the problems confronted in the application of the Conventions.

The right to freedom from forced labour is a cornerstone of the concept of decent work and one of the most fundamental human rights under the competence of the ILO. The prohibition of forced or compulsory labour in all its forms is an inalienable right enshrined in the Convention and in the Abolition of Forced Labour Convention, 1957 (No. 105), and strengthened by the Protocol of 2014 to the Forced Labour Convention, 1930, the binding character of which is indisputable. Only certain limited exceptions are included in the Convention. It applies to all human beings. These instruments have a general application and cover all activity sectors, including the informal economy.

Article 2 of the Convention sets out a limited list of five types of exceptions but these must be temporary and require a restrictive interpretation. These exceptions include compulsory military service, normal civic obligations and cases of emergency. The Government justifies "national service", introduced in 1995, on grounds of legitimate national defence. Its extension to non-military activities is justified by specific urgent circumstances, such as the recurring conflict in the Horn of Africa, draught and even, and I quote, "sanctions imposed by the United

Nations Security Council for a decade". The Government claims that the inclusion of non-military activities in such circumstances is covered by the exception of "normal civic obligations", under the terms of Article 2(2)(b) of the Convention.

Yesterday, the Government transmitted these written supplementary observations in which it maintains that the national service programme must be assessed in the light of the exceptional security context that the country has been facing for several years. It states that some components of the programme fall under the exception relating to obligatory military service, while other civil activities fall within the framework of "normal civic obligations". The Government also emphasizes that these activities target the objectives of national defence, resilience, rebuilding and public interest development.

Based on the last two reports of 2023 and 2024 of the United Nations Special Rapporteur on the situation of human rights in Eritrea, the Committee of Experts deplores that no progress has been made for over 20 years, in law or in practice, to strictly limit the use of compulsory labour to the exceptions authorized by the Convention. Specifically, the practice of mass roundups and forced recruitment, indefinite service that can extend over two decades, forced labour in arduous conditions, as well as systematic and wide-ranging threats and punishment against members of the armed forces and their families go far beyond the exceptions authorized by the Convention.

The Employer members note these explanations and recognize that legitimate national security concerns can, in certain exceptional circumstances, justify recourse to the exceptions set forth in Article 2(2) of the Convention. Nevertheless, the Employer members associate themselves with the Committee of Experts' comment concerning exceptions to the prohibition of forced labour. A government that invokes an exception cannot use arbitrary criteria. Unlike the Government's position, the Employer members consider that the extension of military service in Eritrea, which forces members of the armed forces to carry out non-military activities for an indefinite period of time, is incompatible with the meaning of "normal civic obligations" under the terms of Article 2(2)(b) of the Convention.

With regard to its final recommendations, we maintain that the State must protect individuals from forced labour; the situation is therefore all the more concerning when such individuals are bound by the State itself to forced and compulsory labour. We ask the Government to reform the "national service" system, with a view to ensuring that the labour required of members of the armed forces is limited to military instruction, to work of a purely military character, or to tasks aimed at addressing exceptional situations. We also request that, in practice, the duration and conditions of such work respond specifically to the exigencies of the situation. Lastly, where activities go beyond this type of task, we ask that they are only performed by workers voluntarily.

In practice, the Employer members hope that the Government will adopt and implement a plan for demobilization and transition towards the labour market with a precise time frame, including measures to promote the creation of sustainable jobs and the reintegration of former members of the armed forces. The systems for the application of international labour standards and for accountability must be strengthened. To this end, the Government should avail itself of the technical assistance of the Office.

Government member, Cyprus – I have the honour to speak on behalf of the **European Union and its Member States**. The candidate countries, **North Macedonia, Montenegro, Albania, Ukraine,** and the **Republic of Moldova,** the European Free Trade Association (EFTA) countries, **Iceland** and **Norway**, members of the European Economic Area, as well as the **United Kingdom of Great Britain and Northern Ireland** align themselves with the

statement. The European Union 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 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.

We note with regret the observations of the Committee of Experts concerning the application by Eritrea of the Convention, particularly in relation to compulsory national service. We recall that for more than 20 years, the Committee of Experts and this Committee in 2015 and 2018 have urged the Government to review the Proclamation on National Service No. 82/1995. We deplore that no progress has been achieved in law or practice as observed by the Committee of Experts. We recall that the Proclamation requires all citizens aged 18 to 50 to perform national service.

We share the Committee of Experts' concern that, in practice, national service has become indeterminate and goes well beyond the exceptions provided for in the Convention. We take note of the Government's explanations that national service was introduced for national defence and prolonged due to security threats and emergency circumstances, including drought, climate-related challenges, COVID-19 and recurrent conflicts in the Horn of Africa. However, we recall that the conditions under which compulsory labour may be exacted under exceptions in the Convention are strictly defined. We remain deeply concerned by reports referred to by the Committee of Experts that forced conscription has continued, including through mass roundups, forced recruitment, and coercive measures to compel participation in military action. We are also concerned by reports that conscripts serve under the threat of severe punishment to themselves and their families, and that reservists over 50 have been called upon to serve.

We note with serious concern the Committee of Experts' observations that the duration of national service remains indefinite, creating a permanent and de facto state of general mobilization. Many Eritreans serve for periods ranging from several years to over two decades, with no clear criteria defining the length of service. We are further concerned that conscripts are reportedly subjected to forced labour and arduous work in very harsh conditions without choice over the nature or conditions of work and for meagre pay, in programmes including construction, reforestation, soil and water preservation, reconstruction and food security. We therefore urge the Government to take the necessary legal and practical measures to reform the national service system and bring it into full conformity with the Convention. We call on the Government to ensure that work exacted from conscripts is limited to military training, work of a purely military character, or tasks aimed at addressing exceptional situations. That the duration and conditions of such work respond specifically to the exigencies of the situation, and that assignment to civil service functions takes place only on a voluntary basis.

We also note with deep concern the Committee of Experts' observations on the Abolition of Forced Labour Convention, 1957 (No. 105), and the persistence of compulsory labour as punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system. We therefore call for the Government to take the necessary measures to review sections 15.3, 4 and 10 of Press Proclamation No. 90/1996 and section 3.3 of Proclamation No. 73/1995 both in law and in practice.

Finally, we call on the Government to take the necessary measures to ensure that no person can be sanctioned with penalties of imprisonment, involving compulsory prison labour, under national legislation, for participating peacefully in a strike, ensuring that such a penalty is strictly limited to cases where participation in a strike has involved violence. The European

Union and its Member States strongly encourage the Government to strengthen its cooperation with the ILO and to avail itself of ILO technical assistance. We will follow the situation closely and remain ready to support efforts aimed at ensuring compliance with international labour standards and the abolition of forced and compulsory labour.

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 situation regarding national service in Eritrea, as described by the Committee of Experts and confirmed by the recent United Nations reports. We deeply deplore the complete absence of progress, both at the legislative level and in practice, despite repeated calls for reform. Switzerland is particularly concerned by the indefinite duration of national service, which establishes de facto a state of permanent mobilization, and practices of forced conscription. We also condemn the systematic use of non-military work across various economic sectors, carried out in difficult conditions, with no freedom to choose and with derisory pay. These practices amount to forced labour as defined in the Convention.

Switzerland notes the reasons provided by the Government, particularly those related to national security and emergency situations. However, we recall that compulsory military service must be strictly limited to tasks of a military character or to exceptional situations, and that its duration and conditions must be clearly defined and proportionate. We therefore urge the Government to reform the national service system in order to fully comply with the Convention, in particular by guaranteeing clear limits, putting an end to coercive practices and ensuring that any assignment to civilian functions is on a voluntary basis. Switzerland furthermore encourages the authorities to fully cooperate with the competent international mechanisms, and to avail themselves of technical assistance available from the Office in order to ensure compliance with the obligations under the Convention.

Worker member, Nigeria – I make this intervention on behalf of the workers of Africa. We wish to begin by making an important distinction. National youth service, properly designed and implemented, is not forced labour. National service can be a positive instrument for nation-building, youth development, social cohesion, skills acquisition and public service. Nigeria and Kenya offer useful examples.

National youth service programmes have existed in our countries for decades and have endured through different political eras, economic crises, security challenges, social tensions, and periods of significant national strain. Yet at no point have these circumstances been used as justification to transform youth service into indefinite conscription or forced labour. In both countries, national service remains time-bound, civilian in character, and focused on national integration, learning, community service and practical work experience. Young people are encouraged to contribute to national development, but they do so within a clearly defined legal framework for a limited period, and with certainty that their service will end.

There is a reason why the international community has consistently rejected systems of indefinite compulsory labour since the founding of the United Nations. The horrors of the Second World War demonstrated the dangers of States exercising unlimited control over the labour and lives of their citizens. The post-war international order was built on the principles of human dignity, freedom and protection of human rights. The Universal Declaration of Human Rights affirmed that no one should be held in servitude and that every person has the right to freely choose their employment.

For Africa, this principle carries even deeper significance. Across our continent, colonial administrations frequently justified compulsory labour in the name of development, public works, security and nation-building. African workers and trade unions resisted these systems

because they understood a simple truth: development cannot be built on coercion. That historical lesson is reflected in the Convention. The concern before this Committee is not the existence of national service in Eritrea. The concern is what national service has become in practice.

The Committee of Experts has repeatedly observed that national service has evolved into a system of indefinite duration, with some individuals reportedly serving for many years, in some cases, decades. The Committee of Experts has also noted reports of compulsory deployment in construction, agriculture, infrastructure projects, reforestation and other economic activities that go well beyond work of a purely military character.

The Convention is clear. Compulsory military service is permissible only for work of a purely military character. Emergency exceptions must be temporary, proportionate, and linked to genuine exigencies. They cannot justify a permanent state of mobilization or an indefinite obligation to labour.

We, therefore, urge the Government to undertake a meaningful reform, establish a clear enforcement limit of the duration of service, separate military service from civilian development activities, ensure that civilian work is voluntary and fairly remunerated, restrict emergency measures to genuine temporary situations, and engage fully with ILO technical assistance to bring law and practice into conformity with the Convention.

National service should be a bridge to citizens, skills, opportunity and national unity, but when service becomes indefinite, coercive and detached from its original purpose, it ceases to be a national service. It becomes forced labour. We call on the Government to implement the recommendations of the Committee of Experts and restore national service to its legitimate and lawful purpose.

Interpretation from Russian: **Government member, Belarus** – Our thanks go to the Government of Eritrea for providing information. The Government of Belarus notes the commitment of the Government of Eritrea to cooperating with the ILO supervisory mechanisms and providing information on the issues raised by the Committee of Experts. It is important that the consideration of this case be based on an objective assessment of the facts, national legislation and specific circumstances of the country. We would like to draw your attention to the fact that the Convention does contain a number of exceptions with regard to compulsory military service and other duties carried out in the interests of the State. In this regard, we believe that issues related to national service require careful analysis, taking into account their legal nature, objectives and conditions of implementation. We also note that in assessing the progress, it is necessary to take into account the measures taken by the Government, as well as national specificities and challenges the country faces.

The ILO supervisory system should facilitate practical solutions focused on the application of international labour standards through constructive dialogue and technical cooperation. We support continued engagement between the Government of Eritrea and the ILO and believe that the most effective way to achieve sustainable results is through ongoing cooperation on the basis of mutual respect, objectivity and acknowledgement of the national context.

Worker member, South Africa – I take the floor on behalf of the Federation of Trade Unions of South Africa (FEDUSA). I would like to draw the attention of the Committee to the serious and long-standing issue of forced and compulsory labour in Eritrea and the Government's continued failure to comply with the obligations set out under the Convention. Eritrea ratified the Convention in 2000, thereby committing itself to suppress the use of forced and compulsory labour in all its forms. Under the Convention, forced labour is defined as all

work or service that is exacted from any person under the menace of a penalty and for which the person has not offered themselves voluntarily.

Despite this commitment, numerous reports from international organizations, human rights bodies and United Nations mechanisms have documented practices that raise grave concerns regarding Eritrea's compliance with the Convention. Central among these concerns is the country's system of compulsory national service. While States have the right to require military service for legitimate national defence purposes, the Eritrean national service programme has been widely criticized, because it often extends indefinitely beyond the legally prescribed period. Many conscripts reportedly remain in service for years and in some cases decades, without the ability to leave voluntarily.

Individuals may be assigned not only to military duties but also to civilian work including construction projects, agricultural labour, public administration and work for State-owned enterprises. The ILO's supervisory bodies have repeatedly expressed concern that such practices may constitute forced labour under the Convention. The prolonged and indefinite nature of service, restrictions on freedom of movement and the penalties imposed on those who attempt to evade or leave service have been cited as factors inconsistent with the Convention's requirements.

Furthermore, concerns have been raised regarding the recruitment of young people into the national service system and the limited opportunities available to citizens to challenge assignments or seek redress. These practices have contributed to significant migration from Eritrea, as many individuals seek to escape conditions they perceive as coercive and lacking fundamental labour protections.

The Government has maintained that national service is necessary for national security and development. However, the ILO has consistently emphasized that exceptions allowing compulsory military service cannot be used to justify the indefinite extraction of labour for economic development or civilian projects under coercive conditions. Compliance with the Convention requires concrete action. The Government must ensure that national service is limited in duration and genuinely connected to legitimate military purposes. It must also provide effective legal safeguards, protect workers' rights and cooperate fully with international monitoring mechanisms.

The issue before us is not merely one of legal compliance. It is fundamentally a question of human dignity, freedom and respect for internationally recognized labour standards. Every worker has the right to perform labour freely chosen, under the conditions and without coercion. I therefore call upon the Government to engage constructively with the ILO, implement the recommendations of its supervisory bodies and make meaningful steps towards ending practices that may constitute forced and compulsory labour. Such reforms would strengthen respect for human rights, improve labour protections and demonstrate the Government's commitment to its international obligations.

Observer, Building and Wood Workers' International (BWI) – Building and Wood Workers' International (BWI) thanks the Committee for the opportunity to contribute to this discussion concerning the application of the Convention by Eritrea. The BWI represents workers in construction, building materials, wood, forestry and related sectors across the world. Our intervention focuses on the implications of this case for workers engaged in construction and infrastructure activities. We note with serious concern the Committee of Experts' findings that persons performing national service continue to be assigned to the construction of roads and bridges, reconstruction activities and reforestation. These are economic activities that fall within sectors represented by the BWI.

The Committee of Experts has repeatedly emphasized that compulsory military service must be limited to work of a purely military character or to tasks aimed at addressing exceptional situations. The BWI therefore shares the Committee of Experts' concern that such infrastructure works cannot be justified under the narrow exceptions permitted by the Convention. We are particularly concerned that the national service system continues to operate for indeterminate periods, with reports indicating that individuals may remain within the system for many years. Infrastructure development cannot justify the long-term mobilization of workers under compulsory service. Any exception permitting compulsory labour must remain strictly limited in both scope and duration.

For the BWI, this case is also about the denial of fundamental labour rights. Workers assigned to construction projects through compulsory national service are deprived of protections normally associated with employment. They cannot freely choose their work, negotiate their conditions of employment, or effectively advocate for safe and healthy working conditions. This concern is particularly relevant in the context of infrastructure development, where labour is sometimes mobilized outside normal employment relationships. The BWI has encountered similar concerns in other infrastructure projects involving community labour arrangements.

Workers engaged through such arrangements frequently fall outside labour protections, procurement and lending safeguards and due diligence requirements. As a result, some of the most vulnerable workers contributing to infrastructure development receive the weakest protection. Such examples reinforce an important principle directly relevant to this case. All workers should enjoy full labour protections.

The BWI is also deeply concerned by the impact on conscription on workers' ability to organize. Construction remains one of the most hazardous industries in the world, with workers routinely exposed to serious risks to their health and safety. In such environments, freedom of association is not only a fundamental right but also an essential mechanism for protecting workers. Trade unions play a critical role in identifying hazards, raising concerns regarding occupational safety and health, preventing accidents and ensuring accountability on construction sites. Workers engaged through compulsory national service are effectively denied these opportunities. The inability to organize collectively leaves workers more vulnerable, weakens their ability to raise concerns and removes one of the most important mechanisms through which safety, wages and working conditions are improved in the construction sector. The BWI, therefore, supports the Committee of Experts' request that the Government reform the national service system and ensure that compulsory service is strictly limited to the exceptions permitted under the Convention.

In conclusion, the BWI reaffirms that roads, bridges, reconstruction works and other infrastructure projects should be carried out by workers in freely chosen employment, protected by labour law and able to exercise their fundamental rights. Sustainable construction must be built on decent work, safe working conditions and respect for workers' rights, not compulsory labour.

Government representative – I am very grateful for the comments made by the Worker members, Employer members and Government members, and I really appreciate the constructive information that you have given for us to improve the national service system in Eritrea. I would like to just respond to the different questions that were raised without mentioning the countries that raised them. Eritrea was discussed some years back, and it has stayed as it is. This is not because the Government is not working on it. It is working on how to

administer national service and how to improve it, and it is trying its best to improve the national service administration.

When we come to the duration of national service, under Proclamation No. 82/1995, the 18-month duration was institutionalized. This has been prolonged not by design, but by necessity due to unrelenting external threats and the persistent state of belligerency in the region, in the Horn of Africa. The prolongation of the duration of national service was dictated by the threat level, not by arbitrary timelines. Originally, it was designed for 18 months, but because of the unrelenting external threats, it was prolonged indefinitely. We remain committed to returning to the 18-month standard as soon as regional stability is established.

This is the main reason why the duration of national service is not in the hands of Eritreans, but in the hands of the situation: the external threats and the belligerency in the region. The Government views the duration of service not as an administrative choice, but as a direct functional response to the prevailing security environment caused by external threats and regional stability, under Article 2(2)(a) on military service.

Concerning the development situation, we must distinguish between commercial exploitation and normal civil obligations under Article 2(2)(b) of the Convention. Eritrea's development tasks, such as building dams or food security or reforestation, are essential public works for national survival. Furthermore, given our climate and vulnerability position, this often falls under Article 2(2)(d) on emergency or force majeure. These projects do not generate private profit. They secure the fundamental rights to life and development for the Eritrean people. They are the foundation for future private investments or post-conflict reconstruction. In general, no national service members are assigned to mining projects. The 2018 peace agreement was more than a signature, it was a sustainable environment. Unfortunately, the 2018 agreement was followed by renewed regional conflict from 2020 up to 2022, which posed an existential threat to our sovereignty. A state of peace cannot be declared while external actors continue to threaten our borders and use unilateral coercive measures to destabilize our economy. Consequently, national service remains a defensive necessity.

On mass roundups, the term "roundup" is a politically charged mischaracterization of legal enforcement. Like any nation with compulsory national service, Eritrea has administrative and legal procedures to ensure compliance and equitable participation. It is not, as allegedly said, that they are prosecuted, charged and imprisoned. Just like any other national compulsory national service, Eritrea has administrative and legal procedures to ensure compliance and equitable participation. We dispute the secondary reports cited by the Committee of Experts which often rely on biased sources and do not reflect the legal nature of our defence system. National service is a constitutional duty of every citizen.

With regard to the different changes that we have made, national service is a system of collective contribution to nation-building. While the Government tries to improve the welfare of all citizens, our economy has been constrained by years of unjust presumptions. As regional security is institutionalized, we will move towards economic reconstruction. Improving these conditions is a priority within our national development plan. And the national services are fading away.

Our national service is the heartbeat of our resilience. It has preserved our sovereignty and built the schools and clinics that ensure our people survive. We do not view these young men and women as forced labourers but as the architects of self-reliance in Eritrea. The question is that the Committee of Experts must view labour standards through the lens of the developing nation under unique geopolitical pressure.

I am just focusing on the labour administration of national service. I am not getting into other issues such as migration or Convention No. 105 because this is out of the scope of this observation.

Chairperson – I would like to make two points. Firstly, I want to inform the Government representative of Eritrea that we were not able to hear everything he said due to the poor connection, and secondly, I would like to thank the interpreters for their efforts under these circumstances.

Employer members – We have listened attentively to the different speakers. We regret that the national social partners were not accredited to participate in our tripartite discussion. The Employer members place great importance on respect for fundamental labour standards by all stakeholders, starting with the public authorities, given their responsibility to protect people. As members of the ILO, our collective responsibility is to guarantee that, in the twenty-first century, fundamental labour rights are respected in all Member States.

Concerning Convention No. 29, reinforced by the Protocol of 2014, the commitment of all constituents is to eliminate, permanently and without delay, all forms of forced labour. The Employer members recall that, under no pretext can forced labour be organized at the initiative of a government, public authority or enterprise of any type. This is an absolute prohibition and the exceptions set out in Article 2(2) should be interpreted restrictively. Therefore, the conditions for the exception of "normal civic obligations" are not fulfilled in this case, contrary to the Government's position.

Consequently, the Employers urge the Government to reform national service. It will be necessary to ensure that the work exacted from conscripts is limited to military training, or work of a purely military character or to tasks aimed at addressing exceptional situations, and that the duration and conditions of such temporary work respond specifically to the exigencies of such situations. It will also be necessary to ensure that the assignation of persons under the national service obligation to undertake civil service functions takes place on a voluntary basis.

Furthermore, the Government must firmly commit to abolishing the indefinite conscription of Eritrean citizens for the construction of roads and bridges, reforestation, soil and water conservation, reconstruction, and activities aimed at improving food security. It must immediately end the roundups, forced recruitment and coercive measures to compel the population to participate in military action under threat of severe punishment to themselves and their families.

Eritrea continues to face significant instability, owing to the absence of lasting peace throughout its territory, and uncertainty related to climate change, which requires specific interventions, particularly to avert the risk of famine. Under these circumstances, the transition towards the complete elimination of forced labour may prove difficult to implement. The Employer members therefore recommend that the Government avail itself of the technical assistance of the Office to support it in this transition. As underscored by the 2026 General Survey on peace and resilience, social dialogue and tripartite cooperation are essential tools for developing credible and sustainable responses to crises. It is through cooperation and tripartism, taking into account national circumstances, that the serious challenges facing the country can be overcome with the support of the ILO.

Worker members – The Worker members thank the Government for the information provided, despite the fact that we could not understand everything, and for its engagement in this discussion. We also thank the other speakers for their contributions. We deplore that none of the social partners from Eritrea was able to attend this Committee. Unfortunately, the

discussions held do not allay our concerns regarding the tragic situation faced by Eritrean citizens, who are compelled to perform forced labour under Proclamation No. 82/1995 on national service. We feel powerless in the face of such severe violations of a fundamental ILO Convention, and of human rights more broadly, which has persisted for so long despite the accumulation of reports from independent bodies such as the Special Rapporteur on the situation of human rights in Eritrea, the Commission of Inquiry on Human Rights in Eritrea, or the Committee of Experts. We consider that none of the arguments put forward by the Government can justify the existence or the scale of the use of forced labour as provided for under Proclamation No. 82/1995.

To move out of the situation in which the Government has locked itself for far too many years, the first step must be to finally put an end to open-ended national service by repealing the Proclamation on National Service No. 82/1995. In accordance with the requirements of the Convention, the Government must put an end to the systematic use of conscripts for work that is not of a purely military nature. The duration and the conditions of such work must also respond to the emergency demands of the situation. Under no circumstances may work be of an indefinite or arbitrary duration.

Women are particularly affected by the current situation in Eritrea. Reports from various non-governmental organizations and international institutions document unbearable sexual violence suffered by women during their compulsory national service. We call on the Government to take immediate measures to protect women engaged in compulsory national service from harassment and sexual violence.

In light of the information gathered and the discussions held during this meeting, it is therefore hardly surprising that many Eritreans feel compelled to flee their country to escape national service and inhumane detention conditions. Yet in Eritrea, the authorities do indeed level accusations against those they label as deserters. And when institutional violence cannot be directed at them, it is directed towards their families, notably through extortion. We urge the Government to put an end to reprisals against the families of those who refuse to perform compulsory national service.

If the authorities genuinely wish to demonstrate that they do not condone the intolerable acts reported to us, they should establish an independent complaints mechanism enabling conscripts to lodge complaints in cases of ill-treatment. Such a mechanism should also be able to provide some form of redress to those who have suffered harm in the context of their service obligations. We all sincerely hope that this will be the last time the Committee and the Committee of Experts are required to examine the Proclamation on national service and the disastrous consequences of its implementation for Eritrean citizens. We trust that concrete progress will finally be made so that Eritrean citizens may no longer endure the abuses and violations of their basic human rights.

We remain convinced that genuine cooperation with the ILO and with the international human rights mechanisms is the only path towards restoring the rights and dignity of all those affected. We therefore request the Government to avail itself of ILO technical assistance in order to implement all the Committee's recommendations.

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 its deep concern regarding the continued widespread and systematic use of compulsory labour in the context of the long-standing national service programme. It noted that, in practice, national service remains of indefinite duration, resulting in a situation of general mobilization in which individuals serve for many years or even decades, under coercion and threat of severe punishment.

While noting the Government's references to national defence needs, regional instability, and emergency situations, the Committee recalled that any recourse to compulsory labour must be strictly limited in scope, duration, and purpose, and must comply with the conditions set out in the Convention.

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

- **reform the national service system, including amending National Service Proclamation No. 82 of 1995, to clearly limit national service to activities permitted under the Convention, excluding compulsory participation in civilian economic activities, and establish and implement a maximum duration for national service, ensuring that, in practice, service is not indefinite and strictly limited to defined circumstances;**
- **ensure the cessation of forced recruitment practices, including mass round-ups, and ensure that no penalties, reprisals or coercion, including on family members, are used to compel labour;**
- **investigate and prosecute those responsible for coercive measures used to compel the population to participate in military action under threat of severe punishment to themselves and their families;**
- **ensure, in law and in practice, that all work outside strictly defined national service obligations are performed voluntarily, under conditions consistent with labour law;**
- **adopt and implement a time-bound demobilization and labour-market transition plan, including measures to support decent work and sustainable employment opportunities and the reintegration of former conscripts;**
- **strengthen effective enforcement and accountability mechanisms, including effective remedies for forced labour, and**
- **establish, without delay, a national tripartite dialogue mechanism with a view to facilitating constructive engagement among the Government and the social partners, including in the context of any future transition towards a free labour market.**

The Committee urged 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 and on the measures taken to implement these recommendations, in consultation with the social partners, to the Committee of Experts by 1 September 2026.

Government representative – The delegation of the Government of Eritrea has carefully listened to the present conclusions. While we take note of the concerns raised, we must respectfully yet firmly reject the conclusions as they stand.

Eritrea is dismayed by the inaccurate, selective and politically motivated characterizations in the Committee of Experts' observations regarding our National Service Programme. We therefore firmly reject any portrayal of our programme as a system of forced or compulsory labour contrary to the Convention.

Firstly, international labour standards cannot supersede a nation's fundamental right to defend its territory and its people. The National Services are a legitimate sovereign instrument designed to safeguard our independence and territorial integrity and build national resilience in response to prolonged and existential external threats.

Secondly, Eritrea has implemented extensive demobilization programmes twice in the past decades. Indeed, in the immediate aftermath of independence, the Government embarked on a process of massive demobilization of the Freedom Fighting Army. National service was, in fact, initiated as a contingency reserve force for a small standing army within this larger framework.

Following the Algiers Agreement, Eritrea again launched a much larger, second phase of demobilization in September 2001 with significant financial support from its development partners. But full implementation of the programme was suspended in 2007 as the Ethiopian regime reneged on its obligations and pursued an agenda of aggression and regime change against Eritrea. In the event, prolonged national service cannot be equated with wilful continuous or indefinite military deployment. Further, it must be acknowledged that, in practice, about 90 per cent of national service members ordinarily serve in civilian roles across the civil service and public institutions. For the record, I proudly inform this august house that I am an active national service member.

In August 2015, Eritrea implemented the first phase of salary increase for the civil service and defence forces. As national service members have been fully integrated into the civil service, they are, in fact, the primary beneficiaries of an approximate threefold increase in the new public service salary scale. We regret that the Committee of Experts continues to heavily rely on unverified allegations and politicized reports of the so-called UN Special Rapporteur on Eritrea, an instrument we have consistently rejected as fundamentally flawed and lacking impartiality. Elevating the status of the reports in this framework risks imposing methodological weakness and eroding the credibility of the supervisory system.

To conclude, the Government of the State of Eritrea requests that the full version of this intervention and the clarifications contained therein be fully reflected in the records of the supervisory process relating to the 114th Session of the International Labour Conference.

Iraq

Employment Service Convention, 1948 (No. 88) (ratification: 1951)
Employment Policy Convention, 1964 (No. 122) (ratification: 1970)

Discussion by the Committee

Chairperson – We now turn to the final item on today's agenda, which relates to the application of the Employment Service Convention, 1948 (No. 88), and the Employment Policy Convention, 1964 (No. 122). We have 20 speakers on the list for the discussion of this case. On this basis, the Officers have decided to reduce the maximum speaking time of delegations speaking on an individual basis from five to three minutes. I first invite the Government representative of Iraq, Director-General of the Legal Department, to take the floor.

Interpretation from Arabic: **Government representative** – This is the first time that I am taking the floor. I would therefore like to take this opportunity to congratulate you on your election as Chairperson of this Committee. We are delighted to have you as the Chairperson on the 100th anniversary of the creation of the Committee. The delegation of Iraq would like to thank the ILO and the Committee of Experts, as well as the Conference Committee, for the efforts made to promote decent work and social justice across the world. We also welcome the observations and recommendations concerning the application of Conventions Nos 88 and 122. We believe that these observations are an important tool to give momentum to the national reforms and develop the labour market institutions in Iraq.

Iraq is aware that providing productive and decent work opportunities is not only an economic objective, it is a fundamental pillar for social stability, sustainable development and a peaceful society. In this regard, the Government has continued in recent years to put in place a raft of reforms and policies aimed at promoting employment, developing the labour market, improving social protection and extending social dialogue despite the economic, demographic and development challenges that our country is facing.

With regard to national employment policy, Iraq has developed a national employment policy for 2026–30 through a broad collaborative process that included relevant governmental bodies, and employers' and workers' organizations, with ILO technical assistance. In developing this policy, we adopted a comprehensive approach, linking economic development, employment, capacity-building and social protection. This policy aims to address major challenges in the labour market, particularly unemployment, informal work, women's low activity rates and geographic disparities in job opportunities. We have finalized several stages in the preparation and development of this policy. We are currently finalizing the Government approval procedures to ensure a smooth transition to implementation with clear performance indicators and periodic monitoring and evaluation mechanisms.

To promote institutional coordination and complementarity in the areas of employment, vocational training, and occupational safety and health, we have developed a national policy aimed at fostering coordination among the decentralized units responsible for these issues in the provinces. We have finalized the drafting of this policy and it will be submitted to the Government for approval. This will strengthen the national systems related to employment and vocational training.

The challenges facing the labour market and the informal economy are not unique to Iraq – rather many emerging economies are facing them. In this regard, the Ministry of Labour and Social Affairs has taken a number of measures to encourage a progressive transition towards the formal economy. These include making certain funding and loans programmes for small businesses contingent on their registration in social security and pension schemes. This approach helps to strengthen worker protection and comply with requirements for social security and pension scheme registration, as well as with national legislation.

We have also begun developing a national strategy for the transition to the formal economy for 2026–30. We have established a tripartite steering committee comprising various ministries, governmental bodies, and workers' and employers' organizations, with ILO technical support. The Government is working to develop labour market institutions, improve services for jobseekers and employers and develop databases and tools for matching labour market supply and demand. This will help to increase the efficiency of employment services and improve opportunities for accessing productive work.

The Government is particularly interested in the issue of women's economic empowerment and encouraging women's participation in the labour market. Based on this

commitment, we have developed vocational training programmes for women to offer them opportunities to participate in development programmes and projects, and microfinancing programmes.

My delegation would like to emphasize that tens of thousands of women have been able to participate in vocational training programmes in recent years. This reflects ongoing efforts to empower them and provide them with more economic opportunities. Despite this, we are aware that the road is long. Further work is needed to address the socio-economic obstacles that limit women's participation in economic activities. Moreover, the national employment policy addresses this issue with a range of measures to this end.

Cooperation between Iraq and the ILO has been a key factor in supporting national reforms over recent years. Through the decent work programme and ongoing technical cooperation, we have implemented a number of initiatives that have helped to promote governance, improve the performance of labour market institutions and broaden opportunities for decent work. This cooperation has led to the development of a national employment policy, the promotion of labour-intensive employment programmes, improvements to environments supporting small and medium-sized enterprises, as well as programmes for a fair economic transition and the inclusion of the most vulnerable groups in the labour market, including women, displaced persons and young people. Cooperation with the ILO has also helped to promote labour market governance, by developing institutional and policy frameworks for employment, and build national capacities in various areas related to decent work.

In terms of fundamental labour rights, Iraq has continued its efforts to develop a legislative framework in line with international labour standards. We are currently drafting a bill on occupational safety and health. We are also finalizing legislative revisions of the Labour Code and trade union laws. This contributes to strengthening the working environment and protecting trade union rights and freedoms. We have also taken important measures against child labour. We have established national tripartite mechanisms to review the relevant policies and laws, and have developed a national strategy to combat child labour, in accordance with Iraq's international commitments and ILO observations.

With regard to occupational safety and health, we have implemented programmes to strengthen the capabilities of labour inspectors. We have also launched a campaign for safe work in the building and construction sector, which has reached tens of thousands of workers and employers, aimed at establishing a culture of prevention, compliance and improvement in working conditions. Developing the social protection system is one of the Iraqi Government's main priorities. In this regard, we have seen tangible progress in recent years in the implementation of Act No. 18 on workers' pensions and social security. This represents a significant step towards expanding social security coverage. These national efforts, supported by the ILO and the social partners, have led to an increase of more than half a million workers covered by social security, 161,000 of whom were covered between 2024 and 2025. For the first time, we have been able to create a voluntary social security system. A total of 38,513 workers joined this social security scheme in the same period, thereby enabling a greater number of workers to benefit from social protection and promoting the transition to formal employment.

We have also launched awareness-raising campaigns and institutional support programmes in various provinces in Iraq to encourage people to join social security schemes and encourage compliance with the relevant laws.

Social dialogue is a fundamental pillar adopted by the Iraqi Government in the development of economic and social policies. On this basis, we have established the social dialogue forum, which includes the Ministry of Labour and Social Affairs, and the workers' and employers' organizations. This forum has become the national tripartite forum responsible for the exchange of information and consultations in various social and economic areas, as well as policy legislation and programmes relating to the labour market. We are currently working to promote the institutionalization of the forum by establishing a tripartite secretariat, drafting rules of procedure and implementing the necessary legal framework and the smooth running of this forum.

Like many countries emerging from conflict and complex security and economic challenges, Iraq is facing major pressures owing to rapid population growth, an increased proportion of young people in the population, global economic shifts and the impact of climate change on certain economic activities – in addition to fast-increasing technological changes, which are placing new demands on the labour market.

Despite these challenges, the Iraqi Government is continuing its reform agenda, which aims to create a more inclusive and sustainable labour market by ensuring the diversification of the national economy, reducing reliance on the public sector as the main employer, and strengthening the role of the private sector to generate job opportunities and create the right circumstances for investment and production. In this context, the Government is working towards the development of a labour market information system and the strengthening of mechanisms for monitoring, statistics and analysis. This enables the development of policies based on evidence-based data and reliable indicators, while building the capacities of public institutions to respond to social and economic changes more effectively.

Iraq is fulfilling its obligations under the provisions of Convention No. 122. This goes beyond simply adopting a national employment policy and extends to making productive employment and decent work a central objective of the State's economic and social policies. Against this backdrop, efforts are being made to strengthen consistency and coordination among policies on employment, education, vocational training, social protection, local development and investment in order to ensure a real and sustainable impact on employment opportunities and job quality.

We are paying particular attention to young people, who make up a large section of the population, through vocational rehabilitation programmes, capacity-building and support for small and medium-sized enterprises as the driving force behind economic and social development in Iraq. In parallel, we continue to make efforts to encourage women's participation in economic activity not only through training and rehabilitation, but also by removing the social and institutional barriers that restrict their participation, and by fostering a safe and equitable working environment that ensures equal opportunities for women and men.

We are convinced that the achievement of the objectives of the two Conventions – Conventions Nos 88 and 122 – requires a genuine partnership among governments and the workers' and employers' organizations. It is this spirit of partnership that we strive to uphold through the tripartite social dialogue mechanisms, which henceforth hold a more important place and play a more effective role in the process of public policy development in Iraq.

We would like to highlight that we will continue our cooperation with the ILO and will benefit from its technical expertise and specialized programmes. This will contribute to developing national legislation, strengthening institutional capacity, improving labour market indicators and promoting decent work for all. The Iraqi delegation reiterates its full

commitment to continuing the implementation of the recommendations issued by the ILO supervisory bodies, promoting compliance with international labour standards and providing the required reports and information with transparency and on a regular basis. We emphasize that the path of reform in Iraq is ongoing and is based on dialogue, cooperation and partnership. The progress made over recent years constitutes a solid basis on which we can rely during the next phase, with a view to achieving a labour market that is fairer, more equitable and more equipped to offer decent work opportunities to all its citizens.

To conclude, we thank the Committee on the Application of Standards, the Committee of Experts and the ILO for their continued support for Iraq, and we hope that this productive cooperation continues in order to promote the objectives of social justice, sustainable development and decent work.

Worker members – This is the first time that this Committee is examining in an integrated manner the application by Iraq of Convention No. 88 and Convention No. 122, together with related instruments on skills development and educational leave. The Worker members recall that Convention No. 122 established the overarching obligation to pursue an active policy aimed at full, productive and freely chosen employment. Convention No. 88 provides the essential institutional framework through effective public employment services, while the Paid Educational Leave Convention, 1974 (No. 140), and the Human Resources Development Convention, 1975 (No. 142), complement this architecture by strengthening skills development and lifelong learning. In this regard, the Worker members take note of the Government's effort to develop a new national employment policy and of the creation of a specialized team within the tripartite High Committee for the Planning and Employment of the Labour Force.

We also note the launch of the digital Mihan platform, which may represent an important step towards improving labour market matching and strengthening public employment services. However, the Committee of Experts has clearly highlighted persistent and structural challenges in the Iraqi labour market that remain insufficiently addressed. These include high unemployment, particularly among women and young persons; extremely low female labour force participation of around 10.8 per cent, which is one of the lowest rates in the world; and widespread informality affecting more than two-thirds of employment. These figures point to a deep and systematic deficit in access to decent and productive employment. The Worker members are particularly concerned by the continued exclusion of women from the labour market, as well as the high level of vulnerability among young persons, internally displaced persons and persons with disabilities.

These realities require targeted and inclusive employment policies supported by effective public employment services under Convention No. 88. We also note with concern that limited information has been provided on the concrete measures taken to address informality and structural barriers to labour market participation, including weak coverage of labour law and social protection systems, particularly in rural and peripheral areas. However, the Worker members note with concern more general and systemic problems that affect compliance with Convention No. 122. We recall the outdated and restrictive legal framework regulating trade unions and exclusion of independent trade unions from tripartite consultation. Without the freedom of workers to form and join organizations of their own choosing, without the inclusion of independent trade unions in national information and consultation, and without support for collective bargaining, it is not possible to effectively fulfil obligations under Article 3 of Convention No. 122 and Article 4 of Convention No. 88, namely tripartite consultation on employment policies and the cooperation of representatives of employers and workers in the organization and operation of the employment service. The Worker members, therefore, underline that freedom of association is a precondition for compliance with Conventions

Nos 122 and 88, as well as other ILO standards. We call on the Government to urgently address these gaps. While acknowledging ongoing international cooperation projects, including the ILO Decent Work Country Programme (DWCP), and related initiatives on employment-intensive investment and vocational training reform, the Worker members stress that these efforts must translate into coherent, measurable and nationally owned employment outcomes.

On vocational education and training, we note the information provided regarding institutional responsibilities under national legislation. However, we regret the absence of concrete data on outcomes, the status of key reforms such as the national technical and vocational education and training council and the extent of structured consultation with social partners. A functioning skill system is indispensable for aligning labour supply with demand and for making employment policy operational in practice.

The Worker members also recall the importance of paid educational leave as set out in Convention No. 140 as a key enabling tool for lifelong learning and employability. Finally, they emphasize that the effectiveness of employment policy under Convention No. 122 depends on strong coordination between public employment services, vocational training systems and comprehensive labour market information systems. At present, significant gaps remain in data availability, policy coherence and evidence-based implementation.

The Worker members, therefore, call on the Government to:

- strengthen the integration of its employment policy framework;
- urgently address the outdated restrictive legal framework regulating trade unions and adversely affecting representative tripartite consultation;
- reinforce its public employment services infrastructure;
- expand meaningful access to training and upskilling opportunities;
- ensure full and effective social dialogue in the design and implementation of employment policies.

Employer members – The Employer members recognize the obligations set out in Convention No. 122 on governments to declare and pursue an active policy designed to promote full, productive and freely chosen employment. Such an active employment policy stimulates economic growth and development. It also assists employers in meeting their labour needs. As outlined in the Convention, the Employer members recognize that the policy must take due account of the State's level of economic development. The policy must also be pursued by methods that are appropriate to national conditions and practices. We submit that this must be the case for the Government of Iraq, which has experienced previous instability and war, and whose economy is overly dependent on oil exports.

We note that several ILO Conventions complement the requirement in Convention No. 122 regarding a national employment policy. This includes an effective public employment service to facilitate matching between labour supply and demand, as set out in Convention No. 88. It also includes comprehensive and coordinated policies and programmes of vocational guidance and vocational training, as set out in Convention No. 142. And finally, it includes the provision of paid educational leave for workers to pursue vocational education and training, as set out in Convention No. 140.

At the outset, we wish to recall the particular importance of Convention No. 122. Convention No. 122 is a governance Convention. The Government ratified this Convention in 1970. The Committee of Experts has previously issued three observations: in 2001, 2002 and

2023. We view compliance with this Convention as important for businesses, for workers and for the effective functioning of labour market institutions more broadly.

As stated earlier, the linkage between Conventions Nos 122 and 88 is well founded. As the Committee of Experts noted, Convention No. 122 establishes an overarching employment policy framework, while Convention No. 88 helps provide an institutional foundation through employment services that facilitate matching between labour supply and demand. The Government ratified Convention No. 88, a technical Convention, in 1951. The Committee of Experts has previously commented on this Convention once, in 2017. In its comment, the Committee of Experts referred to Conventions Nos 140 and 142, both of which were ratified in 1978. Both Conventions are technical Conventions. This is the first time that the Committee has discussed the application of Conventions Nos 122 and 88 by Iraq.

The Committee of Experts raised four main issues in its observation. First, the Committee of Experts discussed the importance of the declaration and pursuit of a national employment policy in law and in practice. It relied on the concluding observations of the United Nations Committee on Economic, Social and Cultural Rights which expressed concern about rising unemployment, the over-representation of disadvantaged and marginalized groups among the unemployed, low labour force participation of women, and the large informal economy. This data demonstrated that employment trends continue to be lacking, despite the existing national employment policy.

In response, the Employer members note that the Government has taken steps to prepare a new national employment policy which includes measures related to employment and training. We understand that this is a refreshed policy from the one noted in the 2017 Committee of Experts' comment. We also understand that the Government is also in the process of reforming the Labour Code (Act No. 37 of 2015). The Employer members note that a specialized team within the tripartite High Committee for the Planning and Employment of the Labour Force has been established for this purpose. The Employer members emphasize the importance of social dialogue and consultation between the social partners concerning the declaration and pursuit of the new national employment policy and labour legislation reform. The Employer members encourage the Government to continue to cooperate with the ILO in relation to its national employment policy, including through the DWCP, the employment-intensive investment programme and the PROSPECTS partnership. We encourage the Government to avail itself of technical assistance regarding the national employment policy and all impacted Conventions. These constructive developments should be acknowledged. However, we recognize that key challenges remain in the Iraqi labour market, including high levels of informality, as well as low participation and underemployment of women in the labour force.

Second, and turning to Convention No. 88, the Employer members note the launch of the national digital Mihan platform to facilitate labour market matching. The Mihan platform connects jobseekers and vocational training graduates with employers to improve workforce integration. We recognize this development as having potential in operationalizing employment services in practice. However, we note that limited information has been provided by the Government in that regard.

Third, in relation to Convention No. 142, the Employer members acknowledge information from the Government regarding the role of the vocational training and labour department under Law No. 182 of 2018. The law identifies labour market needs in terms of occupations, types of work and required skills, as well as developing the capacity of jobseekers through training courses. The Employer members recognize that the implementation of these

initiatives, in practice, would enable workers to qualify for jobs suited to their skills. However, information regarding their application in practice remains lacking.

Finally, the Committee of Experts noted that the Government intends to denounce Convention No. 140 regarding the development and implementation of paid education leave policies to support workers' access to education and training. Like the Committee of Experts, we remind the Government that it must comply with Convention No. 140, as no denunciation is yet effective. We would also wish to remind the Government that denunciations can only occur during a narrow window following the expiration of an initial ten-year period from the date the Convention first came into force. Member States should, therefore, consider these windows carefully when ratifying ILO Conventions and make sure that they can implement the provisions through careful pre-ratification assessments.

The Employer members note that the goal of full, productive and freely chosen employment requires productivity, growth and an enabling business environment for employment opportunities to be created. The Government must facilitate and create an enabling environment for business growth and resilience through a national employment policy regarding employment and training, including through robust employment services as well as vocational training and education. This will ensure that growth and productive employment can be created.

Interpretation from Arabic: **Employer member, Iraq** – First of all, I would like to thank the ILO for its ongoing support to the Republic of Iraq and for the technical cooperation and capacity-building programmes, which have contributed to the promotion of social dialogue and the strengthening of the principles of decent work. We would also like to pay tribute to the Committee of Experts and this Committee for the support given to States. As regards the situation of Iraq and Conventions Nos 88 and 122, we would like to indicate that Iraq has currently launched real reforms for developing the labour market, promoting employment opportunities and improving the institutional legislative framework. Indeed, the Government, in collaboration with the workers' and employers' organizations, has established genuine dialogue for developing the current legislation, in particular the Labour Code (Act No. 37 of 2015), in order to respond to the needs of the market and sustainable development.

At present, we are convinced that this kind of dialogue will help to improve the legislation and the labour market in Iraq. The setting up of the social dialogue forum has been a step towards real tripartite collaboration which now enables solutions to be found for employment and the labour market through dialogue, cohesion and collaboration to meet labour market needs in Iraq.

Moreover, efforts are continuing to develop and modernize employment services, to establish a link between supply and demand in the labour market and thus respond to the objectives of Convention No. 88. In light of the economic challenges and changes being experienced by the country, progress continues and the employers in Iraq are convinced that achieving the objectives of both Conventions requires collaboration between the Government, employers and workers, with technical collaboration, exchanges of expertise and capacity-building. This work is ongoing. The progress achieved and the commitment to tripartism that exist today to pursue reform deserve to have every possible support from you to modernize employment opportunities and the labour market to meet the needs of our citizens. Lastly, we reiterate our commitment to collaborating with the Iraqi Government, the employers' and workers' organizations and the ILO to ensure observance of Conventions Nos 88 and 122.

Interpretation from Arabic: **Government member of Libya, speaking on behalf of the group of Arab States** – Libya has the pleasure to take the floor on behalf of the group of Arab

States, and we would like to pay tribute to and thank the Government for its report on Conventions Nos 88 and 122. The group of Arab States has closely followed the Government's presentation and we have noted all the efforts currently being made to develop labour institutions despite economic and social difficulties and to support development, which shows a true commitment to development, reform and the promotion of decent work.

The group of Arab States welcomes the progress achieved, in particular the establishment of a national employment policy for 2026–30, which is the fruit of participatory tripartite dialogue, in collaboration with the ILO. Such commitment and a participatory approach show the country's commitment with regard to Convention No. 122, and reflects an overall national vision to find tripartite solutions to employment issues. We welcome the efforts that seek to establish a link between jobseekers and market needs, to secure the transition from the informal to the formal sector, and to raise the social protection threshold.

The group of Arab States would also like to pay tribute to the efforts made by the Government to promote tripartite social dialogue, and in particular the creation of a national social dialogue forum, which represents real progress, institutional progress that includes all the parties involved in the employment sector. Lastly, we encourage Iraq to continue its collaboration with the ILO and technical collaboration to reinforce national institutions, pursue reform and achieve decent work for everyone.

Government member, Bangladesh – We note that Iraq continues to make sincere efforts to develop its labour market and institutions and strengthen employment policies. We recognize that Iraq endeavours to take action in the face of complex economic challenges, social conditions and accumulated development challenges. We would like to express our appreciation for the progress achieved in preparing the national employment policy for the period 2026 to 2030. We also note that this was developed through a participatory dialogue involving the workers, employers and governments. This reflects a commitment to the provisions of Convention No. 122, a commitment to address unemployment and skills development. We would also like to welcome the efforts made to strengthen labour market institutions, particularly to expand vocational training programmes and link them to the needs of the economy. We noted the measures taken to encourage gradual transition from the informal economy to the formal economy.

We also note the expansion of social protection coverage and increase in the number of persons covered by social security. We noted the importance of the steps taken by Iraq to strengthen tripartite social dialogue particularly. The establishment of the National Social Dialogue Forum represents an important institutional development that we believe has the potential to enhance the participation of social partners in labour market and decent work policies.

Government member, Islamic Republic of Iran – The delegation of the Islamic Republic of Iran wishes to acknowledge the efforts of the Republic of Iraq in fulfilling its obligations under Conventions Nos 88 and 122. We recognize that Iraq operates within a challenging socio-economic environment, and we commend the tangible steps it has taken to strengthen its employment services and advance a coherent national employment policy. The development of the national employment policy for 2026–30, shaped through the consultations and in partnership with the ILO, reflects a genuine commitment to inclusive and participatory governance of the labour market. We also acknowledge Iraq's continued efforts to expand vocational training, broaden social protection coverage and support the transition of workers from the informal to the formal economy, all of which are essential components of sustainable employment policy in line with Convention No. 122.

Furthermore, the establishment of the National Social Dialogue Forum is a meaningful institutional step that strengthens the voice of workers and employers in shaping decent work policies. The Islamic Republic of Iran encourages Iraq to continue on this path and stands in support of the constructive engagement between the Iraqi Government and the ILO supervisory bodies. We trust that the Committee's deliberations will contribute positively to Iraq's ongoing reforms efforts.

Worker member, Spain – Convention No. 122 demands consultation and cooperation in the elaboration of employment policy. Convention No. 88 is based on labour market institutions that meet the needs of workers and their representatives. The application of these two important Conventions therefore depends on the existence of representative trade union organizations able to participate freely and effectively in labour market governance. The trade union report submitted in this case sets out serious concerns at the continued exclusion of independent trade unions from important consultation institutions and mechanisms in the Iraqi labour market.

It also highlights concerns surrounding the unequal treatment of different trade union organizations and the concentration of representation in structures that do not fully reflect trade union pluralism. The independent trade unions of Iraq have demanded equality in recognition and participation in the bodies responsible for employment planning, labour market governance, social protection, vocational training and employment services. Workers must be free to elect their representatives, and all representative organizations must be able to participate on an equal footing. This matter is not limited to rights; it has a direct impact on the effectiveness of employment policy. Labour market institutions are strengthened when they benefit from workers' varied perspectives and experience.

Excluding representative organizations weakens consultation and undoubtedly reduces trust in public institutions. The trade union movement has consistently argued that genuine tripartism requires equality between representative trade union organizations and an end to practices that result in exclusion, discrimination or the monopolizing of the representation of the working class. Conventions Nos 122 and 88 cannot, therefore, be applied in full if representative workers' organizations are denied equal access to consultation processes and decision-making. The Iraqi working class deserves genuine representation and participation. We therefore urge the Government to ensure equality of treatment for all representative trade union organizations, recognize independent trade unions as legitimate social partners and ensure their participation in all institutions related to employment policy and services.

Government member, United Kingdom of Great Britain and Northern Ireland – We thank the Committee of Experts for their report on Iraq's compliance with Conventions Nos 88 and 122 and the Government of Iraq for providing information on their implementation. The United Kingdom recognizes Iraq's constructive engagement with the ILO, including through the DWCP. Ongoing efforts to develop a comprehensive national employment policy are welcome and would represent an important step towards enhancing labour force participation, particularly in the private sector. The launch of the digital Mihan platform is an additional encouraging example of digital innovation to support labour market matching. Iraq's ongoing collaboration with international partners to strengthen employment services and deliver livelihood interventions is also recognized. Initiatives focused on job counselling, skills development and promoting safe and inclusive working environments are supporting institutional capacity, contributing to more effective and inclusive labour market participation. The United Kingdom notes the concerns raised by the Committee regarding persistent structural challenges in the labour market. High levels of unemployment continue, with disadvantaged and marginalized groups disproportionately affected. Female labour force

participation remains among the lowest globally, and reliance on public sector employment remains significant, alongside a large-scale informal sector where workers are not protected by labour laws or social protection. Continued efforts to strengthen Iraq's labour laws and working conditions will be essential to support economic stability and diversification and to foster much needed private sector development. This includes improving the effectiveness of public employment services; enhancing the capacity to match jobseekers with vacancies; strengthening coordination between employment services, training systems and employers and providing data and reporting.

The United Kingdom encourages the Government of Iraq to consider targeted and active measures within employment policies to support women's access to safe and decent work and increase the labour market participation of traditionally under-represented groups; address informality of labour, including through ongoing efforts to formalize the labour force and support registration; advance and implement a coherent, integrated national employment policy that supports economic diversification and private sector development and, finally, continue to engage constructively with the ILO and avail itself of the technical assistance available. With sustained commitment and support from partners including the ILO, meaningful progress in improving labour market outcomes is achievable which will, in turn, support Iraq in increasing the private sector development critical to its economic diversification. The United Kingdom looks forward to Iraq's next report demonstrating concrete progress in addressing these challenges and in meeting its obligations under Conventions Nos 88 and 122.

Worker member, France – Convention No. 122 requires governments to pursue an employment policy designed to ensure full, productive and freely chosen employment for all. Convention No. 88, meanwhile, demands the establishment of accessible employment services that meet the needs of all workers and jobseekers. The Committee of Experts has, however, highlighted the persistent difficulties facing women and young persons in the labour market. Women remain markedly under-represented in employment, while many young persons continue to face unemployment, precarity and limited opportunities for decent work.

Independent trade unions have emphasized that these challenges cannot be addressed through isolated measures. They require comprehensive employment policies drawn up in genuine consultation with workers and their representative organizations.

Women and young workers are often among the first to be affected by unemployment and precarious employment. They are also over-represented in precarious forms of work and more exposed to the risk of exclusion from labour market opportunities.

Convention No. 122 requires the implementation of policies that benefit all workers, not only those who are already in stable employment. Similarly, Convention No. 88 requires governments to establish employment services that are accessible to all and able to assist vulnerable groups in gaining access to employment opportunities. The trade union movement has stressed that employment policies should be designed in consultation with representative workers' organizations. That is particularly important in the design of measures intended to improve opportunities for women and young persons. We reaffirm strongly that workers' organizations have direct knowledge of obstacles in the labour market and can contribute to more effective and inclusive policies. The future of the Iraqi labour market depends on ensuring that women and young persons are not left on the sidelines. Their participation is essential to economic development, social stability and sustainable growth in employment.

We urge the Government to develop, in consultation with independent workers' organizations, targeted measures intended to increase employment opportunities for women

and young workers and to ensure equality in access to employment services in line with Conventions Nos 122 and 88. Lastly, we urge the Government to organize and, this time, effectively hold the social dialogue forum promised for last year, bringing to the table all independent trade union organizations in the country. That is the sine qua non for significant exchanges and action on the situation of women and young persons in employment.

Worker member, Finland – I speak on behalf of the Nordic Trade Unions. While this case concerns the application of Convention No. 122 and Convention No. 88 in Iraq, a deeper issue is at stake. These Conventions cannot be effectively implemented unless freedom of association is fully respected in law and in practice. Convention No. 122 requires an active employment policy promoting full, productive and freely chosen employment. Convention No. 88 requires a public employment service that functions effectively, fairly and in the public interest. Both Conventions also require the genuine involvement of worker and employer representatives in the design, operation and supervision of these policies and institutions. The requirement is explicit. Article 3 of Convention No. 122 mandates consultation with representatives of those affected, particularly employers and workers. Article 4 of Convention No. 88 requires cooperation with these representatives in organizing and operating employment services. These are not procedural details, but essential conditions for implementation. Concerns going to the core of freedom of association in Iraq are, therefore, inseparable from this case. Freedom of association is a precondition for compliance with Conventions Nos 122 and 88. Where workers cannot freely establish and join organizations of their own choosing, consultation cannot be genuine. Where independent unions cannot function effectively, cooperation cannot be meaningful.

Without genuine consultation and cooperation, implementation in law and in practice is simply not possible. The consequences for workers' daily lives are direct. Public employment services must be transparent, accountable and accessible. Workers must be able to trust that access to employment is based on objective criteria, not favouritism, patronage, political influence or unequal treatment. These are long-standing concerns raised by independent unions in Iraq. Without independent workers' organizations, there is no effective way to monitor whether employment services operate fairly. Without genuine trade union participation, there is no credible guarantee that institutions respond to workers' needs rather than administrative or political interests. The mere existence of offices, laws or decrees is not sufficient to meet obligations under Convention No. 88. And the same applies to Convention No. 122. A national employment policy cannot be substantively compliant if those most affected by unemployment, informality and exclusion cannot participate through independent organizations of their own choosing.

If the workers' voice is restricted or monopolized, policymaking cannot reflect workers' realities, and consultation risks becoming a formality. This should be a central concern for this Committee. The absence of full freedom of association not only raises issues with respect to the very standards of freedom of association, it undermines the mechanisms through which Conventions Nos 88 and 122 are intended to function. And where the right to organize is not effectively guaranteed, the legal prerequisites for implementing these Conventions are not met.

Interpretation from Arabic: **Government member, Morocco** – Firstly, I would like to thank the members of the Committee of Experts for their report, recommendations and comments, all of which can only contribute to the correct implementation of international labour standards. I would also like to thank the Government for its explanations and detailed information on these two Conventions.

We have listened attentively to everything that has been said. We have taken note of the fact that Iraq continues to develop labour market-oriented institutions, and that these policies are based on the development of institutions that allow social and economic difficulties to be addressed. We have also heard details of the policies drafted for 2026–30 and which have been implemented through a collaborative approach with employers and workers and with the support of the ILO, demonstrating clear commitment to promoting productive, freely chosen employment as well as the development of human resources, in line with the objectives of Convention No. 122.

We welcome all the efforts made to develop vocational and technical training and the link between it and the labour market. This is a process of transition that must allow for a shift from the informal to the formal economy. All of this has opened up a path to social protection measures and also allows for the social partners to play a greater role in applying decent work policies. To conclude, we believe that the effort made by Iraq merits our support and follow up by the Office so that it may provide technical assistance and to allow for the full and complete application of these two Conventions.

Worker member, Australia – I take the floor on behalf of the Australian trade union movement. We are deeply concerned by the Committee of Experts' observation that unemployment is increasing in Iraq. Unemployment disproportionately affects marginalized workers, including women workers and workers in rural and peripheral areas. In seeking employment, many are compelled to enter the informal economy. where they are often receiving inadequate pay, do not have legal protections and are exposed to hazardous and unregulated working conditions.

The expansion of the informal economy is a systematic violation of fundamental labour rights, as well as a social justice challenge with far-reaching implications. As more workers are pushed into insecure and unregulated forms of employment, inequality deepens. eroding social cohesion. Informality also places compliant businesses at a competitive disadvantage, weakening the foundations of fair and sustainable economic development. Addressing informality is, therefore, critical to promote inclusive growth, strengthen democratic institutions and advance broader social and economic stability. Women workers face particularly acute barriers to decent work, including structural discrimination, limited access to education and training and restrictive social norms constraining their labour market participation.

As a result, women are over-represented in informal and precarious employment, where they are more vulnerable to exploitation and harassment. Targeted measures are essential to break the cycle of women's economic insecurity and exclusion. The Government has the obligation to pursue an active policy designed to promote full, productive and freely chosen employment under Convention No. 122, and to provide effective employment services to connect workers to opportunities for decent work under Convention No. 88. However, the Committee of Experts notes that the Government has not provided information on steps taken to address labour market challenges nor on measures to promote employment for marginalized workers. We urge the Government to engage collaboratively and report on labour market conditions, as well as on the development of a comprehensive national employment policy.

Addressing informality requires genuine social dialogue, meaningful worker participation and stronger labour market governance. Workers in the informal economy are among the most vulnerable, and their voices must be central in any government engagement with worker representatives. Independent trade unions, however, report ongoing constraints as the

Government continues to grant exclusive representation rights to a single union. The persistent restrictions on trade union pluralism continue to impede freedom of association. We urge the Government to ensure equal rights and protections for all unions in law and in practice and collaborate with them to extend legal, social and labour protections to all workers.

Worker member, Kenya – Convention No. 122 requires governments to pursue an active employment policy aimed at promoting full, productive and freely chosen employment. Convention No. 88 requires effective public employment services capable of helping workers access employment opportunities. However, the implementation of these Conventions cannot be discussed solely in terms of programmes, institutions or statistics. The central question is whether workers themselves are genuinely involved in shaping the policy that affects their lives.

Independent trade unions in Iraq have repeatedly stressed that employment policies are often discussed and adopted without effective participation by representatives of workers' organizations. This concern goes to the heart and purpose of both Conventions Nos 122 and 88. Employment policies cannot succeed when workers are absent from the decision-making process, and employment services cannot fully respond to workers' needs if their representatives are excluded from labour market institutions. Workers are not merely beneficiaries of employment policies. They are principal actors in the labour market. They experience unemployment. They experience precarious work. They experience low wages, and they experience informality on daily basis. Their organizations possess valuable knowledge and experience that should contribute to the development of employment strategies and labour market reforms. The trade union movement has also raised concerns regarding the exclusion of independent unions from committees and institutions responsible for shaping employment policies.

Such exclusion weakens trust, reduces accountability and undermines the legitimacy of labour market governance. Convention No. 122 recognizes the importance of consultation and cooperation in employment policy. Convention No. 88 similarly relies on labour market institutions that are responsive to workers' needs. These objectives cannot be achieved without effective participation of representative and independent workers' organizations. No employment policy can be considered truly inclusive if workers are denied a meaningful voice in its development and implementation. Therefore, we strongly urge the Government to recognize independent workers' organizations as full partners in the formulation, full partners in the implementation and full partners in the monitoring of employment policies and employment services.

Observer, Building and Woodworkers' International (BWI) – The Building and Woodworkers' International thanks the Government for its report and welcomes this opportunity for discussions under Conventions Nos 88 and 122. Convention No. 122 requires governments to pursue an active employment policy aimed at promoting full, productive and freely chosen employment, and Convention No. 88 requires effective public employment services, support for workers in accessing employment opportunities. The successful implementation of these Conventions cannot be measured solely by the number of jobs created or the number of workers registered with employment services. The real question is whether workers are gaining access to decent work and whether they have a meaningful voice in shaping the policies that affect their working lives. The Committee has highlighted a number of significant labour market challenges facing Iraq, including high unemployment, widespread informality and the particularly low participation of women in the labour market.

These challenges require comprehensive and coordinated policy responses that place decent work, inclusion and equal opportunities at their centre. The BWI therefore welcomes efforts to develop national employment policies and strengthen employment services. We also note the importance of ensuring that vocational education and training programmes are aligned with the labour market needs and support workers, particularly young women, young people and persons with disabilities and other groups facing barriers to employment. For workers in the construction, building materials and wood sectors these issues are especially important. Employment opportunities generated through reconstruction, infrastructure development and investment must translate into decent jobs, adequate training opportunities and sustainable livelihoods rather than precarious and informal work.

To achieve decent work, workers also need representative organizations capable of defending their interests in participating in labour market governance. Independent trade unions have raised concerns regarding the exclusion of representative workers' organizations from important labour market institutions and consultation processes. They have also highlighted the need for equal treatment among trade union organizations, genuine trade union pluralism and the recognition of independent unions as legitimate social partners. The BWI underlines the importance of effective social dialogue mechanisms that bring together governments, employers and representative workers' organizations on an equal basis. Such dialogue is essential for addressing unemployment, informality, labour market inequalities, skill shortages and other employment challenges facing Iraq. Decent work requires rights, representation and participation. We therefore urge the Government to continue developing its national employment policies in consultation with the social partners, strengthening employment services and skills development programmes and ensuring the full participation of independent workers' organizations in employment policy, employment services and labour market governance, in accordance with Conventions Nos 88 and 122.

Observer, Education International (EI) – Conventions Nos 122 and 88 are clear: employment policy must be built on genuine consultation. This is not optional. Yet in Iraq, independent trade unions report restrictive regulations and the lack of functioning of the tripartite dialogue forum. Consultation remains irregular, limited and too often symbolic, and this must change. Representative workers' organizations have the right to participate fully, regularly and meaningfully in consultations on employment policies, labour market reforms, vocational training and continuous professional development, and social protection. Anything less undermines the very purpose of the Conventions we are discussing today. Policies designed without genuine workers' participation will not respond to the realities experienced in workplaces and communities. Representing education workers, Education International wants to stress that education, competencies and skills are central to employment policies. Without sustained investment in public education, in teachers and in inclusive training systems, Iraq will not address the development challenges mentioned by the Government, such as unemployment, informality, geographical disparities, climate change, child labour and gender equality.

Genuine tripartite social dialogue is essential to designing policies that work. That means that all representative and independent unions must be at the table, not a select few. The Government stressed that Iraq is committed to, and has gained momentum in, promoting decent work for all and reform in labour market governance. The principles of Conventions Nos 122 and 88 must now be reflected in practice.

Interpretation from Arabic: **Government representative** – Before I start reading the prepared text I have before me, I have to admit that this interactive debate should continue, and we receive these observations with openness and appreciation. We have nothing to hide

regarding the realities, challenges and measures we are undertaking. Each time, we consult with the organizations concerned.

On the other hand, I listened to some of the remarks. I had the feeling that we were discussing the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and not Conventions Nos 88 and 122 when it comes to the right to organize, freedom of association and the freedom of trade unions. In Iraq we have a Constitution, and the Constitution guarantees freedom of association and trade union pluralism. There is a law to enforce them. There are specific situations, there are challenges and there are measures taken. With regard to the enactment of the trade union organization law, this is being pursued in cooperation with the ILO.

In 2018, Iraq joined Convention No. 87 out of conviction, out of belief in the importance of the multi-faceted nature of the trade unions, and the trade unions participated in drafting the clause in the Constitution. Of course, there are different views, and there are conflicts. We are a developing country. We are in a region affected by conflicts and crises and now, because of the ongoing crises in Iraq, we find ourselves in a situation where oil exports have ground to a halt, and this has a knock-on effect on the employment market. As far as trade unions are concerned, my impression is that some of the remarks that have been made are not up to date. We do not have independent and non-independent trade unions. All trade unions in Iraq are independent. There is no intervention whatsoever or interference on the part of the Government in the work of trade unions. There are organizations that are more representative and there are organizations of a different nature. The Government does not boycott or grant certain trade unions a different degree of power than other ones. All these organizations are present and they have the approval of the Government, and I urge the Worker members to inquire about these issues and be more informed when it comes to social dialogue. The forum for social dialogue comprises all trade unions, all organizations regardless of their size, and we consult them when it comes to the adoption of policies. The ILO is aware of this process. There is also continued discussion with the Parliament and the Select Committee in Parliament on this issue. Now I go back to my prepared statement.

At the conclusion of this discussion, we would like to express our appreciation for members of the Committee and all participants, governments, employers and workers. We listened carefully to all the views expressed, and all these remarks are welcome when it comes to extending help to strengthen employment and decent work. Equally, it is important to evaluate the situation in countries based on what is actually on the ground, the results and the reforms undertaken, not overlooking the challenges and the extraordinary situations that we have to deal with.

Over the past few decades, Iraq was subject to wars, conflicts, terrorism and economic crises, all of which have left their impact on the labour markets, on the institutions, on the economic infrastructure. However, the Government has not viewed these challenges as grounds for scaling back its international commitments. On the contrary, it has turned them into a driving force for pursuing meaningful and concrete reforms. The drafting of the national employment policy and the development of the labour market are not empty promises. There are measures that are being completed within a time frame in cooperation with the ILO. Therefore, the delegation of Iraq is of the opinion that what happened over the past few years represents true progress in the implementation of Conventions Nos 88 and 122. We would like to affirm that there is institutional and political will, a serious one, to ensure that we have full employment that is productive and decent.

We have listened to some of the remarks which focused on the challenges. We are not in a state of denial when it comes to these challenges. However, we should not turn a blind eye to the progress achieved. We rely on technical assistance, and we believe this cooperation with the ILO is an indicator. We should not overlook the importance of the reforms that have been achieved. We are not seeking special treatment. We look for a balanced and fair assessment of what is being achieved on the ground.

We also believe that dealing with unemployment, the informal sector and the situation of women and the development of skills are deep-rooted problems, and they cannot be resolved overnight. I think this process takes time and requires a cumulative effort and a long-term policy. That is the path that we have chosen in Iraq.

The delegation of Iraq renews its full cooperation with the ILO and the supervisory bodies and is ready to continue its dialogue with the social partners. I would like to assure you that the Government will continue with the reforms when it comes to employment and social protection, vocational training and social dialogue, in line with our international commitments. I would like to make it crystal clear that we do not find ourselves in a position where we defend what our intentions are. On the contrary, we assert our position through achievements, reforms and new policies, and I believe our cooperation with the ILO bears witness to that progress. Therefore, we believe that the path we have chosen is a positive one and is worthy of support and technical assistance.

We hope that the conclusions of this Committee will reflect the progress achieved and the type of cooperation we have had.

Employer members – Before outlining our recommendations, we wish to echo the Government's comment that many of the interventions that we heard on this case related to issues that were outside of the scope of the Conventions referenced by the Committee of Experts in its observation. We wish to remind the speakers that we are here to address the Government's application of Conventions Nos 88 and 122 in law and in practice. In closing, and with respect to the Conventions at issue, we would like to reiterate the importance of governments' compliance with Conventions Nos 88 and 122.

We believe that compliance is critical to ensure meaningful opportunities for both workers and employers to create an environment that creates sustainable growth. In addition, compliance with Convention No. 122 is critical to ensuring the broader effectiveness of the ten core ILO Conventions. The Employer members call on the Government to advance the integration and coordination of a national employment policy, along with employment services, vocational training and education, taking into consideration national conditions and practices. The Employer members call on the Government to continue to engage in social dialogue with social partners when advancing the integration and coordination of the national employment policy, and to do so in a manner that effectively addresses the labour market challenges faced by workers and employers in Iraq.

The Employer members thus request the Government to:

- provide information on the development and implementation of the new national employment policy;
- provide explanations for how the national employment policy is coordinated with the public employment service and how that service contributes in practice to the implementation of the national employment policy;

- provide specific information on measures aimed at women, young persons and vulnerable groups including the concrete impact of those measures on labour market participation and employment opportunities;
- continue to ensure meaningful consultation with the most representative social partners through the development of the national employment policy and labour law reforms, in line with Article 3 of Convention No. 122;
- provide information on the functioning and coverage of the public employment service network, including in the region of Kurdistan, as well as the cooperation mechanisms between public and private employment agencies;
- provide information on the reforms and initiatives undertaken to align vocational education and training with labour market requirements, especially as it relates to vocational training and human resources development for women, young persons and persons with disabilities;
- provide information on efforts to improve labour market information systems, including the collection, analysis and dissemination of disaggregated statistical data;
- provide information on the consultations with the social partners relating to the denunciation of Convention No. 140;
- continue to seek ILO technical assistance to support implementation, reporting and coordination between employment policy and employment services institutions.

Worker members – The Worker members thank the Government of Iraq for its participation in this discussion and all delegates who took the floor. The Worker members regret, however, the absence of a full tripartite delegation from Iraq during this discussion, as meaningful tripartite participation is fundamental to the work of the ILO and to the effective examination of cases before the Committee. The discussion has confirmed the significant and persistent structural challenges facing the Iraqi labour market as highlighted by the Committee of Experts in relation to the application of Conventions Nos 88 and 122, together with related instruments on skills development and lifelong learning.

Despite the Government's effort to develop new national employment policies and initiatives such as the Mihan platform, unemployment remains high, particularly among women and young persons. Labour force participation, especially for women, remains extremely low, and informality continues to affect the majority of workers. These are not marginal concerns. They point to deep structural deficiencies in the functioning of the labour market and in access to decent and productive employment. The Workers' group remains particularly concerned by the continued exclusion of women from the labour market and the persistent barriers faced by young persons, internally displaced persons and persons with disabilities. These groups require targeted and effective policy measures supported by well-functioning public employment services under Convention No. 88.

We also note the continued lack of detailed information on concrete measures to reduce informality and extend labour law coverage and social protection, particularly in rural and peripheral areas where decent work deficits are most acute. While we acknowledge the ongoing international cooperation initiatives, including those supported through the ILO's DWCP and related projects, the Worker members stress that such initiatives must be fully integrated into a coherent national employment policy framework with clear targets, measurable outcomes and effective coordination between employment services, skill systems and labour market institutions. With regard to vocational education and training, the Worker

members reiterate their concern over the absence of information on results achieved, institutional reforms and structured social partners' involvement. A responsive and well governed skill system remains essential for translating employment policies' objectives into real labour market outcomes. The Worker members also recall the importance of paid educational leave under Convention No. 140 as an integral component of lifelong learning and employability. Any steps away from this framework risk weakening workers' access to skills development at a time when it is most needed.

Ultimately the effectiveness of Iraq's employment policy under Convention No. 122 will depend on its ability to ensure coherent coordination between policy design, public employment services, vocational training systems and reliable labour market information supported by meaningful social dialogue. The Worker members, therefore, urge the Government to intensify efforts to address structural labour market weaknesses, strengthen implementation capacity and ensure that policy commitments are translated into tangible improvements in employment opportunities and working conditions for all.

In conclusion, we urge the Government to:

- finalize and implement coherent national employment policies aimed at full, productive and freely chosen employment and decent work, strengthen policy coherence and align employment policy, vocational education and training, and labour market requirements;
- strengthen the public employment service network, including in the region of Kurdistan, and report on the impact of the Mihan platform as a facilitator for labour market matching;
- conclude the ongoing legislative reforms applicable to trade unions and tripartite consultation and ensure an environment conducive to freedom of association in full compliance with the application of international labour standards;
- develop and implement targeted measures to increase the employment of women and young workers as well as other marginalized or disadvantaged groups, including persons with disabilities and internally displaced persons, and ensure their equal access to employment services;
- take concrete steps to reduce informality by extending labour law coverage and social protection, particularly in rural and peripheral areas, and supporting the transition to formal employment;
- strengthen labour market information systems and improve the collection, analysis and dissemination of labour market data to support the development and oversight of employment policies and services;
- report to the ILO on the result and impact of technical and vocational education and training reforms and measures to promote access to paid educational leave consistent with the applicable international obligations;
- ensure the full and meaningful involvement of all representative workers' and employers' organizations in the design, implementation, monitoring and review of the national employment policy in the organization and operation of employment services and in labour market governance through structured and regular social dialogue, in line with the principles of Conventions Nos 122 and 88.

We therefore request the Government of Iraq to avail itself of ILO technical assistance in order to bring its legislation into full compliance with Conventions Nos 88 and 122.

Chairperson – We conclude the discussion of this case. We thank the Government representative and all the speakers who took the floor for their participation.

Conclusions of the Committee

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

The Committee took note of the significant, persistent and deep structural deficiencies in the functioning of the labour market and in access to decent and productive employment, such as high unemployment, particularly among women and young persons, and extremely low labour force participation.

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

- **advance the integration and coordination of employment policy, employment services and vocational training policies within a coherent national framework, supported by strong social dialogue and robust labour market information, to effectively address the country's employment challenges;**
- **provide information on the development, content, implementation, and results of the national employment policy, including its contribution to addressing unemployment and increasing labour market participation, particularly the specific measures taken to promote employment for groups in vulnerable situations, such as young persons, women, internally displaced persons, and persons with disabilities;**
- **provide information on how the national employment policy is coordinated with the public employment service and how that service contributes in practice to the implementation of the national employment policy;**
- **provide information on the reforms and initiatives undertaken to align vocational education and training with labour market requirements, including any efforts to support skills development, apprenticeships, recognition of prior learning, and effective job-to-livelihood transitions, especially as it relates to vocational training and human resources development for women, young persons, and persons with disabilities;**
- **provide information on the functioning and coverage of the public employment service network, including in the region of Kurdistan, as well as the cooperation mechanisms between the public employment service and private employment agencies;**
- **strengthen labour market information systems and improve the collection, analysis and dissemination of disaggregated labour market data to support the design, implementation, monitoring and review of employment policies and services, and provide information on progress achieved;**
- **provide information on the results and impact of technical and vocational education and training reforms and related skills-development measures; and**
- **strengthen the full and meaningful involvement of the most representative employers' and workers' organisations through effective consultations and social dialogue regarding employment policy and employment services and provide specific**

examples of consultations held with the social partners and their participation throughout the employment policy process.

The Committee requested the Government to provide detailed information to the Committee of Experts by 1 September 2026 on the actions taken to implement these recommendations and the progress made, and to avail itself of ILO technical assistance.

Kyrgyzstan (ratification: 1992)

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

Written information provided by the Government

As the authorized labour body of the Cabinet of Ministers, the Ministry of Labour, Social Welfare and Migration of the Kyrgyz Republic (the Ministry) expresses its profound gratitude to the ILO and to the Committee for their cooperation and states the following:

The Kyrgyz Republic confirms its unconditional commitment to the principles of tripartism and recognizes freedom of association as a fundamental condition for the provision of social justice. The Government has carried out large-scale reform to update labour standards and laws.

The new Labour Code of the Kyrgyz Republic officially came into force on 28 January 2025, drawn up with the participation of a broad circle of social partners. This standard-setting Act radically restructured the architecture of labour relations, as it removed the barriers hampering labour market flexibilities and the provision of equal rights for citizens. The Labour Code, adopted on 23 January 2025, does not contain standards prohibiting the right to organize without prior authorization and excluded the possibility of state interference.

The most important confirmation of the independence and legitimacy of the processes within the national trade union was the XXVII Congress of the Kyrgyzstan Federation of Trade Unions (FPK), held on 5 September 2025. The Congress demonstrated the complete unity of the trade union movement: 119 of the 132 delegates selected participated in its work, which represented 90 per cent of the overall number and empowered the Congress to take decisions. The key outcome of the Congress was the unanimous re-election of the Federation Chairperson, Mr Muradil Dzhumadilde Uulu. We emphasize especially that this decision was officially and unanimously supported by the heads of all the federation sectoral committees, who confirmed their positions within the framework of an open democratic vote.

The high-level status of the event and the recognition of the principles of social partnership were confirmed by the participation of guests of honour from among the leading figures of the Cabinet of Ministers of the Kyrgyz Republic, and also the Ministry of Labour, Social Welfare and Migration.

The legitimacy and transparency of all the Congress procedures were guaranteed by the presence of official representatives of the ILO (ACTRAV-ILO) and the International Trade Union Confederation (Pan-European Regional Council-ITUC).

Progress in the development of national tripartism is confirmed by the new General Agreement among the Cabinet of Ministers, the FPK and employers' associations for 2025–27 (Order No. 505-r of the Cabinet of Ministers of the Kyrgyz Republic of 19 June 2025), in accordance with which the social partners conduct joint work on the above issues.

The JIA Business Association is currently the largest employers' association in the Kyrgyz Republic, bringing together more than 1,200 companies from various sectors of the economy. The most important stage of the association's institutional development is its accession to the International Organisation of Employers (IOE). As the Kyrgyz Republic's sole representative in the IOE – the largest global private sector network – representing the interests of more than 150 organizations in 140 countries, the JIA introduces into the country the best global management and social responsibility practices. Thanks to the members in question, the JIA represents the voice of the Kyrgyz business community in global forums such as the ILO, the United Nations and the G20. This allows the JIA to help to set the global agenda in the sphere of labour relations and the protection of employers' rights.

The association of workers' and employers' representatives cooperates closely with the Government. For example, the adoption of the new Labour Code and labour laws and regulations was devised with the close cooperation of the parties. As a result, more than 20 basic labour laws and regulations were adopted.

In the Kyrgyz Republic, there are no standard-setting or legal documents which limit or prohibit the right to freedom of association.

Regarding the ongoing internal reforms and improvements to the management system for trade union assets (specifically, the resort and health facilities on Lake Issyk-Kul), all existing disputes and related legal proceedings have been fully resolved.

In accordance with the final court ruling, criminal proceedings against the FPK officials have been fully terminated due to the expiration of the statute of limitations, as well as the full compensation of the established material damages. All charges and restrictions against these individuals have been officially lifted, confirming adherence to the principles of legality and fairness in the administration of justice.

The Ministry specifically emphasizes that the aforementioned process was conducted strictly in accordance with the legislation of Kyrgyzstan and was exclusively related to property and finances, and not to the socio-political activities of FPK officials. All investigative and judicial proceedings were conducted in strict accordance with procedural law, which precludes any selective or politically motivated approach.

Currently, these individuals have fully resumed their lawful trade union activities.

Discussion by the Committee

Chairperson – Continuing with the discussion of individual cases, the next item on our agenda is the examination of the case regarding the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) by Kyrgyzstan. For the discussion of this case, there are 14 speakers on the list. I now invite the Government representative of Kyrgyzstan, the Deputy Minister of Labour, Social Welfare and Migration, to take the floor.

Interpretation from Russian: **Government representative** – We express deep respect for the ILO and for the Committee and we appreciate our cooperation with the ILO and the Committee. We remain strongly committed to the principles of tripartism and we recognize freedom of association as a prerequisite for social justice.

In the Kyrgyz Republic, we have undertaken reform of legislation in the social sphere, and our new Labour Code officially came into force on 28 January 2025. This was drawn up with the participation of a broad circle of social partners. This act radically restructured the architecture

of labour relations. It removed barriers hampering labour market flexibilities and it provided equal rights for all citizens. The Labour Code adopted in January 2025 does not contain any standards prohibiting the right to organize without prior authorization and it also excluded the possibility of state interference.

The most important confirmation of the independence and legitimacy of the processes within the National Trade Union was the XXVII Congress of the FPK held on 5 September 2025. This Congress demonstrated the complete unity of the trade union movement. One hundred and nineteen of the 132 delegates selected participated in its work, 90 per cent of the total number, and this empowered the Congress to take decisions. The key outcome of the Congress was the unanimous re-election of the Federation Chairperson, Mr Muradil Dzhumadilde Uulu.

We emphasize especially that this decision was officially and unanimously supported by the heads of all of the Federation sectoral committees who confirmed their positions within the framework of an open democratic vote. The high-level status of this event and the recognition of the principles of social partnership were confirmed by the participation of guests of honour from among the leading figures of the Cabinet of Ministers of the Kyrgyz Republic, also the Ministry of Labour, Social Welfare and Migration. The legitimacy and transparency of the congress procedures were guaranteed by the presence of official representatives of the ILO and the International Trade Union Confederation (ITUC).

Progress in the development of national tripartism is confirmed by the new General Agreement between the Cabinet of Ministers, the FPK and the employers' associations and this covers the period 2025–27. In accordance with this, social partners conduct joint work on the aforementioned issues.

The JIA Business Association is currently the largest employers' association in the Kyrgyz Republic. It brings together more than 1,200 companies from various sectors of the economy. The most important stage in the association's institutional development was its accession to the International Organisation of Employers (IOE). As the Kyrgyz Republic's sole representative in the IOE, which is the largest global private sector network and represents the interests of more than 150 organizations in 140 countries, the JIA introduces into Kyrgyzstan the best global management and social responsibility practices. Thanks to the members, the JIA represents the voice of the Kyrgyz business community in global forums such as the ILO, the United Nations and the G20.

This allows the JIA Business Association to help to set the global agenda in the sphere of labour relations and the protection of employers' rights. The association of workers' and employers' representatives cooperates closely with the Government. For example, the adoption of the new Labour Code and labour laws and regulations were crafted with the close cooperation of all parties. As a result, more than 20 basic labour laws and regulations were adopted. In conclusion, I would like to note that in the Kyrgyz Republic, there are no standard-setting or legal documents which limit or prohibit the right to freedom of association.

Employer members – The Employer members stress the importance of States' compliance relating to the application of the ratified Convention No. 87, which is one of the ten ILO core Conventions. The Convention was ratified by Kyrgyzstan in 1992. The Committee of Experts has issued 11 observations since 1998, the latest in 2025. This case is being discussed for the first time in the Committee. It should be noted that the Government provided written information on this case, which was published on 19 and 28 May 2026. In its latest report, the Committee of Experts highlighted the following three main points.

First, on the labour legislation inventory process. The Ministry of Labour undertook a labour legislation inventory process with a view to bringing legislation into line with the ratified Conventions. The Committee of Experts criticized a lack of consultation with the FPK and social partners on the draft Law on Trade Unions. Any new legislative provisions should be in conformity with the Convention. The Government argued that the Law on Trade Unions of 1998 remains in force and that currently, there is no law aiming to replace it. In its written statement of 19 May 2026, it added that the Labour Code adopted in January 2025 does not contain standards prohibiting the right to organize and excludes the possibility of state interference.

The second element of this case is about reprisals against trade unions and interference in financial activities. According to reports, the Government has engaged in a defamation campaign against independent unions and supported the creation of yellow unions. The Committee of Experts requested the Government to provide information and to clarify the current standing of the yellow unions. We join this call for information. There are serious allegations that criminal investigations were conducted into the FPK financial activities over the last decade. The ITUC alleged that, in November and December 2023, trade unionists were detained for several weeks, charged with offences such as corruption and creating threats to the interests of society and the State as part of the government-led fear campaign.

In December 2023, the FPK Council, allegedly under state pressure, voted to transfer health centres owned by the FPK to the Presidential Administration for temporary use. The Employers' group is deeply concerned about the allegations raised. We would like to highlight that 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. We note that in the written statements dated 19 and 28 of May 2026, the Government responded that criminal proceedings against FPK officials have been fully terminated with compensation for the material damages.

All charges and restrictions against these individuals are reported to have been officially lifted. With regard to union assets, all disputes and legal proceedings have reportedly been settled. A new General Agreement among the Cabinet of Ministers, the FPK and employers' associations for 2025 to 2027 was agreed upon. We welcome these recent developments. However, the Employers' group supports the Committee of Experts' request that the Government should provide further detailed comments on all the above-mentioned allegations.

The third element of this case is on the restriction on the right to peaceful assembly. The Committee of Experts noted allegations that, since March 2022, a series of court rulings have restricted peaceful gatherings, prohibiting assemblies that the authorities considered of a political nature. Once again, we would like to recall that, according to the Convention, workers' and employers' organizations have a right to organize their activities in full freedom. The authorities should refrain from any interference which would restrict freedom of assembly or impede the lawful exercise thereof, provided that the exercise of these rights does not cause a serious and imminent threat to public order. Therefore, we join the Committee of Experts' request to the Government to provide further comments on the allegations.

In summary, we encourage the Government to first consult with social partners to discuss all outstanding issues. The new tripartite General Agreement for 2025 to 2027 among the Cabinet of Ministers, the FPK and employers could serve as a basis to conduct joint work on these issues. Second, to enter a process with a view to solving any outstanding issues and to

bring law and practice into line with Convention No. 87. And finally, to provide information on all measures taken.

Worker members – The case of Kyrgyzstan requires special attention. This fundamental Convention was ratified by Kyrgyzstan in 1992. The observation made by the Committee of Experts in 2025 is part of an already long series of observations made since 1998 and highlights particularly serious developments concerning both the framework of social dialogue and the concrete situation of trade union organizations in the country. This recurrence of observations is in itself a warning signal. The Committee of Experts recalled that it had requested the Government to ensure that the FPK was fully involved in any work to bring the legislation into line with ratified Conventions so that any amendments to the Law on Trade Unions are subject to thorough and constructive consultations with social partners.

The Government adds in its written information that the new Labour Code entered into force on 28 January 2025 and that it was drawn up with the participation of a wide circle of social partners. It also claims that the bill does not contain provisions limiting the right to organize or opening the door to state interference. We take note of these elements. However, the existence of legislative guarantees or statements of principle is not sufficient in itself to dispel the persistent concerns about the effective observance of freedom of association in practice.

The central question raised in this case is that of the real independence of the trade union organizations from the public authorities. The Government reaffirms its unconditional commitment to tripartism and freedom of association as a condition for social justice. It also highlights close cooperation with social partners in the context of recent reforms. We take note of these statements. However, they must be assessed in the light of the very specific allegations made to the Committee of Experts that the Government had waged a defamatory campaign against independent trade unions and actively supported the establishment of yellow unions. The Committee of Experts also noted that the Government itself acknowledges a case of illegal establishment of a municipal trade union on the orders of a former mayor of Bishkek. Such interference is incompatible with the most basic guarantees of the Convention.

The Committee of Experts also took note of extremely serious allegations concerning the criminal investigations into the financial activity of the FPK and above all, the arbitrary arrest and detention of the trade unionists at the end of 2023. According to the information brought to its attention, these arrests were followed by threats, intimidation and pressure aimed at provoking the resignation of the trade union leaders leading to the de facto dissolution of the central leadership of the Federation. This created an atmosphere of fear, affected trade union membership, impacted trade union activities on all levels and interrupted established communications of global unions with their affiliates. Although the Government claims that these detentions were only related to an economic investigation and that they ended in February 2024, the circumstances described raise very serious questions about the freedom of workers' organizations to elect representatives of their own choosing and organize their activities without interference.

The Government, for its part, maintains that the XXVII Congress of the FPK, held on 5 September 2025, confirmed the independence and legitimacy of the organization's internal processes with broad participation of delegates and the unanimous re-election of its president.

It also highlighted the presence of representatives of the ILO and the ITUC on this occasion. According to our information, there was no representative of the ITUC but only ITUC affiliates. In any case, these elements do not respond as such to the extremely serious allegation of previous arrests, pressure, forced resignations and changes of leadership,

triggering at that time two interventions of the Director-General of the ILO which remained unanswered by the Government. The question, therefore, remains: were the trade unions able to act and decide freely, free from interference at each stage of these events? The Committee of Experts also examined the situation of the Federation's assets.

The Government reports that part of the thermal facilities belonging to the union has been transferred to the Presidential Administration for five years on the basis of Presidential Decree No. 319 of 22 November 2023, in the name of better management of workers' health activities. But in a context marked by arrests, pressure and contested changes of leadership, this measure inevitably raises the question of the financial autonomy of trade union organizations. The free administration of trade union property is one of the essential guarantees for the effective exercise of freedom of association. In addition, there are allegations of serious erosion of the right to peaceful assembly. The Committee of Experts noted that, since March 2022, a series of court decisions have progressively restricted peaceful assemblies in the centre of Bishkek, including for assemblies considered political, while state-organized assemblies have remained permitted.

Comparable general restrictions were also reportedly imposed in Uzgen and the Chon-Alai district. However, freedom of association cannot be real if workers' organizations cannot meet, act collectively and publicly express their demands. In these circumstances, we expect the Government to respond fully and accurately to all the allegations raised by the Committee of Experts on the current status of the illegally established municipal trade union, on the exact circumstances of the arrests and prosecutions of the trade union leaders, on the pressure exerted for resignations and changes of leadership, on the guarantees surrounding the autonomy of the Federation's property, as well as on the restrictions imposed on peaceful assemblies.

General answers will not be enough. There is a need for comprehensive clarifications, effective guarantees and concrete measures to bring them into compliance with the Convention.

This case shows that, beyond the texts, it is the very ability of trade unions to exist, to function freely, to administer property, to appoint their leaders and to defend the interests of their members that is at stake. The Convention does not protect an abstract freedom. It requires the authorities to refrain from interference, to ensure a safe and conducive environment for trade union action and to fully respect the autonomy of workers' organizations. We therefore hope that the Government of Kyrgyzstan will take all necessary measures without delay to respond fully to the points raised by the Committee of Experts, to put an end to all interference in trade union affairs, to guarantee the freedom of peaceful assembly of workers' organizations and to ensure in law and in practice full respect for the Convention. The existence of a new tripartite General Agreement for the period 2025–27 and the commitments to social dialogue can be useful signals.

They must also be translated into concrete, tangible and lasting guarantees for the autonomy of workers' organizations. It is important that the Committee sends a clear message today. Freedom of association cannot wait. It is an essential condition for democracy at work and social justice.

Interpretation from Russian: **Worker member, Kyrgyzstan** – With reference to consideration of the situation with compliance with the Convention in the Kyrgyz Republic, the FPK wishes to present official consolidated information on the current situation of the national trade union movement there. Today we can say with full responsibility that we have a situation where the trade union movement is fully stable, independent and consolidated and all of the

issues that have caused concern for supervisory bodies of the ILO have been fully settled and we wish to emphasize that, in fact, this is a point that was made last year also and we are now in a situation where we are fully working on implementing the Convention.

One historic step forward in terms of ensuring real independence for us was a cardinal shift in the way in which organizations are funded in Kyrgyzstan. From 2024 onwards, the FPK fully stopped receiving any money from the public purse and this broke a dependence that had, in fact, existed since 1991. It meant that the Federation became self-sufficient and once and for all there was no possibility of administrative pressure being exerted by the State. We also note that we now have a situation where the Federation has made amendments to normative acts and there is a full ban on interference of state bodies in matters relating to the ownership and management of assets. We also note that today the Federation and sectoral committees independently handle their property and monetary resources without prior authorization from the executive body.

Today, in fact, the Federation acts as an independent opposition to the executive. It rigorously scrutinizes normative and legal acts in Parliament and at the level of the Cabinet of Ministers. We have repeatedly called for the minimum wage to be made equal to a living wage or subsistent wage and a clear example of the solidarity-based pressure that has been exerted was the historic decision taken to raise the workers' wages in the health sector by 100 per cent starting from 1 April 2026. We have also seen that significant progress has been made in terms of enshrining the right to freedom of association and also resolving issues relating to digital employment. We can also see that the state monopoly on the Federation definitely no longer exists because, of the 700 trade unions registered in our country, only half are members of the Federation. They are able to take their own decisions, in other words, as to whether or not to become part of our Federation and not all trade unions are within our Federation. That again proves that there is freedom of choice. We have once and for all moved forward. All of the issues that have been raised actually now belong to the past.

On 10 March 2026, a joint programme of work was signed with the Bureau for Workers' Activities (ACTRAV) and the FPK also for 2026–27, which established full-fledged cooperation with the ILO. With the participation of the ILO, we have training projects, for instance, on the Violence and Harassment Convention, 2019 (No. 190), and also, we have sought particularly to work on the shift from the informal to the formal economy and we have a programme for that for 2024–30. We have been able to provide training for trade union leaders on modern methods of protecting workers' rights in terms of the platform economy. This is very much done in a way that allows us to work with many international organizations and federations. We have achieved institutional stability and that is the basis for resolving deep structural problems.

Today, the main systemic problems we face relate actually to the private sector and to the platform economy where we do not have legal labour contracts, where we see violations of labour protection standards and anti-trade union pressure. We know that this can result in tension and, in fact, we saw the protests last year which show what can happen when you have business being blocked and we recognize that social dialogue is key to preventing this kind of uncontrolled conflicts.

We would like to note that some of the changes that had been proposed to legislation were withdrawn and that was one of our success stories. We have now entered into a direct bilateral partnership with the Chamber of Commerce and Industry in the Kyrgyz Republic and this is a way that has allowed us in practical terms to integrate resources, and we work closely with the JIA. We have projects, for instance, the Business Caravan, also the Enlightenment

Caravan and the Women Entrepreneurs' Caravan and we have ourselves put forward a labour caravan. This is a first project that we have proposed.

Working with business in this way, we have also allowed experts from trade unions to go with businesspeople into the field to provide training and to legalize labour contracts at enterprise level. We find that, for employers, this is something that allows them to work with us in a way that can guarantee protection of the interests of workers. That being so, we recognize the key importance of technical assistance from the ILO.

Very briefly, what do we need? We need practical assistance to allow us to comply with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), in particular in terms of getting people out of the shadows of the platform economy and into formal work. Secondly, we need new training programmes on methods of introducing collective agreements to significant sectors of business in our country. Thirdly, training of labour inspectors in line with the best possible international practice on occupational safety and health and labour protection in the private sector. We need this because we wish to apply the recommendations from the ILO rigorously. We want to guarantee full non-interference in the internal affairs of trade unions and ensure real freedom, including the right to peaceful assembly, to strike and to protect workers' rights without any fear of administrative sanctions.

Internal consultation has brought together some of the piecemeal unions we had in the past into 16 major sectoral organizations today. In the course of our strategic programme heading for 2030, we managed to overhaul the digital trade union project that we had, and we now have a system where round the clock we have an artificial intelligence (AI) chat bot, that is available on Telegram and that can provide assistance to workers. We also have an online platform for registration of trade union membership and for automating a number of document processing procedures. We have also created a unique round-the-clock call centre where in real time we can establish a heat map of areas where there are social risks and dangers of social conflict and then pre-empt them breaking out. In the light of all that has been said, we wish to emphasize that, in our country, we now have a robust basis and the necessary prerequisites for full implementation of the Convention.

The historic decision to turn away from funding from the public purse, taken in 2024, and the final abolition of any kind of external interference from parliamentary committees as well as any kind of interference in the property of trade unions, were very significant decisions. Alongside them we look at the intensifying dialogue with business and with the ILO. We look at the re-establishment of full partnership with the ILO and all of these things clearly testify to the maturity, the strength and the autonomy of the trade union movement in the Kyrgyz Republic. In order to move forward further and to defend the most vulnerable workers, we would call upon the ILO to extend technical assistance and we call on the Government of the Kyrgyz Republic to strictly comply with international obligations and to ensure freedom of association and the right to peaceful protest. We consider that the most important issue for us is to defend the interests of workers and to defend working people.

I am happy to see that these issues are being raised here. I hope that you can gain a clearer understanding of all these issues and that this will allow for full-fledged implementation of the Convention in the Kyrgyz Republic.

Government member, Cyprus – I speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania** and the **Republic of Moldova** as well as the EFTA country **Norway**, member of the European Economic Area, align themselves with the statement.

The European Union 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's role in developing and promoting international labour standards and supervising their application.

The European Union remains committed to supporting Kyrgyzstan's sustainable and inclusive development in line with its national development strategy 2018–40, the Global Gateway strategy and the European Union's strategy for Central Asia. The enhanced partnership and cooperation agreement signed in June 2024 marks an important step in European Union–Kyrgyzstan relations, strengthening cooperation in areas such as trade, investment, employment and social affairs.

As a beneficiary of the European Union's Generalised Scheme of Preferences Plus (GSP+), Kyrgyzstan is called to effectively implement the 27 international Conventions underpinning the scheme notably on human and labour rights including the Convention.

We remain seriously concerned by the allegations mentioned by the Committee of Experts regarding interference in trade union affairs. These include reprisals against trade union leaders, defamation campaigns targeting independent unions, and allegations of support for so-called "yellow unions".

We also note with concern the Government's acknowledgement of the illegally established city trade union in Bishkek and echo the Committee's call to clarify its status. Allegations raised by workers' organizations also point to broader patterns of interference, including efforts to restructure trade unions, pressure to replace elected representatives, and extensive audits of trade union finances and activities that may undermine their autonomy. We are particularly concerned by the reported arbitrary detention of trade unionists in November and December 2023 and by allegations that criminal proceedings, intimidation and threats of further arrests effectively paralysed the leadership of the FPK.

We are also concerned by reported pressure on trade union leaders to resign, developments surrounding leadership changes within the Federation and its affiliates, and measures affecting trade union property, including the temporary transfer of health resort facilities to the Presidential Administration. Reports of far-reaching state scrutiny over trade union property and finances raise serious concerns about the independence of workers' organizations and their ability to administer their affairs freely. We further note with concern restrictions on the right to peaceful assembly, including court decisions limiting peaceful gatherings in central Bishkek since March 2022 and similar measures elsewhere. We recall that workers' and employers' organizations must be able to organize protest actions and certain political activities to defend the occupational interests of their members, free from undue interference.

We note the Government's indication that the 1998 Law on Trade Unions remains in force. At the same time, we stress that any future legislative reforms must be developed in full consultation with the representative social partners and be fully consistent with the Convention, ensuring that they do not permit interference in trade union structures, activities or property.

In light of these concerns, we urge the Government to provide comprehensive replies to the allegations raised, clarify the status of the unlawfully established union referenced by the Committee, and ensure that no administrative, judicial or criminal measures are used to undermine trade union independence. We also call on the Government to guarantee, in law and in practice, that trade unions can freely elect their representatives, organize their activities,

administer their resources and exercise their rights, including the right to peaceful assembly, without intimidation or fear of reprisals.

Finally, we encourage the Government to continue constructive engagement with the ILO and to make use of the Office's technical assistance to ensure full compliance in law and in practice with the Convention. The European Union and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of fundamental labour standards.

Government member, Kazakhstan – Kazakhstan expresses its support for the Kyrgyz Republic and its efforts to ensure the application of the Convention. We take note of the issue raised by the Committee of Experts and welcome the constructive engagement of Kyrgyzstan with the ILO supervisory bodies. Kazakhstan recognizes the fundamental importance of freedom of association and social dialogue. At the same time, we believe that the implementation of international labour standards should take into account national legislation, constitutional frameworks, and socio-economic conditions. In our view, this approach ensures a balanced integration of universal ILO standards with country-specific context, fostering sustainable development and social stability. In this regard, we encourage the Kyrgyz Republic to continue its efforts to further strengthen its labour and trade union legislation in cooperation with social partners and with the technical assistance of the ILO, where appropriate.

We are confident that Kyrgyzstan will continue constructive cooperation with the ILO to ensure the effective application of the Convention.

Worker member, Poland – I am speaking on behalf of NSZZ "Solidarność". The report of the Committee of Experts indicates that the trade unionists from the FPK have been detained while trade unions' properties have been confiscated by the authorities and the leadership of the Federation and all its affiliates was unlawfully replaced. In November and December 2023, several trade union leaders were arbitrarily detained for several weeks, charged with offences such as "corruption", "creating threats to the interests of society and the State", and "causing serious harm", as part of the Government-led fair campaign conducted by the State Committee for National Security, which effectively dismantled the FPK's central leadership. Following these arrests, law enforcement reportedly used intimidation and threats of further arrests to pressure all union leaders into resigning.

As a result, by the end of December 2023, leaders of FPK-affiliated branch unions had simultaneously submitted resignations and, on 29 December 2023, the FPK Council voted, presumably under state pressure, to transfer FPK-owned health centres for temporary use by the Presidential Administration. Under the pressure, in February 2024, the FPK organized its Congress which took place under the supervision of the security services. The Congress voted a change of the leadership. Leaders of all sectoral unions affiliated to the FPK were replaced in a similar way. Detained leaders were released and placed under house arrest. Although charges were suspended, they could be reactivated at any time. An atmosphere of fear and repression was created. The Government has also engaged in a defamation campaign against independent trade unions in the country. NSZZ "Solidarność" considers these actions unacceptable and believes they have no place in modern employment relations.

Kyrgyzstan ratified the Convention in 1992. By ratifying the Convention, the country undertakes to apply its provisions in law and in practice. Ratification also means that the country undertakes to refrain from any actions that would lead to outcomes inconsistent with the Convention. NSZZ "Solidarność" notes the information provided by the FPK that the dialogue between the Government and the trade unions has been resumed. But damage has

already been done. The arrest of trade unionists is an action that has both short-term and long-term consequences.

The arrest of trade union leaders creates a climate of fear and intimidation leading to decreased membership, incapacitated leadership due to a fear of assuming union positions, and low turnout in union activities. Intimidating trade unions inevitably affects their future activities, undermines and weakens trade union actions due to fears of a repeat of retaliatory measures.

The rights of workers can only be exercised in a climate free from violence, intimidation and fear, as such situations of insecurity are incompatible with the requirements of the Convention.

Any intervention by the public authorities in trade union elections runs the risk of appearing to be arbitrary and thus constituting interference in the functioning of these organizations, which is incompatible with Article 3 of the Convention, which recognizes their right to elect their representatives in full freedom. The Resolution concerning Trade Union Rights and Their Relation to Civil Liberties, adopted by the Conference in 1970, states that the right to adequate protection of trade union property is one of those civil liberties which are essential for the normal exercise of trade union rights.

In light of the above, the Government is obliged to refrain from any actions that could lead to the violation of trade union's property rights. NSZZ "Solidarność" urges the Government of Kyrgyzstan to take all necessary measures to ensure the full implementation of the Convention, in law and in practice, for social dialogue free from violence and intimidation and to respect and ensure trade union independence and autonomy, in law and in practice.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of Kyrgyzstan and expresses its appreciation for the additional information provided regarding the application of the Convention. We note the readiness of the Government of Kyrgyzstan to engage with the ILO supervisory bodies to provide updated information on the issues raised by the Committee of Experts. We consider it important to continue constructive engagement between the Government and the social partners with a view to further strengthening freedom of association and promoting social dialogue in accordance with the principles of the Convention. We are confident that the continued dialogue and cooperation among all interested parties will contribute to achieving positive results.

Worker member, Denmark – I will be speaking on behalf of the Nordic workers. This case must be seen in its proper context. The Government's appropriation of trade union leadership and property from 2023 and forward is already a matter of grave concern. But what is still striking in the context of today is that the conditions of genuine normalization have still not emerged. Instead, the present situation points to a broader shrinking of the democratic space in Kyrgyzstan.

This has a direct consequence for the effective exercise of the freedom of association. This case is therefore not simply about whether genuine unions are allowed to exist or not. It concerns serious state interference in trade union affairs taking place in an environment in which all independent voices are increasingly being constrained.

Freedom of association has been undermined by the arrest of FPK leaders, the appropriation of trade union property, and the involvement of the State's so-called "security committee" in the election of new union leadership. It is not only difficult to reconcile these acts with the Convention – it is simply impossible.

At the same time, the report illustrates an even broader and deeply troubling picture. Restrictive laws and practices affecting civil society, peaceful assembly and independent media point to a wider contraction of the democratic space. Even if trade unions are not always the primary target of every one of these measures, they operate within the same institutional environment and are ultimately affected by the same logic of control. That is why this broader context cannot be treated as separate from the trade union case itself. Independent unions cannot function freely where public space is closed, where critical voices are monitored or sanctioned, and where the boundaries of lawful civic activity are made increasingly uncertain. In such circumstances, formal guarantees for the Convention alone cannot provide credible adherence to it.

Workers in Kyrgyzstan need unions that can represent them independently in full certainty and not organizations that can be brought under political control in the blink of an eye. Respect for the Convention in law and in practice therefore requires more than revisiting the past events. It requires restoring the democratic conditions in which independent trade union life can genuinely exist.

The Nordic workers therefore urge the Government of Kyrgyzstan: firstly, the public spaces for peaceful assembly must be reopened and social dialogue with genuinely independent unions must be restored.

Secondly, a clear affirmation that any intervention by the state bodies in any trade union leadership, internal election or trade union property is incompatible with the Convention, must cease and never be repeated.

Thirdly, a review of the criminal and administrative measures to ensure that legitimate trade union and civic activity is not criminalized, and the withdrawal or fundamental revision of laws affecting associations, non-governmental associations and media so that they will comply with international standards on the freedom of association and expression.

Interpretation from Russian: **Government member, Belarus** – We are grateful to the Government of Kyrgyzstan for having provided detailed information on the matter before us. We welcome the Kyrgyz Republic's commitment to actively developing cooperation with the ILO and its consistent progress in fulfilling obligations under the Convention. In recent years, the Government has taken important steps forward to improve labour legislation in line with international standards. In particular, we note the strengthening of legal safeguards for trade union activities, the reduction of administrative barriers to the registration of trade union organizations, and the expansion of workers' opportunities to protect their labour rights and interests. Strengthening mechanisms for social dialogue between the State, employers and trade unions, and developing institutions of tripartite cooperation contribute to the constructive resolution of labour disputes and an increase in social stability. In this regard, it is important to emphasize the need to further strengthen ILO cooperation with the Government of Kyrgyzstan, including through the provision of technical assistance and expert support as well as the implementation of joint programmes.

Observer, Building and Wood Workers' International (BWI) – I deliver this statement on behalf of the Building Wood Workers International (BWI) and the International Union of Food and Agricultural Workers (IUF). In September and October 2023, the Government and Parliament of Kyrgyzstan initiated extensive financial audits of all trade unions affiliated to the FPK, demanding access to financial records covering the previous ten years.

On 28 November and 6 December 2023, the State Committee for National Security detained several trade union leaders on various criminal charges, including corruption,

creating a threat to the interests of society and the State, and causing serious harm. Among those detained was Kanatbek Osmonov, Chairperson of the Republican Committee of the Forestry Workers Trade Union, an affiliate of BWI, and Jeenbek Osmonaliev, the Chair of the Trade Union of Workers of the Agricultural Complex, an affiliate of IUF.

By the end of December 2023, the leaders of all FPK-affiliated sectoral unions had simultaneously submitted signed resignation letters, including the Chairperson of the Construction and Building Materials Workers' Union, another BWI affiliate, and the Chairperson of the Food Processing Workers Union, another IUF affiliate. Prior to these resignation letters, communication between Kyrgyz trade union leaders and the international trade union movement had effectively ceased. Mr Osmonov was the only trade union leader who refused to resign. While other detained leaders were released following their resignations, he remained in detention and was later placed under house arrest, where he tragically passed away shortly thereafter.

The international trade union movement knows well that trade unions in Kyrgyzstan have historically demonstrated the courage and capacity to defend their rights and seek international solidarity, when needed.

Their complete silence during these events can only lead to one conclusion: trade unions were no longer able to speak freely. The facts speak for themselves. Trade union activities were effectively paralysed, and, under pressure, all central unions were compelled to convene extraordinary plenary meetings to elect new leaders previously unknown within the trade union movement. We consider these developments to constitute a great violation of the Convention and a direct attack on workers' fundamental right to freedom of association.

Ratifying ILO Conventions and adopting legislation is not sufficient if workers cannot exercise their rights without fear of retaliation. Workers must be able to stand for trade union office, vote for representatives of their choice, and participate in union activities without intimidation, interference or punishment by state authorities. We therefore call on the Government of Kyrgyzstan to establish transparent, effective and accessible mechanisms to guarantee freedom of association in practice. These must include independent remedies available to all workers and trade unions. The Government must also ensure full respect of other fundamental democratic freedoms, including freedom of expression and freedom of peaceful assembly, which are indispensable for the effective exercise of freedom of association.

Interpretation from Russian: **Government representative** – I would like to note that the Kyrgyz Republic is committed to application of the Convention. In order to give effect to the Convention, the Constitution includes article 36, which gives everyone the right to freedom of association, article 39 (the right to peaceful assembly), article 423 (the right to strike). In other words, we are not restricting these rights. We have a law on social partnership, which gives effect to social interaction among the social partners. We also have a tripartite commission, and every three years a new general agreement is signed. Any normative or legal act relating to labour issues must be subject to consultation and be agreed by the social partners.

The Kyrgyz Republic does not restrict peaceful assembly. In Bishkek, we have a particular place that is defined as a place for any such peaceful assembly. If people inform us that they want to have a protest, an assembly, there is a place where they can do that. We are not restricting anyone.

As for criminal cases and confiscation of property, the Government did not take any steps to prosecute anyone or to confiscate property. This is something that happened among the

members of the trade union themselves. It was they who initiated this case. And as I have already said, this case was concluded in 2024.

As for property, the property that has been described is the property that is held by the FPK, and they gave it for a certain period of time to be restored and be given back to them. In other words, they simply leased it for a period of time to those who were working on it.

As for the yellow trade unions that have been referred to – and here we are talking particularly about the municipality of Bishkek – there is no interference in the establishment of that trade union. What happened was that the municipality took certain decisions but there is no issue of restriction and we are certainly ready to discuss with you in detail why everything happened the way it did. We certainly are not in any way interfering with the work of anyone, and trade unions themselves have their own meetings, their own assemblies – it is all entirely regulated by them.

As has already been said, the FPK and employers' associations are always involved in work on new labour legislation and agreement is always reached with them on any new laws.

As for facilities being funded by the State – this is something else that has been referred to – I think the representative of the FPK has already clearly explained that in fact this is something that no longer happens. Up until 2024, there was a situation where money was given from the public purse to this Federation. That was a situation that existed in the past, but from 2024 onwards, that was stopped. The Federation no longer receives money from the state purse in this way.

Let me say that we are ready to meet again with those who are interested. We are also ready to submit written information on the issues raised today in the Committee. Let me in conclusion say that the Republic is committed to complying with the Convention. We stand ready to cooperate with the ILO at all times and in all ways.

Employer members – The Employer members thank the Government and the various speakers who took the floor for the interventions and information provided, of which we fully have taken note. We reiterate that Convention No. 87 is a fundamental Convention and that we strongly condemn non-compliance relating to the application of this Convention. In light of today's discussions, the Employer members would like to recommend the following: first, to further consult with social partners in order to discuss the outstanding issues, thereby making good use of the tripartite agreement for 2025 to 2027. Second, to continue the process of solving any outstanding issues and to further bring law and practice into line with the Convention, with the technical assistance of the ILO. And finally, to provide information on all measures taken. To conclude, we count on the further commitment and collaboration of the Government for the implementation of these recommendations in law and practice.

Worker members – We thank the representative of the Government for the written and oral information provided to the Committee. We must note, however, that, despite these explanations, the concerns repeatedly raised by the Committee of Experts concerning the effective respect for freedom of association in Kyrgyzstan remain unresolved. The Convention requires not only legal guarantees but also an environment in which workers' organizations can freely carry out their activities, elect their representatives, administer property and defend the interests of their members free from interference from public authorities. In this regard, it is essential that the Government fully responds to allegations of a smear campaign against independent trade unions and support for the establishment of yellow trade unions and unambiguously clarifies the current status of the municipal trade union illegally established on the orders of a former mayor of Bishkek.

We also await full clarification on the criminal investigations into the financial activities of the FPK, the arrest and detention of trade unionists at the end of 2023, as well as the elite's threats, intimidation and pressure to bring about resignations and changes of leadership in the trade union movement. The Government should also ensure that trade union organizations can administer their property autonomously, and provide accurate information on the transfer of certain terminal facilities belonging to the Federation to the Presidential Administration as well as on the guarantees surrounding their return and future management.

We also call on the Government to respond to allegations regarding the general restrictions on peaceful assemblies in Bishkek, Uzgen and the Chon-Alai district and to ensure that workers' organizations are able to assemble and collectively and publicly express their demands in accordance with the Convention. In addition to the expected responses, it is important that the Government, in close and constructive consultation with social partners, takes all the necessary measures to guarantee in law and in practice full compliance with the Convention, and prevents any further interference in trade union affairs. The existence of commitments to social dialogue and the tripartite General Agreement for the period 2025–27 may be a useful signal, but these commitments must be translated into concrete, tangible and sustainable guarantees for the independence of workers' organizations.

We invite the Government to accept an ILO direct contacts mission and to transmit to the Committee of Experts, by 1 September 2026, comprehensive information on all measures taken to respond to the points raised by the Committee of Experts and to bring its legislation and practice into conformity with the Convention.

It is important that our Committee sends a clear message today. Freedom of association is an essential condition for democracy at work, social justice and genuine social dialogue. We therefore call on the Government of Kyrgyzstan to take concrete steps without delay so that tangible progress can finally be seen in the implementation of the Convention in Kyrgyzstan.

Chairperson – The discussion of this case is now closed. I would like to thank the Government representative of Kyrgyzstan and all the speakers who have taken the floor.

Conclusions of the Committee

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

The Committee noted with deep concern the allegations raised during the discussion concerning interference in trade union affairs and obstacles to an environment conducive to the free exercise of freedom of association.

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

- **ensure, in law and in practice, that workers' and employers' organizations can exercise their rights freely and independently, and without interference, in line with the Convention;**
- **ensure that the property and financial resources of trade union organizations are protected against interference;**
- **continue to ensure that any legislative reform affecting freedom of association is carried out in full and meaningful consultation with the most representative workers' and employers' organizations, including the Federation of Trade Unions of Kyrgyzstan**

(FPK), and that all relevant legislative provisions are brought into full conformity with the Convention;

- **comment on the allegations of the International Trade Union Confederation regarding reprisals against FPK leaders and interference in its financial activities and clarify the current standing of the illegally established city trade union; and**
- **provide information on the investigations, arrests, detention, release conditions and any pending charges concerning trade union leaders, and ensure that criminal proceedings are not used to undermine the legitimate exercise of trade union rights.**

The Committee invited the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations.

Lao People's Democratic Republic (ratification: 2005)

Minimum Age Convention, 1973 (No. 138)

Written information provided by the Government

The Government has provided the following written information, as well as copies of the Law on Vocational Education and the Decree on Labour Inspection.

The progressive elimination of child labour, including in hazardous work and in rural areas

The Government has taken concrete steps to eliminate child labour in line with the Convention by the strengthening legislation on minimum age and hazardous work and advancing the National Action Plan on the Prevention and Elimination of Child Labour, with a focus on the agricultural and informal sectors in rural areas. It has increased the number of trained labour inspectors and conducted targeted inspections, resulting in the identification of violations, the withdrawal of children from hazardous work, and the enforcement of penalties. The Government has also implemented community-based programmes in rural districts to support vulnerable families and reduce reliance on child labour, while expanding access to education through scholarships, school feeding programmes, and the reintegration of working children into schools. In cooperation with partners such as the ILO and UNICEF, it has carried out awareness-raising campaigns to change attitudes towards child labour. Improved data collection, including national surveys, shows that child labour has declined from 41.5 per cent in 2017 to 23 per cent in 2023; however, the Government acknowledges that child labour remains prevalent, particularly in hazardous conditions and rural areas, and commits to further strengthening its efforts. The National Plan of Action is being considered as the National Strategy on Prevention and Elimination of Child Labour, and the Government assures the Committee that it will provide a full copy of the updated strategy immediately upon its formal adoption.

The Government will continue to strengthen its data collection and monitoring systems to provide updated and reliable statistical information on the nature, extent, and trends of child labour, in line with its obligations under the Convention. In this regard, the Government will improve administrative data systems to ensure comprehensive and disaggregated data by age, gender, sector, and rural–urban location, in collaboration with international partners.

Furthermore, the Government remains dedicated to maintaining transparency by continuing its collaboration with the Lao Statistics Bureau and UNICEF to produce regular, updated statistical data. This ongoing data collection will not only allow the Government to monitor the nature and extent of child labour trends, but ensure that its "redoubled efforts" lead to the progressive and total elimination of child labour in Lao People's Democratic Republic.

The rate of child labour in the country remains high, including in hazardous work

The new Decree on Labour Inspection is now in force and actively implemented to strengthen the monitoring of child labour in line with the Convention. Under this Decree, the authority and capacity of labour inspectors have been enhanced, including the ability to conduct inspections in both the formal and informal sectors, particularly in rural and high-risk areas. The Government has increased the number of trained inspectors and carried out targeted inspections in sectors such as agriculture, construction, and small-scale enterprises, leading to the detection of cases of underage and hazardous child labour. The Government will continue to strengthen enforcement and provide detailed data on inspection activities, violations, and penalties in future reports.

Regarding hazardous work for under 16 years of age

The Government is committed to taking the necessary measures to bring the national legislation into full conformity with the Convention by ensuring that no child under the age of 16 is authorized to perform hazardous work under any circumstances. Regarding Decision No. 4677/MOLSW (2023), it was introduced to update the list of hazardous occupations and to better regulate the participation of young persons in vocational training and apprenticeship settings, including allowing 15-year-olds to engage in certain work activities only under strict conditions such as safety training, supervision, technical guidance, and provision of protective equipment. However, the Government recognizes the concern that this provision is not fully aligned with Article 3(3) of the Convention, which clearly sets 16 years as the minimum age for any authorization to perform hazardous work, even when protective measures and training are provided. The Government acknowledges that maintaining this lower age threshold may create a risk of inconsistency with international labour standards on child protection. In addition, the Ministry of Labour and Social Welfare is currently reviewing Decision No. 4677/MOLSW with the aim of bringing the national legislation fully into compliance. This includes assessing amendments to ensure that all hazardous work is strictly prohibited for persons under 16, while strengthening vocational training frameworks that are safe and non-hazardous for younger adolescents. The Government also indicates its commitment to improving enforcement, inspection, and reporting mechanisms, and will provide updates on legislative revisions and implementation of progress to the relevant supervisory bodies.

Regarding the minimum age for apprenticeship

The Government confirms that the Law on Vocational Education (Amended) No. 63/NA (2019) sets the minimum age for entering into basic vocational training and apprenticeship programmes at 14 years. This legislative provision is designed to align with Article 6 of the Convention, which permits vocational training for individuals from the age of 14 in Member States whose economic and educational facilities are still in a stage of development. This age threshold is further reinforced by article 102 of the Labour Law (Amended) No. 43/NA (2013), which stipulates that employers may only engage persons between the ages of 14 and 18 for specific types of work that are not hazardous and do not impede their physical or mental

development. Consequently, any apprenticeship undertaken by a 14-year-old is legally categorized as a learning and skill-acquisition process rather than exploitative employment.

As requested by the Committee of Experts, the following translated provisions from the National Gazette are provided as evidence of compliance as provided in article 24 (Basic Vocational Training): "Basic vocational training provides short-term technical and vocational skills to individuals to enable them to secure a career and find employment. This level of training is specifically intended for students who have completed primary school or those who have not yet finished general education, provided that the participants in these programmes are at least 14 years of age."

In addition, article 85 (Prohibitions for Vocational Education Institutions): "Vocational education institutions are strictly prohibited from allowing students or apprentices to perform work that is heavy, dangerous to their health, or in violation of the regulations concerning the protection of children and young workers."

However, the Government remains steadfast in its efforts to bridge the gap between basic education and the labour market through safe, regulated vocational pathways. By maintaining the apprenticeship age at 14, the Government ensures that youth who have completed their primary and lower-secondary cycles have immediate access to skills-building opportunities, thereby reducing the risk of informal and unprotected child labour. All such programmes are subject to inspection by the Ministry of Labour and Social Welfare to ensure strict adherence to the safety standards mandated by both national law and international Conventions.

Regarding the necessary measures to combat the trafficking and commercial sexual exploitation of children

The Government has been trying all efforts and measures to combat trafficking in persons and the commercial sexual exploitation of children which are being actively addressed under the Anti-Human Trafficking Law and relevant provisions of the Penal Code through: (i) strengthened multi-sector coordination among police, prosecutors, border officials, and social welfare agencies; (ii) improved mechanisms for identifying, referring, and protecting child victims; (iii) enhanced training of law enforcement and judicial personnel to support investigation and prosecution of cases; and (iv) efforts to establish more systematic monitoring and reporting of complaints, investigations, prosecutions, convictions, and penalties. At the same time, the Government acknowledges concerns raised by international bodies regarding increasing trafficking risks, low prosecution rates, and limited institutional resources, and reaffirms its commitment to intensify prevention, ensure accountability of perpetrators through effective and dissuasive sanctions, and improve overall enforcement capacity and victim protection systems nationwide.

The prevention of victims of trafficking in persons and commercial sexual exploitation

The Government has undertaken time-bound and targeted measures to prevent and eliminate the trafficking and commercial sexual exploitation of children by organizing specialized training for 277 police, border, labour, consular, and social service officials across eight provinces to strengthen the early identification of child victims, implementing the 2020 Guidelines for the Protection, Assistance and Referral for Victims of Trafficking to enhance inter-agency coordination and standardize victim-centred identification, referral, and assistance procedures. It has also supported rehabilitation and reintegration efforts in cooperation with national organizations, such as the Lao Women's Union, which assisted 226 child victims or at-risk children between 2017 and 2022 through shelter, healthcare,

psychosocial support, education, and vocational training. However, it acknowledges ongoing gaps in rights-based early identification and referral mechanisms as noted by international bodies and therefore commits to intensify prevention through awareness-raising and border control measures, strengthen victim protection services, improve coordination and capacity of frontline responders, and develop more comprehensive data systems to report on the number of child victims removed from exploitation and provided with appropriate support and social integration services.

This report is written in full consultation with representatives of the Lao Federation of Trade Unions (Representatives of Employees) and Lao National Chamber of Commerce and Industry (Representatives of Employers) and participation of relevant agencies.

Discussion by the Committee

Chairperson – Continuing the progress made today, the third case relates to the application of the Minimum Age Convention, 1973 (No. 138), by the Lao People's Democratic Republic. For the discussion of this case, there are 20 speakers on the list. On this basis, the officers have decided to reduce the speaking time for delegates speaking in an individual capacity from five to three minutes. I now invite the Government representative of the Lao People's Democratic Republic, the Deputy Director-General of the Department of Labour Management, to take the floor.

Government representative – I have my Deputy Minister of Labour and Social Welfare who is also sitting here next to me. The comment on which the Government is invited to respond today is an observation of the Committee of Experts on the application of the Convention, which Lao People's Democratic Republic (Lao PDR) ratified in 2005.

In this regard, the Government has taken concrete steps to eliminate child labour, in line with the Convention, by strengthening legislation on the minimum age and hazardous work and advancing the National Action Plan on Prevention and Elimination of Child Labour, with a focus on the agricultural and informal sectors in rural areas. The Government has increased the number of trained labour inspectors and conducted targeted inspections, resulting in the identification of violations, withdrawal of children from hazardous work and enforcement of penalties. Furthermore, the Government has also implemented community-based programmes in rural districts to support vulnerable families and reduce reliance on child labour, while expanding access to education through scholarships, school feeding programmes and reintegration of working children into schools.

In cooperation with partners such as the ILO and UNICEF, the Government has carried out awareness campaigns to change attitudes towards child labour. Improved data collection, including national surveys, shows that the rate of child labour has declined from 41.5 per cent in 2017 to 23 per cent in 2023. However, the Government acknowledges that child labour remains prevalent, particularly in hazardous conditions and rural areas, and commits to further strengthening its efforts. The National Plan of Action is being considered as the National Strategy on the Elimination of Child Labour, and the Government assures the Committee that it will provide a full copy of the updated strategy immediately upon its formal adoption. The Government will continue to strengthen its data collection and monitoring systems to provide updated and reliable statistical information on the nature, extent and trends of child labour, in line with its obligations under the Convention. In this regard, the Government will improve administrative data systems to ensure comprehensive and disaggregated data by age, gender, sector and rural–urban location in collaboration with international partners.

Furthermore, the Government remains dedicated to maintaining transparency by continuing its collaboration with the Lao Statistics Bureau and UNICEF to produce regular, updated statistical data. This ongoing data collection will not only allow the Government to monitor the nature and extent of child labour trends, but also ensure that its "redoubled efforts" lead to the progressive and total elimination of child labour in the country.

The new Decree on Labour Inspection is now in force and actively implemented to strengthen the monitoring of child labour in line with the Convention. Under this Decree, the authority and capacity of labour inspectors have been enhanced, including the ability to conduct inspections in both the formal and informal sectors, particularly in rural and high-risk areas. The Government has increased the number of trained inspectors and carried out targeted inspections in sectors such as agriculture, construction, and small-scale enterprises, leading to the detection of cases of underage and hazardous child labour. The Government will continue to strengthen enforcement and provide detailed data on inspection activities, violations and penalties in future reports.

Regarding hazardous work for under 16 years of age: The Government is committed to taking the necessary measures to bring the national legislation into full conformity with the Convention by ensuring that no child under the age of 16 is authorized to perform hazardous work under any circumstances. Regarding Decision No. 4677/MOLSW of 2023 (Decision No. 4677), it was introduced to update the list of hazardous occupations and to better regulate the participation of young persons in vocational training and apprenticeship settings, including allowing 15-year-olds to engage in certain work activities only under strict conditions, such as safety training, supervision, technical guidance and the provision of protective equipment. However, the Government recognizes the concern that this provision is not fully aligned with Article 3(3) of the Convention, which clearly sets 16 years as the minimum age for any authorization to perform hazardous work, even when protective measures and training are provided. The Government acknowledges that maintaining this lower age threshold may create a risk of inconsistency with international labour standards on child protection. In addition, the Ministry of Labour and Social Welfare is currently reviewing Decision No. 4677 with the aim of bringing the national legislation fully into compliance. This includes assessing amendments to ensure that all hazardous work is strictly prohibited for persons under 16, while strengthening vocational training frameworks that are safe and non-hazardous for younger adolescents. The Government also indicates its commitment to improving enforcement, inspection and reporting mechanisms, and will provide updates on legislative revisions and implementation of progress to the relevant supervisory bodies.

Regarding the minimum age for apprenticeship, the Government confirms that the Law on Vocational Education (Amended) No. 63/NA of 2019 sets the minimum age for entering into basic vocational training and apprenticeship programmes at 14 years. This legislative provision is designed to align with Article 6 of the Convention, which permits vocational training for individuals from the age of 14 in Member States whose economic and educational facilities are still in a stage of development. This age threshold is further reinforced by Article 102 of the Labour Law (Amended) No. 43/NA, which stipulates that employers may only engage persons between the ages of 14 and 18 for specific types of work that are not hazardous or do not impede their physical or mental development.

Consequently, any apprenticeship undertaken by a 14-year-old is legally categorized as a learning and skill-acquisition process rather than exploitative employment. As requested by the Committee of Experts, the following translated provisions from the *National Gazette* are provided as evidence of compliance, as provided in article 24: "Basic vocational training provides short-term technical and vocational skills to individuals to enable them to secure a

career and find employment. This level of training is specifically intended for students who have completed primary school or those who have not yet finished general education, provided that the participants in these programmes are at least 14 years of age".

In addition, article 85: "Vocational education institutions are strictly prohibited from allowing students or apprentices to perform work that is heavy, dangerous to their health, or in violation of the regulations concerning the protection of children and young workers".

However, the Government remains steadfast in its efforts to bridge the gap between basic education and the labour market through safe, regulated vocational pathways. By maintaining the apprenticeship age at 14, the Government ensures that youth who have completed their primary and lower-secondary cycles have immediate access to skills-building opportunities, thereby reducing the risk of informal and unprotected child labour. All such programmes are subject to inspection by the Ministry of Labour and Social Welfare to ensure strict adherence to the safety standards mandated by both national law and international Conventions.

In conclusion, the Government reaffirms its commitment to continue observing and implementing ratified ILO Conventions. In this regard, the Government would like to take this opportunity to request the Committee, the ILO, all international development partners and the social partners to appreciate its constraints, as well as the efforts of the Government and the social partners to ensure the implementation of the Convention effectively.

Let me end by thanking the Committee in advance for its advice in these matters and assuring it of the Government's fullest cooperation.

Employer members – The present case involves the examination of the application in law and practice of the Convention in the Lao People's Democratic Republic. Since the ratification of the Convention in 2005, the Committee of Experts has maintained a constant supervision, issuing observations in 2017, 2019, 2023 and, most recently, in 2025. It is the first time that the Committee has discussed the application of this Convention in law and practice by this country.

We wish to thank the Government for providing written information for this meeting, and for the information provided orally and, as we have indicated in other cases, we consider that the willingness to engage in dialogue and provide updated information are promising signs of a genuine commitment to the eradication of child labour.

However, after an exhaustive analysis of the comments of the Committee of Experts, we observe critical failings that require not only legislative reforms, but also a deep-rooted process of institutional strengthening. With regard to the national policy and application in practice, and in particular the challenge of rural informality, the Employer members have noted with optimism the statistical data showing a significant reduction in the rate of child labour, which was 23 per cent in 2023 for children between the ages of 5 and 17 years.

Nevertheless, we cannot overlook the fact that almost one in four children in Lao PDR are still working. This figure continues to be alarmingly high. We note that, according to the statistics provided by the Government, the incidence is much higher in rural areas than in urban areas. We also note with concern the indication in the report of the Committee of Experts that children in Lao PDR are exposed to extreme conditions, such as cold, heat, excessive humidity and work using dangerous tools or heavy machinery. In contrast, we welcome the indication by the Government that it is in the process of developing a new National Strategy on the Prevention and Elimination of Child Labour.

As in other areas of the world, child labour in Lao PDR is prevalent in family agriculture and the informal economy. The Employer members emphasize that lack of awareness of the

negative effects of child labour on the development of children often leads to cultural approval and their contribution to family income, even though the practice, in addition to being unacceptably prejudicial to the rights of girls and boys, is prejudicial to the entire productive system, and particularly for young adults entering the world of work after being deprived of their right to education.

We urge the Government to intensify its efforts to raise community awareness, change these perceptions and provide support to families, employers and workers for the consolidation of these principles. In view of the contrasting nature of this information, the Employer members insist that a strategy on paper is not sufficient. We call on the Government, once the new Strategy has been approved, to provide detailed information on its implementation in practice and the financial resources allocated to ensure that it is not a dead letter.

With reference to the critical discrepancy with the age for hazardous work set out under the terms of Article 3 of the Convention, there are serious failures of compliance in this case. Article 3 is clear. The minimum age for admission to any employment which is likely to jeopardize health or safety shall not be less than 18 years, and exceptions are only permitted where it is agreed to reduce the age to 16 years under strict conditions relating to protection and training, after consultation with the organizations of employers and workers concerned. In contrast, Decision No. 4677 specifies 15 years as the age at which it is possible for young persons to perform hazardous work, provided they receive technical guidance and adequate safety equipment. This provision is in violation of the terms of the Convention.

The Government has acknowledged in its report that this provision is not fully aligned with Article 3 and has expressed its intention of revising this decision. The Employer members urge the Government to accelerate this legislative reform and we emphasize that there can be no argument to justify any delay in complying with this provision. There can be no exceptions for young persons under 16 years of age engaged in hazardous work irrespective of the level of supervision or the equipment provided. Compliance with this provision is not a mere formality. A child of 15 years of age exposed to physical, chemical or mechanical risks not only endangers their immediate physical safety, but also their cognitive development, continued school attendance and long-term health. The situation is also aggravated by a structural trap. Children who work under hazardous conditions find it difficult to complete their education, which condemns them to low productivity jobs as adults, perpetuating the cycle of poverty which compelled them to work in the first place.

In relation to compliance with Article 6 of the Convention on access to vocational training and apprenticeship, we note that the Committee of Experts has requested clarifications concerning vocational training, in relation to the Law on Vocational Education No. 63/NA, as amended. We note the indication by the Government in its statement that section 24 defines basic vocational training and explicitly provides that those participating must be at least 14 years of age. We thank the Government for the clarification that this limit is deduced from the prior education levels that are established as being compulsory.

However, with reference to the prohibition on apprentices performing work that is heavy or hazardous to their health, we note that this prohibition is not specified in the wording of the provision, but is specified in the additional documentation, and we request the Government to clarify this situation. The Employers are aware that the challenge in Lao PDR is to ensure that these apprenticeship programmes are not used as a cover for exploitative work in the informal sector and we request the Government to keep a strict record of these programmes and ensure that the labour inspection services have access to training centres.

In this regard, the Committee of Experts has commented on compliance with Article 9 of the Convention in relation to the strengthening of labour inspection. The Employer members note with optimism the entry into force of the Decree on Labour Inspection No. 289 of July 2025. This new provision provides labour inspectors with robust powers, permits them to enter workplaces, interview employees and employers and gives them the power to order the immediate suspension of hazardous machinery and to impose fines.

Nevertheless, the Committee of Experts noted with concern the absence of specific data on inspection activities. The Government indicates that the number of inspectors has increased, but at the same time inspectors report that they have not detected cases of child labour in recent inspections. This contrast between the high statistical rate of child labour and the failure of inspectors to detect it suggests that there remain shortcomings in the scope of the system, especially in the informal economy and in rural areas. We urge the Government to ensure that inspection capacities are strengthened, including through the training of inspectors in child labour and protected work by young persons, and to evaluate the resources provided, access to transport facilities and appropriate technology to reach remote areas.

Finally, but no less important, we must refer to protection against exploitation and the trafficking of young persons. We cannot conclude this analysis without referring to the vulnerability of children to the worst forms of child labour. We note the efforts made under the Anti-Human Trafficking Law and the training of 277 police and border officials. We also note the cooperation with the Lao Women's Union through which assistance was provided to 266 child victims between 2017 and 2022. Nevertheless, the low figures for the investigation and conviction of traffickers continues to be an institutional weakness. The Employer members emphasize that action to combat child labour cannot be separated from protection against commercial exploitation and the urge the Government to ensure that this is implemented in practice.

We therefore call on the Government to ensure that exhaustive investigations are carried out and robust criminal proceedings launched, and that all those responsible are convicted, with sufficiently effective and dissuasive penalties imposed. We also request the Government to continue providing detailed information on the number of investigations carried out, the proceedings launched and convictions.

Worker members – This is the first occasion on which our Committee has examined the application of the Convention by Lao PDR. However, concerns regarding the prevalence of child labour and the need for strengthened action to combat this phenomenon have been raised repeatedly by the Committee of Experts over a number of years.

At the outset, the Worker members note with concern that child labour remains a significant challenge in the country, affecting approximately 23 per cent of children aged 5 to 17 in 2023. The statistical information provided reveals significant disparities between rural and urban areas, with 26 per cent of children in rural areas engaged in child labour compared with 16 per cent in urban areas. The data further indicate that many children continue to perform hazardous work, including exposure to extreme environmental conditions, dangerous tools and machinery, and the carrying of heavy loads.

The Worker members take note of the measures reported by the Government to address child labour. In particular, we note that a new National Action Plan on the Prevention and Elimination of Child Labour, which is expected to include targeted measures for the agricultural and informal sectors, remains pending adoption. We also acknowledge the implementation of community-based programmes in rural districts aimed at supporting vulnerable families and reducing reliance on child labour, as well as initiatives to expand access to education through

scholarships, school feeding programmes and the reintegration of working children into the education system.

While we welcome the reported reduction in child labour from 41.5 per cent in 2017 to 23 per cent in 2023, we share the concerns of the Committee of Experts that the incidence of child labour remains unacceptably high. Progress is encouraging, but sustained and intensified efforts are still required.

The Worker members therefore consider it essential that the Government further strengthen its efforts to eliminate child labour, with particular attention to rural areas and hazardous forms of work. We would appreciate additional information on the implementation of prevention and assistance measures, school retention and reintegration programmes, and, importantly, the concrete results achieved. We also encourage the Government to adopt and implement, without further delay, the National Action Plan on the Prevention and Elimination of Child Labour and to ensure its effective monitoring and evaluation in consultation with the social partners.

Turning to labour inspection, we note the information provided by the Government concerning the entry into force of the Decree on Labour Inspection, which reportedly strengthens the mandate and authority of labour inspectors, including their ability to conduct inspections in both the formal and informal economy, particularly in rural and high-risk areas. We also note the reported increase in the number of trained inspectors and the targeted inspections carried out in sectors such as agriculture, construction and small enterprises, which have led to the identification of cases of child labour and hazardous work performed by children.

While these developments are welcome, we regret the limited information available regarding the operation and impact of labour inspection services in practice.

Effective enforcement is a cornerstone of the Convention. In the absence of detailed information on inspections conducted, violations detected, penalties imposed and follow-up measures taken, it remains difficult to assess the effectiveness of implementation and enforcement.

In this regard, the Worker members encourage the Government to further strengthen the capacity, coverage and resources of the labour inspectorate, particularly in rural and remote areas, and to ensure that inspectors are fully equipped to identify, prevent and address child labour in all its forms.

The Worker members also take note of the legislative developments concerning hazardous work. However, the Worker members remain concerned by Decision No. 4677, which appears to permit children from the age of 15 to engage in hazardous work under certain circumstances. We recall that Article 3(3) of the Convention allows such exceptions only from the age of 16 and only under strict conditions guaranteeing the full protection of the health, safety and morals of young persons.

The Worker members note the Government’s indication that Decision No. 4677 is currently under review with a view to ensuring full compliance with the Convention, including provisions to prohibit hazardous work for all persons under the age of 16 and to strengthen safe and non-hazardous vocational training opportunities for younger adolescents. The Worker members therefore urge the Government to bring its legislation into full conformity with the Convention as a matter of priority.

At the same time, the Worker members note the adoption of provisions regulating light work from the age of 12, provided that such work does not prejudice a child's education, health or development. The Worker members encourage the Government to ensure that these provisions are effectively monitored and strictly enforced in practice.

Finally, we note the information provided concerning the Law on Vocational Education (Amended) No. 63/NA of 2019, which establishes a minimum age of 14 years for admission to apprenticeship programmes in accordance with the Convention.

In conclusion, the Worker members remain concerned by the persistently high incidence of child labour, particularly in rural areas and in hazardous forms of work. The Worker members urge the Government to take robust and sustained action through a comprehensive approach that combines effective implementation of plans and programmes, improved access to education, strong labour inspection and targeted prevention measures. Particular attention must be given to rural communities, where child labour remains most prevalent and where children continue to face the greatest risks. The elimination of child labour is not only a legal obligation under the Convention; it is a prerequisite for ensuring that every child can enjoy their right to education, development and decent future opportunities. We therefore call on the Government to accelerate its efforts and to work closely with workers' and employers' organizations to achieve tangible and lasting progress.

Employer member, Lao People's Democratic Republic – I am honoured to speak today on behalf of the Lao National Chamber of Commerce and Industry (LNCCI), representing the employers and the business community of Lao PDR.

The LNCCI wishes to align itself with the statement delivered by the Government and explicitly voices the strong support of the Lao business sector for the Government's constructive responses and ongoing efforts regarding the implementation of the Convention.

As representatives of the private sector, we firmly believe that a responsible, sustainable, and compliant business environment is fundamental to Lao PDR's integration into regional and global supply chains. The LNCCI views the eradication of child labour not only as a compliance requirement, but as a crucial pillar for developing a skilled, educated and resilient future workforce. To this end, we have consistently championed corporate social responsibility and strict adherence to national labour laws among our members.

The LNCCI would like to highlight the practical steps the private sector is taking to support the Government in fulfilling its obligations under the Convention:

- Promoting codes of conduct and compliance: the LNCCI actively encourages enterprises, particularly in sectors such as agriculture, garments and tourism, to adopt codes of conduct that strictly prohibit the recruitment of underage workers. We are working to ensure that minimum age standards are mainstreamed into corporate hiring policies.
- Supply chain auditing and guidance: we have developed and distributed practical toolkits and guidelines for small and medium-sized enterprises (SMEs) to help them monitor their supply chains. This is aimed at eliminating the risk of informal, underage labour among subcontractors, which remains one of our most complex challenges.
- Public–private partnerships for education and skills: recognizing that keeping children in school is the best deterrent against early entry into the labour market, the LNCCI actively supports technical and vocational education and training programmes. By strengthening the links between schools and future employers, we provide clear legal career pathways for youth at the appropriate legal age.

Lao PDR is an economy characterized by a large agricultural sector and a vast number of micro, small, and medium-enterprises (MSMEs). Navigating compliance within these informal structures presents genuine operational challenges. It is our firm view that these challenges are best met through capacity-building, institutional strengthening and continuous awareness-raising, rather than through measures that disrupt trade or economic progress.

We commend the Government for maintaining an open, consultative and highly collaborative relationship with the employers through our national tripartite mechanisms. The LNCCI remains fully committed to this partnership, ensuring that business growth goes hand-in-hand with social responsibility and international labour standards.

In conclusion, the LNCCI calls upon this Committee to take a balanced and supportive approach in its conclusions. We urge the ILO and the international community to continue providing targeted technical assistance to both the public and private sectors in Lao PDR, helping us build a robust, child-labour-free economy.

Worker member, Lao People's Democratic Republic – The Lao Federation of Trade Unions (LFTU) highlights its commitment to eliminating child labour and upholding the Convention, seeing child labour as a critical issue of children's rights, social justice, decent work and sustainable development. Despite government efforts, child labour remains high, especially in the informal economy. The LFTU notes significant gaps in enforcement, monitoring and protection, particularly in rural areas.

The LFTU shares the Committee of Experts' concern about legislative inconsistencies. Specifically, Decree No. 4677 sets the minimum age for hazardous work at 15 years and contradicts Article 3 of the Convention, which specifies 18 years for hazardous work, with a limited exception of 16 years, under strict safeguards. The LFTU also emphasizes that apprenticeship programmes must be properly regulated and establish a minimum age of at least 14 years to prevent premature entry into the labour market. Clear legal provisions are crucial for protection and continued education.

To combat child labour, the LFTU identifies five key priorities beyond legal amendments:

- Strengthen labour inspection services by providing adequate staffing, resources and training for inspectors, especially in remote and high-risk sectors.
- Address child labour in the informal economy by improving community-based monitoring, local coordination and awareness among employers and families.
- Improve access to quality education by keeping children in school to prevent child labour.
- Expand social protection systems by supporting vulnerable households to reduce economic pressures leading to child labour.
- Prioritize social dialogue by engaging trade unions, employers' organizations and social sectors in awareness-raising, monitoring and policy development.

The LFTU calls for the Government to address legislative gaps, strengthen enforcement and intensify efforts against child labour, especially in hazardous work and the informal economy, to ensure all children have access to education and a future free from exploitation.

Government member, Cyprus – I am speaking on behalf of **the European Union (EU) and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, as well as the European Free Trade Agreement (EFTA) country **Norway**, member of the European Economic Area, which align themselves with this statement.

The European Union and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights, children's rights and the fight against child labour, as enshrined in the Convention. 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 European Union and its Member States have been committed development partners of Lao PDR, including through the "Everything But Arms" arrangement under the European Union's General Scheme of Preferences. The trade benefits granted under the "Everything But Arms" arrangement are subject to the condition that Lao PDR respects core international principles, enshrined in core United Nations and ILO Conventions.

We note with concern that the number of children engaged in child labour in the country remains high, despite the decrease observed since 2017. We request the Government to intensify its efforts to ensure the progressive and complete elimination of child labour, including in hazardous work and rural areas, and to step up the provision of detailed information to the Committee of Experts on the measures taken and results achieved, including disaggregated statistical data.

We also take note of the written information provided by the Government related to the actions undertaken to eliminate child labour and strengthen legislation on minimum age and hazardous work, including the development of a new National Action Plan on the Prevention and Elimination of Child Labour. We note with interest the Government's commitment to further strengthening its efforts and we encourage the Government to proceed swiftly with the adoption of the updated National Action Plan. Upon adoption, it should be shared with the Committee of Experts.

In order to effectively monitor and detect cases of child labour, the capacities of the labour inspection services should be adapted and reinforced. We request the Government to strengthen its efforts in this regard, both in the formal and informal economy. We note the Government's indication that the new Decree on Labour Inspection is now in force and actively implemented to strengthen the monitoring of child labour, particularly in rural and high-risk areas, and we encourage the Government to provide additional information on the activities of the labour inspectorate, including on the number and nature of violations detected and the penalties imposed.

We note with concern that the age of admission to hazardous work is still not aligned with the provisions of the Convention. We request the Government to take the necessary measures without delay to bring its legislation into conformity, to ensure that children under 16 may not, under any circumstances, be authorized to perform hazardous work.

We are further concerned by the reported increase in trafficking of women and children, the low prosecution rates and the insufficient resources to combat this serious issue. We reiterate the Committee of Experts' call to the Government to take all necessary measures to prevent and combat the worst forms of child labour, in particular the trafficking and commercial sexual exploitation of children under 18, and to ensure thorough investigations and prosecutions, as well as the imposition of effective and dissuasive penalties for all perpetrators.

We recall the importance of the fundamental ILO Conventions not yet ratified by Lao PDR, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the

Abolition of Forced Labour Convention, 1957 (No. 105), along with the governance Convention, the Labour Inspection Convention, 1947 (No. 81).

The ratification and effective implementation of these Conventions, together with other Conventions on human rights, environment and good governance, will constitute a prerequisite for Lao PDR to apply to become a beneficiary of the Generalised System of Preferences Plus trade scheme with the European Union once the country graduates from its "Least Developed Country" (LDC) status.

The European Union and its Member States remain committed to a joint constructive engagement with Lao PDR with the aim of strengthening the Government's capacity to address the issues raised in the Committee of Experts' report.

Government member, Philippines – I deliver this statement on behalf of the **11 Member States of the Association of Southeast Asian Nations (ASEAN)**. ASEAN commends the Government for its constructive steps, political will and continuous efforts to fulfil its obligations under the Convention. As an active member of the global community and a committed member of ASEAN, the Lao PDR has consistently demonstrated its dedication to the fundamental principles and rights at work, particularly the progressive elimination of child labour. This commitment is evidenced by its comprehensive national legislative frameworks which explicitly align with international standards to protect young people and ensure their rights to education and development.

ASEAN takes as a positive note the proactive measures undertaken by the Government, including legislative and policy alignment, the ongoing refinement and effective implementation of the comprehensive employment law and national legal frameworks that clearly define minimum working age thresholds and restrict hazardous labour.

Targeted national campaigns: The recent launch of coordinated multi-sectoral national awareness campaigns developed in partnership with domestic social partners and international stakeholders to prevent and eliminate child labour at the grassroots and community levels.

Socio-economic interventions: The integration of child labour elimination strategies into broader national development goals, including reduction, vocational and technical education reform, and the systematic expansion of the national social protection system with the technical support of the ILO.

ASEAN firmly believes that addressing compliance issues within this Committee should be approached through a spirit of constructive tripartism, mutual respect and social dialogue. Complex socio-economic challenges, such as the total eradication of child labour in developing economies, require sustained technical assistance, capacity-building and localized institutional support, rather than punitive scrutiny. In this regard, ASEAN appreciates the ongoing cooperation between the Government and the ILO. We highly encourage the ILO and international partners to continue providing tailored technical assistance to strengthen the capacity of Lao PDR's labour inspectorate and statistical systems and local administrative bodies.

In conclusion, ASEAN reiterates its full confidence in the Government's commitment to continuously improve its labour standards and effectively implement the Convention in both law and practice. ASEAN calls upon the Committee to reflect the progress made, the concrete responses provided and the specific national realities of Lao PDR in its conclusions.

Government member, Viet Nam – We align ourselves with the statement delivered by the distinguished delegate of the Philippines on behalf of the ASEAN Member States. Viet Nam has taken note of the observations of the Committee of Experts and the information provided by the Government concerning the application of the Convention. We recognize the efforts undertaken by the Government to strengthen its legal and institutional framework for the protection of children and the elimination of child labour, including through measures relating to labour inspection, age verification and access to education. We also welcome the Government's continued engagement with the ILO supervisory mechanisms and its cooperation with employers' and workers' organizations in addressing child labour and promoting the effective implementation of the Convention.

We recognize that challenges remain. In this regard, continued engagement with the ILO and social partners will be important in supporting further progress. Viet Nam therefore encourages the continuation of technical cooperation and capacity-building support to the Government in implementing the Convention and addressing the remaining challenges.

Employer member, Cambodia – On behalf of the Cambodian Federation of Employers and Business Associations (CAMFEBA), I offer our perspective on the Government's implementation of the Convention. The Committee of Experts shows persistent gaps in the Government's implementation of the Convention. The rate of child labour remains high in the country with concerning numbers of children engaged in hazardous work. Most critically, Decision No. 4677 continues to permit hazardous work for children under 16 in violation of Article 3(3) of the Convention.

However, against this backdrop, a positive shift is happening. The Committee of Experts' report references a decrease in child labour over the course of seven years. From 41.1 per cent in 2017 to 23 per cent in 2023. The decline is significant, showing encouraging progress that should not only be noted in passing. Rather, the progress needs to be examined carefully by all concerned parties, including the Office, to capture lessons learned and to identify further avenues of policies and support for the Government.

It is also our view that gaps identified by the Committee of Experts are not due to the lack of political will, but to constraints in institutional capacity and resources. The Government needs stronger legal frameworks, better trained labour inspectors and more efficient tripartite mechanisms. We therefore call on the Government to take three urgent actions: amend Decision No. 4677 to prohibit hazardous work for all children under 16; strengthen labour inspections with adequate resources; and deepen social dialogue through regular tripartite consultations. But these actions require support. We appeal to the Office to provide technical assistance to both the Government and the social partners, including legal revision support and capacity-building for labour inspectors.

We call on the Committee to adopt balanced conclusions that acknowledge progress, highlight persistent gaps and call for coordinated action to ensure every child in the country is protected, in accordance with the Convention.

Worker member, Philippines – Lao PDR is famously known as the land of a million elephants, but it appears that there is another elephant in the room. I hope it is not. I can identify it as the reduction of protection for children. The Government decided to lower protection from 16 years old to 15. This is not progress, but leaving children behind. Progress should mean raising standards for children, not lowering those standards.

We submit that childhood is not a probationary period for dangerous work. The workers of the Philippines share the concerns expressed by the Committee of Experts.

We acknowledge the efforts made by the Government. The Labour Law generally reflects the requirements of the Convention. The minimum age for employment is 14 and light work is permitted from age 12. However, in December 2023, Decision No. 4677 introduced a troubling change. While revising the list of hazardous occupations, it lowered the minimum age for hazardous work from 16 to 15. At first glance, one year may seem like a small difference, but with regard to hazardous work, one year is not a rounding error. For a child operating dangerous machinery, carrying heavy loads or working in harmful conditions, that year can make all the difference.

We support the concern of the Committee of Experts. Article 3(3) of the Convention is clear. Hazardous work may be permitted only from the age of 16 and only under strict safeguards. The Convention sets 16 as the protective floor. Decision No. 4677 lowered that floor. When a floor is lowered, children do not rise higher. They simply fall farther.

While Decision No. 4677 provides for training and protection measures, a hard hat is not a substitute for childhood. Protective gloves cannot cure a legal standard that falls below the Convention.

Interpretation from Russian: **Government member, Russian Federation** – The Government of the Lao People's Democratic Republic is taking consistent steps in accordance with its obligations under the Convention, as well as other applicable international standards. These include both legislative measures and comprehensive practical steps aimed at combating child labour. In particular, in collaboration with authoritative international organizations, including UNICEF, programmes are being implemented to raise awareness on the issue of child labour. The legislation adopted explicitly prohibits the employment of persons under 16 in hazardous work and restricts the admission of persons under the age of 14 to apprenticeship programmes.

The Government is taking active steps to counter trafficking in persons, including the trafficking of minors. To this end, an inter-sectoral legislative package, covering the labour, social and criminal justice spheres, has been adopted. Training programmes for law enforcement and social service personnel are being implemented. Given the context, it's clear that the Government of the Lao People's Democratic Republic is taking all the necessary measures to counter child labour. Although the problem still exists, it can be stated that the country has a strong legal framework in place to address it, and with its steps in practice, the Lao People's Democratic Republic is showing its willingness to implement legislation. We support the Government of the Lao People's Democratic Republic in its efforts to eliminate child labour, and we call on the ILO to provide technical assistance on this matter to the Lao People's Democratic Republic.

Worker member, Singapore – I would like to join my fellow workers' representatives to express our concern regarding the continued failure of the Government to comply with the Convention, particularly in relation to the Law on Vocational Education (Amended) No. 63/NA of 2019. While we note the Government's efforts to strengthen its vocational education framework, the Committee of Experts has identified significant gaps in the Law that are not in conformity with the Convention.

Firstly, the Law does not clearly establish a minimum age for admission to apprenticeships and vocational training in line with the Convention. The absence of a clear and explicit minimum age requirement creates legal uncertainty and opens the possibility for children to enter vocational pathways prematurely. The Committee of Experts notes that the Government has not specified whether the amended Law on Vocational Education (Amended) No. 63/NA sets a minimum age of at least 14 years for admission to apprenticeships. This is particularly

problematic where it may allow entry into training before the completion of compulsory education, which runs counter to the fundamental principle of the Convention, that children must not be drawn into economic activity at the expense of their basic education.

Secondly, the Law does not sufficiently ensure that vocational education is compatible with children's right to education and development. There is a lack of clear safeguards to guarantee that training programmes are genuinely educational and not combined with work arrangements that may amount to economic exploitation. Without clear legal provisions on the nature, conditions and oversight of apprenticeships, the distinction between education and work remains blurred, increasing the risk that children are exposed to inappropriate or premature work situations.

Thirdly, the Law lacks adequate provisions to ensure effective supervision and oversight of vocational training programmes. The Committee of Experts has noted the need for stronger mechanisms to monitor implementation and ensure compliance.

We call on the Government to take urgent and concrete steps:

First, amend the Law to explicitly establish a minimum age for admission to vocational training and apprenticeships that is fully aligned with the Convention.

Second, introduce clear legal provisions to ensure that all vocational training programmes are genuinely educational in nature, with defined learning outcomes and strict safeguards that prevent their use as a source of labour.

Third, strengthen the Law by incorporating robust supervision, and monitoring and enforcement mechanisms, including coordination between the education authorities and labour inspectorates.

Finally, ensure that these reforms are developed through meaningful social dialogue, with the full involvement of workers' and employers' organizations.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to raise the following points.

Switzerland notes the information provided by the Government concerning the application of the Convention, and the comments made by the Committee of Experts.

We note with interest the current preparation of a new National Action Plan on the Prevention and Elimination of Child Labour, which will soon be submitted to the Cabinet for approval. We encourage the authorities to adopt this Action Plan rapidly and ensure its effective implementation.

Switzerland also notes the progress achieved, and particularly the reduction in the rate of children engaged in child labour, which has fallen from 41.5 per cent in 2017 to 23 per cent in 2023. However, this rate remains high, particularly in rural areas, where children are more exposed, including to hazardous work.

We therefore encourage the Government to pursue and intensify its efforts for the progressive elimination of child labour, and particularly its hazardous forms, and to provide detailed information on the measures taken and results achieved.

Switzerland notes the intention to adopt a new Decree to strengthen labour inspection. We invite the authorities to specify the activities carried out in this field and to ensure that the inspection services are provided with the necessary resources to ensure effective inspection in both the formal and informal economy.

We also note with concern that the current legislation permits access to certain types of hazardous work from the age of 15 years. We recall that, in accordance with the Convention, this threshold should be 16 years as a minimum, subject to strict guarantees in relation to safety and health and training. We encourage the Government to continue its effects to bring the legislation into full conformity with the provisions of this fundamental Convention.

Worker member, Japan – Child labour remains a serious challenge in Lao PDR, particularly in agriculture and other sectors where children are exposed to hazardous conditions. The persistence of hazardous child labour is not simply a consequence of poverty; it is also a consequence of inadequate enforcement and insufficient political will. The Convention establishes a fundamental principle: children belong in school, not at work. Every child engaged in hazardous labour is a child whose right to education, health, development and a decent future is being denied. We therefore fully support the request of the Committee of Experts and urge the Government to take immediate and concrete measures to:

First, substantially strengthen and reinforce the labour inspection system so that inspectors can effectively monitor workplaces and detect child labour throughout both the formal and informal economy, including in remote rural areas.

Second, ensure that labour inspections lead to effective enforcement, including the identification of violations, the imposition of appropriate sanctions and the removal and protection of children found in hazardous work.

Third, provide comprehensive and transparent information on the measures taken and the results achieved, including labour inspection statistics, the number and nature of the violations identified, the penalties imposed and the actions taken to withdraw children from child labour.

The Japanese trade union movement strongly supports international efforts to eliminate child labour in all its forms. In this regard, Japan has been supporting efforts in Lao PDR through cooperation with the ILO and other partners. This includes support for the collection of reliable data through national child labour surveys, which are essential to understand the scale and characteristics of child labour and to develop effective policies and targeted interventions. In addition, the Japan International Labour Foundation has been implementing projects aimed at improving the livelihoods and incomes of workers in the informal economy and at strengthening workers' organizations at the community level. Such initiatives contribute to reducing the economic vulnerabilities that often push families to rely on child labour and help create conditions in which children can remain in school and enjoy their childhood.

However, international cooperation cannot substitute for national responsibilities. External support can assist and complement national efforts, but the primary responsibility for ensuring compliance with the Convention rests with the Government. The continued existence of child labour, particularly hazardous child labour, demands urgency, not promises. Children need effective protection now. We therefore urge the Government to translate its commitments into concrete action and measurable results so that every child in Lao PDR can enjoy their right to education, health, safety and a future free from exploitation.

Government member, Cuba – Cuba welcomes the useful document provided by the Government containing information on the measures adopted to give effect to the requirements of the Convention. We particularly value and welcome the willingness and disposition of the Government to maintain open and constructive dialogue with this Committee, and its positive response to the request to provide information in writing. We particularly emphasize the sustained efforts that have been made by the Government to

strengthen the system for the compilation of data and to monitor the situation in collaboration with experts from the Lao Statistics Bureau and the United Nations Children's Fund (UNICEF).

This action to generate updated, reliable and disaggregated statistical data is an important and positive step in facilitating understanding of the nature, scope and trends of child labour and in guiding public policies more effectively. We also recognize the effective progress made in relation to labour inspection with the entry into force of the new Decree on Labour Inspection, the increase in the number of trained labour inspectors and the specific inspections carried out in such sectors as agriculture and construction,

This demonstrates a tangible commitment to the application of the law and the protection of children. We also welcome the adoption of legislative provisions such as the Law on Vocational Training (as amended) No. 63/NA and the Labour Law, which seek to bring the minimum age for apprenticeship into conformity with the provisions of Article 6 of the Convention, while at the same time explicitly prohibiting hazardous work by young persons. Although there remain challenges, as in all countries, we welcome the Government's receptive attitude to the concerns raised by the Committee of Experts and the specific action taken, which bear witness to its firm determination to intensify preventive action, ensure the prosecution of offenders and strengthen protection systems.

Interpretation from Russian: **Government member, Belarus** – First of all, our thanks go to the Government of the Lao People's Democratic Republic for providing the information before us. The Government is demonstrating its steadfast commitment to applying the Convention and consistently carrying out a set of measures to eliminate child labour.

We welcome the efforts of the Government to improve the legislation in this area, in particular the establishment of a minimum age for admission to work and the prohibition of hazardous work for persons under 18 years of age, as well as limiting working hours for minors along with measures to protect their health and safety. The adoption and implementation of the National Action Plan on the Prevention and Elimination of Child Labour is making a significant contribution to the policy on child labour prevention applied in the Lao People's Democratic Republic through monitoring the situation at the national and local levels, and providing training for labour inspectors and representatives of the private sector. The Government of the Lao People's Democratic Republic is actively cooperating with the ILO, UNICEF and other United Nations agencies to organize awareness-raising campaigns aimed at changing public attitudes towards child labour and raising awareness of children's rights. Therefore, the Lao People's Democratic Republic has not only aligned itself with international standards on child protection, but is also taking practical measures to reduce child labour, strengthen the enforcement of legislation and safeguard children's rights to education and a safe childhood. We welcome the commitment of the Lao People's Democratic Republic to a constructive approach, and we call on the Office to provide the necessary technical assistance so that the country can make progress in fulfilling its obligations under ILO Conventions and strengthen its potential in the social and labour sector.

Interpretation from Chinese: **Government member, China** – We give thanks for the detailed statement delivered by the representative of the Government. China notes that the Government has taken active measures to fulfil its obligations under international law for the protection of labour rights. Since ratifying the Convention in 2005, the Government has continuously improved its domestic legal framework, developed relevant national action plans and prioritized policies for rural areas and the informal economy. The Government has also launched assistance programmes, provided subsidies to vulnerable families to reduce child labour and offered scholarships and school meals to help working children return to school. In

light of its national development realities, the Government has earnestly implemented its obligations under the Convention and achieved positive progress and accomplishments which deserve our recognition. China hopes that the Office will keep in close contact with the Government, provide the necessary technical assistance based on its actual needs and help the Government to further enhance its capacity to implement the Convention and advance decent work and social justice in the country.

Government representative – We reach the conclusion of the discussion on this individual case regarding the application of the Convention. First and foremost, my delegation wishes to express its sincere appreciation to the Chairperson and the officers of this Committee for the professional, transparent and balanced manner in which these proceedings have been conducted. We also highly value the constructive interventions, insights and recommendations put forward by the Employer and Worker members, as well as the representatives of the various Member States who have spoken on this case. The eradication of child labour and the strict enforcement of minimum age standards are not merely statutory obligations under our ratified Conventions. They are core priorities deeply embedded within our national development agenda.

As we have detailed in our earlier submission, the Government has made significant strides in aligning our domestic legal framework, including our national labour law, national social and economic strategies and targeted action plans with the strict parameters of the Convention. We have listened very closely to the comments and concerns raised by the social partners today regarding the remaining gaps, particularly concerning the effective monitoring of the informal sector, agricultural communities and the capacity of our labour inspection system. We acknowledge these observations with the utmost sincerity. For a developing nation like Lao PDR, bridging the gap between rigorous legal provisions and full operational implementation across remote areas presents real structural and financial challenges.

However, let me assure this Committee that our political views remain unwavering. The challenges we face do not diminish our commitment. Rather, they sharpen our focus. Moving forward from this session, the Government pledges to prioritize the following key areas of action.

First, we will continue to refine and strengthen our labour inspection mechanisms, maximizing our available resources to better reach vulnerable and informal sectors where hidden child labour risks are most persistent.

Second, we will intensify our nationwide awareness campaigns, working closely with local authorities, communities and families to emphasize the critical importance of keeping children in school and out of hazardous work.

Third, we will further solidify our domestic tripartite cooperation, ensuring that our social partners, the workers' and employers' organizations of Lao PDR, are actively consulted and embedded in the monitoring and execution of our national strategy on the elimination of child labour.

No single nation can tackle the socio-economic root causes of child labour in isolation. To accelerate our progress, the Government will continue to seek and welcome the technical assistance and guidance of the ILO. We highly value the collaborative spirit of the ILO and look forward to partnering on targeted capacity-building programmes that will directly address the operational gaps discussed today.

In conclusion, we respectfully request the conclusions of this Committee to accurately reflect the substantial progress, genuine efforts and concrete milestones that Lao PDR has

already achieved since ratifying the Convention. We ask that the Committee take into full consideration the socio-economic realities and resource constraints of our country, framing its final recommendations in a supportive, collaborative and forward-looking manner. The Government remains fully committed to the foundational values of the ILO. We depart this session with a renewed determination to protect our children, safeguard their futures and ensure that decent work becomes a reality for every citizen across our nation.

Worker members – The Worker members would like to thank the Government for its engagement in this discussion and for the additional information provided. We also thank all delegates who contributed to this constructive exchange.

In concluding our consideration of the application of the Convention by the Government, the Worker members recognize the efforts undertaken by the Government, while emphasizing that important challenges remain in ensuring the full and effective implementation of the Convention in law and in practice.

We take note of the information provided by the Government, including the pending adoption of a new National Action Plan on the Prevention and Elimination of Child Labour, as well as the implementation of measures aimed at addressing the root causes of child labour, including community-based programmes to support vulnerable families and initiatives to expand access to education through scholarships, school feeding programmes and the reintegration of working children into schools.

While we acknowledge the reported reduction in child labour since 2017, the data confirm that child labour remains a significant concern, affecting a substantial proportion of children in the country, particularly in rural areas and in hazardous forms of work. The persistent disparities between rural and urban areas, together with the continued prevalence of hazardous work involving dangerous tools and machinery, exposure to harsh environmental conditions and physically demanding tasks, demonstrate that sustained and targeted action remains urgently needed.

The Worker members also reiterate their concern regarding the limited information available on the functioning and effectiveness of the labour inspection services. Effective labour inspection is a cornerstone of the Convention and an essential tool for identifying, preventing and addressing child labour. In the absence of comprehensive information on inspections conducted, violations detected, sanctions imposed and follow-up measures taken, it remains difficult to assess the effectiveness of enforcement in practice. Strengthening the capacity, coverage and resources of the labour inspectorate, particularly in rural and remote areas, should therefore remain a priority.

The Worker members further reiterate their concern regarding the legal framework governing hazardous work. As highlighted by the Committee of Experts, Decision No. 4677 appears to permit children under the age of 16 to engage in hazardous work under certain circumstances. This is not compatible with Article 3(3) of the Convention. The Worker members therefore urge the Government to complete, without delay, the review of the legislation and to ensure full conformity with the Convention by prohibiting hazardous work for all persons under the age of 16.

At the same time, the Worker members take note of the provisions regulating light work from the age of 12 and emphasize the importance of ensuring that such work is strictly supervised and does not compromise children’s education, health, development or well-being.

The Worker members also note the information provided regarding the minimum age for admission to apprenticeship programmes and encourage the Government to continue

ensuring that vocational education and training frameworks remain fully aligned with the requirements and objectives of the Convention.

In conclusion, the Worker members recognize the steps taken by the Government to prevent and reduce child labour. Nevertheless, the scale and persistence of child labour, particularly in rural areas and in hazardous conditions, demonstrate that further decisive and sustained action is required.

The Worker members therefore encourage the Government to intensify its efforts through a comprehensive approach that combines effective enforcement, quality education, social protection and targeted prevention measures, with particular attention to rural communities where child labour remains most prevalent.

In this regard, the Worker members encourage the Government to:

- One: intensify its efforts to eliminate child labour, particularly in rural areas and in hazardous forms of work, including through the adoption and implementation of the National Action Plan on the Prevention and Elimination of Child Labour, and to provide updated information on the measures taken and results achieved.
- Two: continue to implement and strengthen the community-based programmes and the measures aimed at expanding access to and retention in education, and provide information on their implementation and impact, particularly in rural areas.
- Three: strengthen the capacity, coverage, resources and effectiveness of labour inspection services, including in rural and remote areas, to ensure adequate monitoring and detection of child labour in both the formal and informal economy.
- Four: provide detailed information on labour inspection activities with regard to the detection of child labour cases, including the number and nature of the violations detected, and the penalties imposed.
- Five: review and amend Decision No. 4677 to ensure that no person under 16 years of age is authorized to perform hazardous work under any circumstances, in line with Article 3(3) of the Convention.
- Six: ensure that the light work permitted from the age of 12 is strictly limited in practice, effectively monitored, and does not harm children’s health or development or interfere with their education.
- Seven: provide updated and disaggregated statistical data on the nature, extent and trends of child labour in the country, including by age, sex and geographic location.

The elimination of child labour is both a fundamental obligation under the Convention and an essential condition for ensuring that every child can enjoy their right to education, healthy development and decent future opportunities. In this regard, the Worker members invite the Government to avail itself of the technical assistance of the Office in addressing the outstanding issues identified by the Committee of Experts and in further strengthening the effective implementation of the Convention.

Employer members – The Employer members thank the Government for the information provided and the firm commitment expressed before the Committee. We also thank those speakers who participated in the discussion and we note their comments. We note the Government’s cooperation with international organizations and we hope that the technical assistance received from the ILO and UNICEF will enable it to improve its data system with a

view to the compilation of updated statistics on the nature, scope and trends of child labour in the country.

In light of the discussion, we note that that the Government is faced by persistent challenges. The reduction in child labour is a fact, but violations of the law and the weakness of enforcement are placing the progress achieved at risk.

The failure of compliance by the Government with the Convention is no mere legal formality. It has real and documented consequences on the lives of children in the country. Allowing hazardous work from the age of 15 in a country in which nearly one in four children work, where rural poverty is over 24 per cent and where households are reducing their spending on education and health as a result of economic pressure, creates the perfect conditions for these practices to be the rule rather than the exception.

The recognition by the Government that Decision No. 4677 is not in line with the Convention makes reform even more urgent. Each month of delay is a month during which children of 15 years of age continue to be legally exposed to work that is considered unacceptable in international law even for children of 16 years of age.

In the same way as in other cases, the Employer members insist on the need to amend the applicable legislation to bring it into line with the Convention, and to withdraw children from child labour, which are not in themselves sustainable solutions unless the presence of children is guaranteed in the education system and the living conditions of their families are improved, alongside the creation of quality work in their communities.

The economy of the Lao People's Democratic Republic is based on a productive system involving micro, small and medium-sized enterprises, and we therefore encourage the Government to supplement the measures to address the structural causes of child labour and to design strategies to promote the consolidation of a conducive environment for sustainable enterprises, so that they can offer quality employment for adults.

In brief, our recommendations to the Government in this case are to: bring Decision No. 4677 into compliance without delay to ensure that the minimum age for hazardous work is 16 years, without any exceptions for children aged 15 years; amend the legislation on vocational training to introduce a provision that makes explicit reference to the minimum age of 14 years for vocational training, and the explicit prohibition for apprentices to perform heavy work or work that is hazardous to their health. In addition, we call on the Government to provide detailed statistical data disaggregated by sector and gender under the new Nation Strategy on the Prevention and Elimination of Child Labour, once it has been adopted.

We recommend the Government to ensure that, in all cases of child labour, including those related to trafficking and children involved in hazardous work, exhaustive investigations are carried out and robust criminal proceedings pursued, all those responsible are brought to justice and sufficiently effective and dissuasive penalties imposed. It should also provide quantitative data on inspection, including the number of inspections, the specific child labour violations detected and the penalties applied in practice under the new Decree on Labour Inspection No. 289. We also encourage the Government to strengthen the capacities of the social partners.

We also note the involvement of employers' and workers' bodies in the development of strategies for the prevention and eradication of child labour, and we encourage the Government to promote continued positive dialogue with employers' and workers' bodies on the ground.

The Employer members observe that the challenges on the ground require in-depth tripartite dialogue to address the multiple causes that are central to the issue of child labour and we call on the Government to include employers' and workers' organizations in discussions on how to strengthen the socio-productive system in the country and design multidimensional strategies to ensure compliance with the standards on minimum age in the Lao People's Democratic Republic.

Finally, we encourage the Government to request ILO technical assistance. It is urgent to focus efforts on a programme dedicated to the implementation of the Convention, which can help strengthen the compilation of administrative data and the capacities of the labour inspection services, particularly in rural areas. We hope that the firm commitment expressed by the Government will take the form without delay of specific measures to ensure that children remain where they should be, in schools, preparing to build the future of the Lao People's Democratic Republic.

Chairperson – This concludes the discussion of this case. I thank the Government representative of the Lao People's Democratic Republic and all the other speakers who participated in the discussion.

Conclusions of the Committee

The Committee took note of the written and oral information available and the discussion that followed.

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

- **redouble efforts to ensure the elimination of child labour through the prompt adoption and effective implementation of the National Action Plan on the Prevention and Elimination of Child Labour;**
- **promptly harmonize legislation with Decision No. 4677/MOLSW to ensure that the minimum age for heavy or hazardous work is 16 years, and amend the legislation on vocational education to include a provision that explicitly refers to the minimum age of 14 for vocational training, as well an express prohibition on apprentices performing heavy or hazardous work;**
- **provide statistical information, disaggregated by sector and gender, derived from the National Action Plan for the Eradication of Child Labour once it is adopted;**
- **ensure that in all cases of child labour, thorough investigations and robust criminal proceedings are conducted, and sufficiently effective and deterrent penalties are imposed;**
- **strengthen administrative data collection and the capacities of labour inspection agencies, to ensure that there is effective detection of cases of child labour, especially in the informal and rural sectors;**
- **take measures to strengthen the capacities of the most representative employers' and workers' organizations and continue positive tripartite dialogue with these organizations on the design and implementation of national strategies to ensure compliance with minimum age standards in the country.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Government representative – The Government of Lao People's Democratic Republic would like to express its gratitude and thanks to the Committee and all the speakers for their insight on the recommendations as well as the conclusions on this case on the application of the Convention. We take full note of the conclusions of the case on the Convention and fully commit to the implementation of ILO Conventions, in consultation with the Office and the social partners.

Liberia (ratification: 1962)

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

Discussion by the Committee

Chairperson – We will begin today's fifth case, which relates to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Liberia. There are 16 speakers on the list for the discussion of this case. Exceptionally, the Officers of the Committee have agreed that the Government representative, as well as the representative of the workers of Liberia, may participate in the discussion remotely via Zoom.

I invite the Government representative of Liberia, the Deputy Minister responsible for administration, to take the floor.

Government representative – On behalf of the Government and people of the Republic of Liberia, we bring warm greetings to this 114th Session of the International Labour Conference. We extend our appreciation to the Committee for its unwavering commitment to advancing social justice, promoting decent work and strengthening the rights and dignity of workers across the globe. Liberia remains committed to the principles upon which the ILO was founded. Under the leadership of His Excellency, President Joseph Nyumah Boakai, Sr, guided by the Government's national development framework, the ARREST Agenda for Inclusive Development (AAID), focusing on agricultural rules, rule of law, education, sanitation and tourism, our nation is pursuing a transformative path towards sustainable economic growth, job creation, social inclusion and improved living standards for all Liberians. Central to this national vision is the promotion of decent work, respect for fundamental principles and rights at work and the strengthening of institutions that foster productive employment, industrial harmony and social dialogue. Importantly, Liberia has been faced with a series of technical constraints, legal issues and, at one point, a struggle with national workers' leaders, a leadership crisis which affected our reporting trend with the ILO, for which the Committee of Experts recorded failure on our part to meet the said obligation.

Amid the challenges, I would like to point out that Liberia has been making some efforts towards improving decent work in our country. One of the most difficult situations that posed challenges to our efforts in labour administration was the impasse that lasted a long time within the workers' leadership, the Liberia Labour Congress. The leadership crisis prevented us from having a united workforce in our tripartite arrangement to reach consensus on most of our obligations with international labour treaties. Thankfully, through the institution of social dialogue, the issues are resolved and we have now a united workforce within the Liberia Labour Congress. Additionally, we adopted a National Strategic Plan 2025–29 on creating decent jobs and employment for a stable labour market and economic growth in Liberia; formulated and launched Regulation No. 19 on occupational safety, health and welfare in the

workplace while remaining focused on the implementation of the recommendations contained in the direct contacts mission's report.

On the implementation of the Convention, which is grounded on freedom of association and the right to organize, Liberia is making every effort to bridge the gap between the Decent Work Act of 2015 that governs workers in the private sector and the Civil Service Standing Orders that govern workers in the public sector. While it is true that our jurisdiction does not cover workers in the public sector, there have been achievements in the organization of national teachers that cut across both sectors and health workers in the private sector, a step that once challenged our labour administration procedures. Liberia considers the importance of the harmonization of the Decent Work Act of 2015 and the Civil Service Standing Orders, especially where settlement of our laws limit the rights of workers. They will be amended to comply with international labour Conventions. As much as we are working to resolve these inherited social justice and legal issues that are reflected in the report of the Committee of Experts, we wish to note to the International Labour Organization that we are faced with key technical and resource constraints. Therefore, we seek the support of the ILO through technical assistance, training of labour administrators and allocation of resources to various programmes that will strengthen our labour administration and reform our labour laws through the implementation of the Decent Work Country Programmes, which will help us overcome these challenges and improve our reporting obligations.

In conclusion, Liberia remains committed to being in compliance with all Conventions and Recommendations of the International Labour Organization.

Worker members – This is the third time in five years that this Committee is examining the application of the Convention by the Government of Liberia. At the outset, the Worker members note that this case concerns several long-standing and serious issues that have been raised repeatedly by the Committee of Experts and by this Committee over many years and which remain unresolved in both law and practice. While we acknowledge the Government's engagement with the ILO supervisory system including through the direct contacts mission in 2024 and the follow-up technical mission in 2025, we also note that progress on several core issues is limited and requires renewed and accelerated action to bring law and practice into compliance with the Convention.

Firstly, we note with concern that allegations of serious violations of freedom of association rights continue to be made in relation to anti-union discrimination, interference in trade union activities and reprisals linked to industrial action. In this regard, we recall the Committee of Experts' emphasis that such allegations must be addressed in a timely and adequate manner through prompt and independent investigations with effective remedial action where necessary. The absence of clear and timely follow-up in such cases risks undermining the protection of these fundamental rights and weakening confidence in their enforcement.

For years, the ILO supervisory bodies have called upon the Government to take the necessary steps to enable the registration of the National Health Workers' Union of Liberia (NAHWUL). With regard to this issue, the Worker members take note of the Government's reference to the ongoing labour law harmonization process and the planned review of the Decent Work Act and the Civil Service Standing Orders. We also note the expectation that this process will enable NAHWUL to obtain full statutory recognition in law and in practice. Workers should not be required to wait indefinitely for the effective exercise of a fundamental right to organize. Therefore, while we welcome the direction of reform, we urge the Government to accelerate the harmonization process and to put in place interim measures to ensure that all

categories of health workers can fully and effectively exercise their rights under the Convention pending the completion of legislative reform.

On the broader scope of application of the Convention, the Worker members express once again their long-standing concern regarding the exclusion of civil servants from full trade union rights under existing legal and regulatory frameworks. The Civil Service Standing Orders do not grant civil servants the rights to unionize and bargain collectively on issues relating to salaries and working conditions and civil servants are instead represented by the Civil Servant Association which does not enjoy the full rights and protections of trade unions under the Convention. We take note of the Government's intention to undertake a holistic review of the Decent Work Act and the Civil Service Standing Orders, as well as its reference to the Civil Servant Association and its role in representing public servants' interests. However, the Worker members underline that this Association lacks the rights of private sector trade unions. We urge the Government to ensure that the review of the Decent Work Act and the Civil Service Standing Orders takes place without further delay and results in full recognition of the right of civil servants to establish and join trade unions of their choosing, in line with the Convention. We also support and reiterate the recommendation that pending legislative reform interim arrangements be put in place to ensure the effective and meaningful participation of public service workers in social dialogue bodies, such as the National Tripartite Committee and the Wage Board.

The Worker members further express concerns about the continued exclusion of maritime workers and foreign workers from the right to establish and join organizations. Article 2 of the Convention is clear that workers without distinction whatsoever shall have the right to establish and to join organizations of their own choosing. Noting the ongoing labour law harmonization process, we urge the Government to proceed with the planned legal reforms to remove any remaining exclusions and to ensure that all workers can freely exercise their right to organize.

With regard to the determination of essential services, we note the Government's indication that further clarification and designation will be addressed through the forthcoming legal review. We recall that any determination of essential services must be strictly limited to the services the interruption of which would endanger the life, personal safety or health of the population, and that the social partners should be fully involved in such processes. The Worker members underline that many of the concerns raised in this case are of a persistent and structural nature affecting the full and effective application of the Convention in law and in practice. We note that Liberia ratified the Convention in 1962 and it has been already 63 years now that public service workers cannot fully exercise their freedom of association.

While we recognize the Government's stated willingness to pursue reform, the outstanding issues require urgent and sustained action including timely implementation, clear and coherent legislative drafting and meaningful consultation with the social partners that lead to concrete outcomes. In conclusion, the Worker members urge and expect the Government to complete the ongoing labour law reform process without further delay to ensure that all categories of workers fully and effectively enjoy the rights guaranteed under the Convention in both law and in practice.

Employer members – The Employer members would like to thank the Government of Liberia for its participation in this Committee and for the information it has shared. We would also like to wish and encourage the Government of Liberia to take concrete steps to respond, investigate and remedy the issues regarding the implementation of the Convention within its applicable law and practice.

Convention No. 87, as we all know, is a fundamental Convention. It requires the very best from this Committee. Liberia ratified the Convention in 1962, and this case was previously discussed in this Committee in 2023. There have been ten observations made by the Committee of Experts on this case since 2015. The latest observation was made last year in 2025. The Committee of Experts has continued to repeat a number of its observations indicating that several issues remain unresolved. The Employer members note with approval the Government's acceptance of a direct contacts mission in 2024 and the subsequent 2025 technical mission of the Office. The Employer members also welcome the resulting draft road map of the Government's stated commitment to aligning its national legislation with international obligations to resolve outstanding issues.

In this case, the Committee of Experts' observations have included, by way of example, the following: (i) the Committee of Experts had expected the Government to conduct a holistic review of its Decent Work Act and Civil Service Standing Orders to formally grant civil servants the right to unionize and bargain collectively. In the meantime, the Committee had encouraged the establishment of interim arrangements to ensure that the Civil Servant Association of Liberia (CSAL) be represented in social dialogue bodies; (ii) the Committee of Experts also observed allegations of persistent anti-union conduct and a stated refusal to register NAHWUL; (iii) the Committee of Experts requested information on tangible measures that were taken to amend the Decent Work Act to allow maritime workers and trainees to more fully exercise rights available under the Convention; (iv) the Committee of Experts requested updates on the Government's plans to review the Decent Work Act to ensure foreign workers are granted the right to establish and form trade union organizations, rather than just having the right to join them; and (v) finally, the Committee requested further information on how essential services will be designated by the National Tripartite Council of Liberia (NTCL) during an upcoming labour law review; that is, the Committee of Experts sought clarification on any instances where the President might designate services as essential without NTCL recommendations.

The Employer members wish to again stress their deep commitment towards the full expression of Convention No. 87 in both law and practice. Our sincere hope is that these proceedings can facilitate meaningful development in Liberia on these critical issues. With that in mind, the Employer members wish to note that: (i) violence or coercion of any kind inhibits Workers' and Employers' groups from expressing their rights and freedoms under Convention No. 87 and cannot be tolerated; (ii) we would also like to better understand why NAHWUL has not been formally registered and how this failure has infringed upon the rights and freedoms contained within Convention No. 87; (iii) Article 9(1) of the Convention expresses clear instructions that individuals working with the police or armed forces shall have any "guarantees" within the Convention "determined by national laws or regulations". It would appear that how certain services can be deemed as essential, and on what basis, provokes this portion of the Convention. The Employer members wish to know more as to the circumstances when the President can override the definitions of essential services within section 41.4A of the Decent Work Act, if at all. Whether those services extend beyond police and armed forces, and whether and how the authority of the President in this context interplays with other authorities in Liberia; (iv) the Employer members also, similarly, wish to know more about the alleged limitations on civil service workers under the Convention; (v) although we take with due consideration the Committee of Experts' ongoing concerns about the application of the Convention to the maritime sector, we would also like to better understand the Government's position on why section 1.5(c)(i) and 1.5(c)(ii) of the Decent Work Act have not yet been amended, consistent with the Committee of Experts' requests. There may be a legitimate basis, or at least more context, and the Employer members would appreciate the opportunity to more fully consider this issue.

Similarly, we wish to learn more about why section 45.6 of the Decent Work Act has not been amended to expressly allow foreign workers to form – as opposed to simply join – Workers' groups of their own choosing. There is a great deal more to learn about this particular issue. Context that would be necessary to meaningfully understand the situation and form our own position as an Employers' group. Are foreign workers expressly prohibited from forming their own representative groups? How does this issue intersect with Liberian law and practice relating to foreign workers' rights, obligations and protections more broadly?

The Employer members prevail on the Liberian Government to meaningfully respond to the Committee of Experts' concerns, to collaborate with this Committee, the ILO and civil society. It is the view of the Employer members that Liberia needs continued technical and other material assistance, and we call on them to work with any legitimate competent and resource group to begin working on a technical road map. We look forward to hearing the views from the other groups on this case.

Worker member, Liberia – The Convention guarantees workers the right to freely associate with trade union organizations of their own choice. We, the workers of Liberia, call upon the ILO to champion the essential rights of workers in Liberia to freely join any association or trade union organizations to allow them to take part in the labour movement, like the Liberia Labour Congress. Additionally, we urge the Government to implement comprehensive labour reform that will allow all workers to be part of the Decent Work Act.

Over the years, civil servants, health workers, and public-school teachers have been denied the right to join the union of their choice or to freely associate. Let us all unite in our efforts to uphold these rights, ensuring that dignity and respect for every worker in Liberia, which are essential to uphold freedom of association. In conclusion, we wish to inform the ILO that the long-standing crisis within the labour movement that lasted for more than two years has now been resolved among ourselves to allow us to fight for the rights of civil servants, teachers, and, of course, health workers to join the labour movement, ensuring that those rights are not prevented by any law, such as the Civil Service Standing Orders which do not allow civil servants, health workers and public-school teachers to join trade unions. We also request the ILO to provide technical assistance in those areas through tripartite organizations – employers, employees and the Government – to ensure that the law is harmonized, especially the two laws that are causing problems.

Other countries guarantee the right of civil servants to organize into trade unions. We must also use the same format to allow our brothers, our sisters to join trade unions of their choice. Finally, we request the Government to speed up the process of aligning the two laws, so they are harmonized into one law. We cannot have two laws operating in two organizations of workers. Workers are to be one and workers will be as one.

Government member, Cyprus – I speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, as well as the **United Kingdom of Great Britain and Northern Ireland** align themselves with this statement. The European Union 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards. The European Union and its Member States are long-term partners of Liberia.

This partnership is further reinforced in the framework of our cooperation with the African Union and the Economic Community of West African States (ECOWAS), as well as in including Liberia among the beneficiaries of the European Union's "Everything but Arms" scheme for the least developed countries. The Government, in partnership with the European Union, hosted the Liberia–European Union Business Forum in Brussels in 2026. We note with concern that the case of Liberia's failure to comply with the Convention is being discussed for the third time in the last five years, previously in 2022 and 2023. We note with deep concern that according to the most recent observations of the African regional organization of the International Trade Union Confederation (ITUC–Africa), the Government refused to register NAHWUL, disregarding Article 2 of the Convention which grants workers the right to form organizations without prior authorization. We are also concerned by the new reports of anti-union practices and government interference in the trade union election process.

The Committee of Experts observed that, despite repeated concerns raised by ITUC–Africa and submissions to the ILO supervisory bodies, the Government has neither addressed NAHWUL registration nor sanctioned anti-union practices. We note the observation of the Committee of Experts that civil servants in Liberia are represented by the Civil Service Association which does not have the rights enjoyed by trade unions in the private sector. We urge the Government, in line with the Committee of Experts' request and recommendations of the direct contacts mission, to ensure that all workers, including those in the public sector, are able to exercise their labour rights under the Convention. We appreciate that the Government received an ILO direct contacts mission in July 2024, followed by a technical mission in 2025. We also welcome the fact that the Government has expressed its commitment to resolving all outstanding issues relating to the application of the Convention, including by development of a road map and comprehensive review of legislation.

We call on the Government to carry out, without further delay, a holistic review of the law including the Decent Work Act and the Civil Service Standing Orders in consultation with representative workers' and employers' organizations with a view to recognizing trade union rights for civil servants, as requested by the Committee of Experts. We also call on the Government to implement the recommendations of the direct contacts mission. While recognizing the Government's commitment and steps undertaken, including establishing a committee composed of tripartite council members and other stakeholders to review the legislation, we call on the Government to ensure full legal recognition of NAHWUL promptly through the harmonization of the Decent Work Act and the Civil Service Standing Orders. We welcome the indication that the labour law harmonization process will include the granting of trade union rights to maritime workers and foreign workers. Since the harmonization process may take time, we echo the Committee of Experts' invitation to consider establishing a temporary arrangement for public service workers, associations and unions.

We also ask the Government to present additional information on the issue of determination of essential services, including presidential prerogatives and practice in this regard. We recall that the Government has the responsibility to ensure the full application of the Convention which it has voluntarily ratified. We therefore call on the Government to investigate allegations of trade union rights violations and to provide a full reply to the Committee of Experts' comments on all issues related to freedom of association and the right to organize. The European Union and its Member States will continue to monitor and analyse the situation and remain committed to our close cooperation and partnership with Liberia.

Worker member, Zimbabwe – I take the floor to support the comments of the Committee of Experts concerning Liberia's continued failure to give full effect to the Convention. The issues before the Committee are neither novel nor complex. For several years, the Committee of

Experts has repeatedly drawn attention to the denial of full trade union rights to civil servants, the unresolved registration and recognition of NAHWUL, and legislative restrictions that remain fundamentally incompatible with the principles of freedom of association. The deficiencies have been identified.

The legal obligations are clear. The recommendations of the Committee of Experts are unequivocal, yet meaningful implementation remains conspicuously absent. A State governed by the rule of law cannot selectively apply fundamental rights. Freedom of association is not a privilege to be granted at the discretion of the executive. It is a fundamental right recognized under international law protected by the Constitution of Liberia itself and affirmed by the regional human rights instruments to which Liberia *has* freely subscribed.

Article 17 of the Constitution of Liberia guarantees the right of all persons to freely associate and organize. The Constitution does not create a second-class category of citizens whose rights may be suspended merely because they are employed in the public service. Civil servants and public sector workers remain citizens first and workers second. They are entitled to full protection of the law. The continued denial of organizational rights to public sector workers therefore raises serious concerns regarding Liberia's compliance with the Convention but also with its own constitutional and international obligations.

Furthermore, article 10 of the African Charter on Human and Peoples' Rights and the ECOWAS Protocol on Democracy and Good Governance recognize freedom of association as an indispensable pillar of democratic governance. A democracy cannot be measured solely by the conduct of elections. It must equally be measured by the extent to which workers are free to organize, associate and defend their economic and social interests without interference. The central issue before the Committee is no longer one of knowledge or technical capacity. The Government has benefited from several years of dialogue, technical assistance, supervisory observations and direct engagements with workers' organizations and the ILO.

The obstacle is no longer legal uncertainty. The obstacle is chronic deficit of political will that has transformed well-established rights from enforceable guarantees into perpetual deferred promises. Workers have exercised restraint. Trade unions have pursued dialogue in good faith. The international trade union movement has engaged constructively.

Representations have been made at the highest levels of Government, including direct appeals to the President Joseph Boakai. Yet the rights of workers remain unrealized. Patience on the part of workers should not be interpreted as acquisitions nor should prolonged delay be allowed to become a substitute for compliance. We urge the Committee to require immediate and measurable compliance with the Convention through removal of all legislative and administrative impediments to freedom of association, the full recognition of the organizational rights of public sector workers and the immediate registration and recognition of NAHWUL.

This case has moved beyond diagnosis. The violations have been identified. The remedies have been prescribed. What remains outstanding is implementation. The workers of Liberia are entitled not to promises, consultations or future commitments but to the effective enjoyment of rights guaranteed under international law. We therefore urge the Committee to send an unambiguous message that continued delay is incompatible with the obligations assumed under the Convention and that measurable progress must be demonstrated before the next reporting cycle.

Worker member, Botswana – I take the floor on behalf of the workers of Botswana. The Committee of Experts raised the following fundamental issues of concern in Liberia:

- allegations raised by the ITUC–Africa on the Government's refusal to register NAHWUL, reprisals against striking teachers, transport workers and civil servants;
- the use of police force to break peaceful strikes, dissolution of unions by state-owned companies, interference by the Government in trade union work and generally the denial of civil servants to form and join trade unions;
- the Committee of Experts requested the Government to clarify the practice of the designation of essential services by the National Tripartite Council of Liberia (NTCL), as the President, under section 40, 41.4(d) of the Decent Work Act, is not bound by the recommendations of the NTCL. The President is empowered to designate a certain service to be essential without the recommendation of the NTCL. The Government has responded that no such services have been designated and that labour law reforms will address the concern.

For purposes of this discussion, my focus will be on essential services. This matter brings memories to the workers of Botswana who went through a similar experience during the 2011 general public strike where the Government unilaterally designated the following services to be essential: teachers, veterinary services, diamond sorters, electricians and ambulance drivers among others. We are grateful for the Committee's conclusions in 2017 which recommended that such services are not essential and subsequently our country amended the labour laws to comply with the requirements of the Convention. In Botswana, public workers, including healthcare workers, teachers, local government employees, utility workers and other public service personnel enjoy the right to organize and participate in trade unions that engage with the Government through social dialogue and collective bargaining processes. These experiences demonstrate that the protection of workers' rights and the delivery of essential services are not contradictory objectives. They are mutually reinforcing. For decades, labour jurisprudence, international practice and the supervisory bodies of the ILO have recognized that certain services may be considered essential.

This principle is neither controversial nor new. However, effective consultations must be undertaken. Workers in essential services who are denied or restricted the right to strike must be afforded some compensatory guarantees which include adequate, impartial and speedy conciliation and arbitration procedures in which the parties concerned can participate at all stages. As workers from Botswana, we know from experience that strong public services are built not by restricting workers' rights but by respecting them. The Government of Liberia has benefited from years of engagement, technical assistance, direct contacts missions, technical missions and constructive dialogue with workers' organizations and the ILO.

Repeated assurances have been provided that reforms would be undertaken but to no avail. We urge the Committee to reaffirm that essential nature of a service cannot be invoked to justify the denial of trade union rights and to call upon the Government to immediately enact concrete measures to ensure that workers in essential services are protected and to undertake legislative reforms without any further delay.

Worker member, Kenya – I take the floor on behalf of workers from Kenya and workers from East Africa. This case is not simply about freedom of association. It is about discrimination. The Convention guarantees freedom of association to workers without distinction whatsoever.

Yet Liberia continues to rigidly maintain legal exclusions that deny maritime workers and migrant workers the full enjoyment of protection readily available to all other workers. There is absolutely no legal, no structural and no moral basis for treating these humans as less

deserving of basic workplace freedoms. Maritime workers are not second-class workers, and migrant workers are not second-class workers either. Yet existing statutory architecture effectively banished them to a lower category of protection. Let us call this exactly what it is.

This is naked discrimination and stands as a direct, unacceptable affront to the Convention. The discrimination unfolding before the Committee is not an abstract academic theory. It yields immediate severe real-world consequences. When these vulnerable workforces are denied the fundamental right to establish organizations of their own choosing, they are stripped of an equal voice in the workplace. They are left with deliberately weakened means to defend their basic human interests, zero protection against institutional abuse and fewer opportunities to safely influence the conditions under which they work.

Consider the reality. Maritime workers routinely labour thousands of miles away from home, across national jurisdictions and under complex opaque employment arrangements. For them, collective representation is not a luxury. It is their single strongest safeguard against corporate exploitation. Yet they remain purposely shut out from essential protection under Liberia's labour legislation.

Migrant workers face identical structural vulnerability. They build infrastructure, they drive commerce, they perform essential labour and they directly generate national prosperity. Yet they are explicitly denied the right to organize solely because they are foreign workers. There is a profound, history-defying irony here that the Committee cannot ignore. Liberia's very foundation and modern history was shaped by brave migrants who crossed oceans in search of freedom, in search of equality and in search of human dignity.

Yet today, migrant workers in Liberia are denied those very same fundamental freedoms. A nation born directly from a profound migration experience should not be erecting legislative barriers to block the exercise of fundamental rights by foreign labourers. History must teach us solidarity, not systemic exclusion. History must teach us equality, not statutory discrimination. History must remind us all that rights do not become weaker or diluted simply because a worker carries a passport from another country.

Freedom of association is not a minor workplace entitlement. It is a reliable fundamental human right. Rights do not become weaker because a worker steps onto a ship deck. Rights do not disappear because a human being crosses a border. The Convention does not exclude maritime workers. It does not exclude migrant workers. It strictly forbids any national distinction that denies individuals the right to organize. We therefore today strongly urge the Government to immediately remove all legislative exclusions affecting migrant and maritime workers and bring national legal frameworks into absolute immediate conformity with the Convention without any further delay. No worker should be denied a voice. No worker should be treated as disposable, and no worker should ever be excluded from fundamental human rights because of the labour they perform or because of the country which they come from.

Worker member, Norway – I speak on behalf of the Nordic Trade Unions. The right to organize is a key element of the ILO's mandate and status within the framework of advancing social justice and shared prosperity. The Convention 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.

Unfortunately, we have seen grave examples that the Government does not respect the right to organize. We have seen dissolution of a trade union, serious obstacles to register

unions, police breaking up peaceful strikes, arrests of union leaders and interference in the election processes of the Liberia Labour Congress. On 26 August 2023, the Government conducted a parallel trade union election through a special election committee for the Liberia Labour Congress constituted by the Ministry of Labour by mandate of the Supreme Court of Liberia. The Government issued certificates to the so-called elected leaders. This follows a court ruling that nullified the results of the Liberia Labour Congress held in 2022 on the grounds that public service unions had no right to participate in its elections because they are not covered by the Decent Work Act of 2015.

We do not recognize such a trade union leadership. They are not legitimate and independent. Instead, they are just an extension of the Government. All Nordic workers enjoy the right to form and join trade unions of their own choice and the right to bargain collectively. They belong to the workers in the public sector such as healthcare workers, police, prison staff and armed forces just as much as to those in the private sector.

The right to affiliate with and join a national trade union organization is for everyone. Governments do not interfere in their activities, leadership or decision-making processes. Accordingly, we urge the Government to take the necessary measures to ensure that it immediately processes the registration of NAHWUL. We further urge the Government to review the Decent Work Act and any other related legislation to ensure that all workers are able to exercise their rights. We urge the Government to respect the autonomy of workers' organizations and cease interference in their affairs.

Strong and independent unions do not threaten stability. On the contrary, they help create the conditions for dialogue, participation and peaceful resolution of disputes.

Worker member, South Africa – This intervention highlights ongoing concerns regarding Liberia's compliance with the Convention, notwithstanding certain recent positive developments. While the Government's willingness to engage with the ILO supervisory mechanisms, including its acceptance of a direct contacts mission and its stated commitment to labour law reform is acknowledged and welcomed, these steps remain insufficient in the absence of concrete legal practical outcomes. The central concern remains the continued exclusion of public sector workers, particularly civil servants, from the full enjoyment of trade union rights under the current legal framework including the Civil Service Standing Orders. These workers are denied the right to establish and join trade unions of their own choosing, as well as the right to engage in collective bargaining.

Instead, they are confined to representation through the Civil Servant Association which does not enjoy the same rights and protections as trade unions operating in the private sector. This situation constitutes a serious violation of the principles of freedom of association. Reference must be made to the *Compilation of decisions of the Committee on Freedom of Association* which clearly affirms that the guarantees under the Convention apply universally to all workers without distinction, including public servants. The *Compilation* underscores that all workers have the right to establish and join organizations of their own choosing without prior authorization. It further emphasizes that denying public sector workers these rights while affording them to private sector workers amounts to discriminatory treatment and is incompatible with Article 2 of the Convention.

Liberia's current legal position is therefore in direct breach of its international obligations. Particular concern is also expressed regarding the prolonged failure to register NAHWUL. Despite repeated calls from supervisory bodies to harmonize the relevant legislative framework to enable its recognition, progress has been slow and lacking clear timelines. Although the Government has indicated its intention to establish a tripartite process to address

these inconsistencies, the absence of defined deadline raises serious concerns regarding accountability and implementation. In conclusion, there is an urgent need for comprehensive legal reform to align national laws with the Convention.

Immediate and concrete measures must be taken to ensure that civil servants are granted full trade union rights and that NAHWUL is registered without further delay. Compliance with international labour standards must be demonstrated through enforceable legislation and effective practice rather than through policy commitments alone.

Observer, Public Services International (PSI) – I speak on behalf of PSI and its affiliate, NAHWUL. At this point, we are all very familiar with the issues at stake in this case, which is, as far as health workers are concerned, the inability of NAHWUL to function as a trade union due to legal obstacles and interference that the Government is not willing to address.

As mentioned by other speakers, violations of the Convention by Liberia were discussed twice in the Committee not so long ago, in 2022 and 2023, respectively. And twice the Committee, in its conclusions, requested the Government to register NAHWUL as a trade union organization without further delay. The Committee on Freedom of Association made identical recommendations in Case No. 3202 of 2018. The Committee of Experts has been recalling the recommendation of the Committee on Freedom of Association in its observations since 2021. That is, three different instances of the ILO supervisory bodies making consistent recommendations for the past eight years.

In addition, the direct contacts mission of 2024 also recommended the registration of NAHWUL under the Decent Work Act and the revision of the law to ensure that NAHWUL is able to equally represent health workers in both the public and the private sectors. The Government expressed to the direct contacts mission its willingness to address the issues raised by the ILO supervisory bodies, acknowledging that these issues have persisted since the previous administration. Furthermore, the Ministry of Labour, the Ministry of Justice and the Civil Service Agency indicated to the direct contacts mission that they were unaware of the threats against George Poe Williams, former Secretary-General of NAHWUL, and indicated that they would investigate the matter and report to the ILO supervisory bodies. That was two years ago. However, NAHWUL has not been registered, the law that impedes its registration has not been amended, George Poe Williams remains in exile and the investigation promised by three different agencies has not even started.

Let us be clear, this is not a problem that can be attributed to a lack of technical capabilities; since at least 2021 the Office has been providing technical assistance to the Government. This is a deliberate political decision to violate a fundamental Convention, by action and omission. The respect of ratified ILO Conventions and fundamental principles is not optional or à la carte for the Member States of this Organization; freedom of association is, in addition, the foundation of the ILO's tripartite structure. We therefore call upon the Government to bring their national law and practice into full alignment with the Convention and allow for the registration and functioning of NAHWUL without any interference.

Observer, Education International (EI) – I take the floor on behalf of the EI representing the voice of education workers around the world. This case goes to the heart of a fundamental principle: the right of all workers to organize. In Liberia, public-school teachers, alongside other civil servants, are denied this right. They are prevented from forming or joining trade unions with full legal standing, and from engaging in meaningful collective bargaining over their working conditions.

As already highlighted, the current legal framework excludes civil servants from full trade union rights. The Civil Servant Association does not enjoy the status, protections or bargaining power of a trade union. As a result, teachers are left without an effective, independent voice. Let us be clear: teachers are workers and workers have the right to organize. Attempts to justify these restrictions are not consistent with ILO standards. The argument that teachers could fall under essential services is unfounded. According to well-established ILO jurisprudence, essential services are strictly limited to those whose interruption would endanger life. Education, while vital for long-term societal development, does not fall under this narrow definition. Denying teachers the right to organize is a direct violation of the Convention. For EI, it is critical that governments are not allowed to deny public sector workers, including teachers, their fundamental right to organize.

EI therefore urges the Committee to issue clear and strong recommendations calling on the Government to:

- amend its legislation to grant civil servants, including public-school teachers, full trade union rights;
- ensure these rights are fully aligned with the Convention;
- end all forms of interference, repression and retaliation against workers exercising their rights.

Guaranteeing the right of teachers to unionize is not only a legal obligation; it is a cornerstone of democratic societies and a precondition for quality public education. Because when teachers can organize, workers' rights are strengthened, public services improve and societies become more just.

Observer, IndustriALL Global Union (IndustriALL) – I speak on behalf of IndustriALL representing over 50 million workers in the mining, energy and manufacturing sectors. IndustriALL wants to bring concrete cases of violations of fundamental rights in Liberia under the Convention over the following areas of concern:

- Regular arrests and intimidation of union leaders: For example, in 2025, in a subcontracting company linked to a large multinational steel company, 16 union leaders were arrested during a lawful labour dispute and later released on bail. Arrests linked to union activity constitute direct interference with freedom of association and violate Articles 2 and 3 of the Convention. The case remains ongoing.
- Anti-union dismissals and retaliation: In the same case, the 16 leaders were also unlawfully dismissed, in a clear attempt to weaken the union and deter organizing. No remedy has been provided to date to resolve these cases.
- Failure to prevent employer interference: In the same case, the employer continues to engage in anti-union practices, including intimidation, retaliation and obstruction of union rights. The Government has failed to take meaningful action, breaching its obligation to protect freedom of association.
- Lack of effective remedies: Despite repeated letters, follow-ups and international attention, no redress has been provided. Workers have remained out of work for months without compensation or reinstatement.
- Weak enforcement of labour law: Liberia's failure to enforce its own laws and ILO standards allows employers to violate union rights with impunity.

- Government supervision of union elections: The Government's Labour Practices Review Board has the authority to supervise trade union elections, which the ITUC has identified as interference in union affairs. External supervision undermines the autonomy guaranteed under the Convention and creates the risk of influencing union leadership and programmes.
- Absence of dissuasive sanctions for union dissolution: Clear regulations, including dissuasive sanctions, must be established so that dissolution of trade unions can only occur as a last resort in cases of serious legal violations. Without such safeguards, unions face a constant risk of politically motivated dissolution, leading to self-censorship among union leaders.

IndustriALL also supports the key points raised by the ITUC submission regarding the Government's failure to respond to the concerns raised by the Committee of Experts and other ILO supervisory bodies. This Committee must express serious concern and conclude that the Government takes concrete and time-bound measures to remedy these significant violations.

Government representative – We have listened to and acknowledged concerns expressed by this Committee. To this end, we want to reaffirm Liberia's firm commitment to the principles of freedom of association, social dialogue, workers' rights and creating a decent work environment. Liberia remains convinced that lasting peace, prosperity and sustainable development can only be achieved through social and economic justice. Let us therefore continue to work together in solidarity to build a world where every worker enjoys dignity, opportunity, protection and hope.

Employer members – The Employer members would like to first thank all the speakers who have taken the floor for their contributions. We also thank the Government of Liberia for its participation in this Committee and for the information it has provided.

We would like to stress once again that the Employer members consider unacceptable any law or practice that infringes on Workers' or Employers' groups' full and free enjoyment of the protections afforded by the Convention. Convention No. 87 is a cornerstone Convention, and the Employer members remain committed to assisting Liberia in this Committee in any way. The Employer members thus request the Government of Liberia to:

- ensure the complete expression of the Convention's rights and freedoms for Workers' and Employers' groups;
- cooperate with the ILO and independent social partners to ensure the full application of the Convention in practice;
- provide information on measures envisioned to amend section 1.5(c)(i) and 1.5(c)(ii) of the Decent Work Act in line with the Committee of Experts' comments;
- provide information regarding section 45.6 of the Decent Work Act and the measures envisioned to ensure that foreign workers may establish and join organizations of their own choosing, consistent with the Convention;
- provide the information requested by the Committee of Experts on measures envisioned to review the Decent Work Act and Civil Service Standing Orders, in order to ensure that civil servants may fully exercise their rights under the Convention and that the Civil Servant Association of Liberia can effectively participate in social dialogue mechanisms;
- provide information on concrete measures taken in this respect including the development and reporting on progress for a road map.

We trust that the Government will implement these recommendations in a timely manner to achieve full compliance with the Convention.

Worker members – The Worker members thank the Government for the information provided and for its engagement in this discussion. We also thank the other speakers for their contributions and the distinguished members of the Committee who stayed to listen to this important case. As we conclude our examination, the Worker members wish to reiterate that the issues examined in this case are long-standing in nature and have been the subject of repeated comments by the Committee of Experts and this Committee over several years. While we recognize the Government's expressed intention to address these matters through legislative review, we consider that the pace of implementation remains a key concern, particularly given the fundamental nature of the rights at stake.

The Worker members note that the outstanding issues relate not only to legislative alignment but also to the effective exercise of freedom of association in practice. In this regard, we encourage the Government to ensure that ongoing reform processes translate into concrete time-bound measures that can be effectively implemented without further delay. With regard to allegations concerning interference in trade union activities and anti-union practices, we recall the importance of ensuring that all such matters are addressed through prompt, independent and effective procedures with appropriate remedial action where necessary. The credibility of the system of protection of freedom of association depends on the timely and adequate follow-up of such allegations.

We also take note of the Government's commitment to labour law harmonization, including in relation to the registration of NAHWUL, the scope of application of the Convention to civil servants and the coverage of all categories of workers. With regard to the registration of NAHWUL, the Worker members stress that this is a long-standing issue before the supervisory system. We therefore urge the Government to ensure that the ongoing harmonization process results without further delay in a clear, stable and legally secure framework enabling NAHWUL to obtain full statutory recognition in law and in practice.

With respect to civil servants, we note that the current regulatory framework continues to exclude or significantly limit the exercise of trade union rights. We therefore expect the Government to ensure that the ongoing review leads to their full and unambiguous inclusion within the scope of the Convention, including the effective right to establish and join trade unions of their own choosing and to participate meaningfully in social dialogue mechanisms on an equal footing.

We also note with concern that certain categories of workers, including maritime workers and foreign workers, remain insufficiently protected under the current legal framework. We urge the Government to take the necessary legislative and administrative measures as a matter of priority to remove any remaining exclusions so that all workers without distinction whatsoever are fully guaranteed the rights enshrined in the Convention in both law and practice.

The Worker members further expect that the labour law harmonization process will not remain procedural in nature but will lead to concrete and verifiable outcomes that ensure full compliance with the Convention. In particular, it must guarantee the right of all workers without distinction to establish and join organizations of their own choosing without delay and without reservation.

In conclusion, the Workers' group urges the Government of Liberia to:

- accelerate and complete the ongoing labour law harmonization process without delay so as to bring legislation into full compliance with the Convention including through the holistic review of the Decent Work Act and the Standing Orders of the Civil Service in consultation with the social partners;
- ensure the full registration and statutory recognition of NAHWUL without further delay, reform the legal and regulatory framework applicable to civil servants to ensure their full and unambiguous rights to establish and join trade unions of their choosing, to participate effectively and on an equal footing in social dialogue mechanisms and pending such reform establish an interim arrangement to ensure that the Civil Servant Association of Liberia is represented in relevant social dialogue bodies;
- remove all remaining exclusions affecting specific categories of workers including maritime workers, trainees and foreign workers ensuring that all workers without distinction whatsoever are fully covered by the guarantees of the Convention;
- consider establishing temporary arrangements for associations and unions of workers in the public service to fully exercise their rights as required by the Convention;
- strengthen protection of freedom of association in practice including by ensuring that allegations of anti-union discrimination, interference and reprisals are addressed through prompt, independent and effective procedures with appropriate remedial action where necessary and ensure that such cases are subject to rapid and independent judicial investigation so as to establish the facts, punish perpetrators and prevent recurrence;
- ensure that reform processes lead to full and effective compliance in law and practice including by guaranteeing that all workers can establish and join organizations of their own choosing without delay or restriction.

We therefore request the Government of Liberia to accept a direct contacts mission from the ILO in order to bring its legislation into full compliance with the Convention.

Chairperson – That concludes our discussion of this case. I thank the Deputy Minister of Liberia and all the speakers who took part in the discussion for their participation.

Conclusions of the Committee

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

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 that all workers are able to exercise their labour rights under the Convention and that trade union leaders and members are free to engage in their trade union activities, in law and practice;**
- **ensure, including through the provision of sufficiently dissuasive penalties, that the dissolution of workers' and employers' organizations follows due process and takes place only as a last resort, in line with the Convention;**
- **continue the ongoing labour law harmonization process to bring the legislation in line with the Convention, in consultation with the most representative employers' and workers' organizations;**

- **ensure the registration of workers' and employers' organizations in law and in practice and without further delay complete the registration of the National Health Workers' Union of Liberia (NAHWUL) and the Civil Servant Association of Liberia (CSAL);**
- **take steps to ensure that the CSAL can participate in the social dialogue bodies including the National Tripartite Committee and the Wage Board;**
- **strengthen the protection of freedom of association in law and in practice, including through deterrence and appropriate remedial action where necessary;**
- **ensure that allegations of violations of freedom of association are subject to prompt and independent judicial investigation.**

The Committee invited the Government to avail itself of ILO technical assistance and report to the Committee of Experts on the measures taken to implement these recommendations by 1 September 2026.

Libya (ratification: 1961)

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

Written information provided by the Government

The Government has provided the following written information, as well as copies of the Executive Regulations of Correction and Rehabilitation Institutions (2005); extracts of the Draft Constitution of 2017; the Constitutional Declaration of 2011; extracts of the Labour Relations Act No. 12 of 2010; a Government Memorandum on Reconstituting the National Committee for Responses to ILO Observations (2025); and the Council of Ministers Decision Establishing the National Committee on ILO Forced Labour Conventions (2025), in Arabic.

Introduction

The Government reaffirms its full commitment to the Convention and is keen to align its national legislation with the provisions therein. Its obligations under the Convention are focused on ensuring that forced labour is not imposed as a means of punishment or discipline. The Government is working to guarantee clarity in legal texts and their conformity with the Convention, so as to prevent any interpretation that could lead to the imposition of forced labour on persons peacefully expressing political or intellectual views.

Review of existing legislation

The Government notes that the provisions contained in the Penal Code (articles 20, 21, 23, 24, 175, 178, 195, 205, 206, 207, 220, 221, 245, 290), the Publications Act No. 76 of 1972 (articles 28, 29, 37, 38, 43), and the Anti-Cybercrime Law of 2022 (articles 37, 9, 39, 4, 7) are all subject to thorough legal review. This process aims to remove ambiguities and ensure clarity so that no interpretation may result in the imposition of forced labour on persons peacefully expressing political or intellectual opinions.

Constitutional framework

The Constitutional Declaration of 2011 serves as the supreme reference during the transitional phase and has effectively repealed earlier provisions that restricted press freedom

or could be interpreted as imposing forced labour, such as certain provisions of the Great Green Charter and the Publications Act of 1972.

- Article 14 guarantees freedom of opinion, expression, press and publication.
- Article 6 affirms equality before the law without discrimination based on political opinion.
- Article 31 stipulates that no crime or penalty shall exist without legal provision and guarantees fair trial rights.
- Article 32 affirms judicial independence and prohibits exceptional courts.

In addition, the Draft Constitution adopted by the Constitution Drafting Assembly explicitly provides in article 34 that the State shall protect human dignity, prohibit torture, cruel, inhuman, or degrading treatment, enforced disappearance, slavery, servitude and trafficking in persons, and stipulates that such crimes shall not lapse by prescription. It further prohibits forced labour except in cases of necessity or pursuant to a judicial sentence.

Labour Relations Act No. 12 of 2010

- Article 2 prohibits compulsion, servitude and all forms of oppression and exploitation, affirming that work is both a right and a duty based on equality among citizens.
- Article 5 defines forced labour as any work or service exacted from a person under threat and without voluntary consent, while recognizing exceptions consistent with international standards (such as compulsory military service, judicial sentences or emergency situations).
- Article 3 affirms that employment shall be based on competence, merit and integrity, and prohibits favouritism or discrimination based on trade union affiliation or social origin.

Executive Regulations of Correction and Rehabilitation Institutions (2005)

The Government emphasizes that work within correctional institutions is not a compulsory punishment but is organized under humane and legal standards, aiming at rehabilitation and social reintegration:

- Article 8 requires a medical examination to determine the inmate's capacity for work.
- Article 30 prohibits the employment of pregnant or nursing women except in accordance with their health condition.
- Article 39 considers work part of social rehabilitation and links it to good conduct.
- Article 65 grants inmates wages in cases of occupational illness or injury, applying social security provisions.
- Article 123 stipulates that work assignments must be appropriate to each inmate's condition.

Provisions on discipline and strikes (articles 237, 238 of the Penal Code)

The Government notes that these provisions have not been applied in recent years and are under review to ensure they are not used to sanction peaceful participation in strikes or minor disciplinary breaches. It clarifies that imprisonment does not necessarily entail forced labour, as work in correctional institutions is regulated for rehabilitation purposes. Any legislative amendments will ensure full compliance with Article 1 of the Convention, which prohibits the use of forced labour as a means of labour discipline or punishment for

participation in strikes, in line with Article 2 requiring the immediate and complete abolition of all forms of forced labour.

Reform efforts and international cooperation

The Government has, in recent years, introduced several amendments to national laws, reflecting steady progress in developing legislation consistent with international labour standards. These amendments are part of its commitment to strengthening fundamental rights and freedoms and ensuring harmonization of national legislation with relevant international Conventions, including the Convention.

Nevertheless, the political instability experienced during the transitional phase has delayed the completion of certain legislative reforms and postponed some practical steps in this regard. Despite these challenges, the Government remains committed to advancing legislative development, reflecting the State's determination to move towards a legal framework more consistent with international labour standards.

Practical steps have been taken in this direction, including technical meetings between the Ministry of Labour and Rehabilitation and the Ministries of Justice, Interior and Foreign Affairs, as well as the establishment of a National Tripartite Committee comprising the Government, employers and workers to discuss harmonization of legislation with international Conventions. Work is under way to prepare a new Media Law, conduct a preliminary review of the Penal Code and the Anti-Cybercrime Law, and develop a plan to provide statistical data on prosecutions, convictions and penalties applied to enhance transparency.

The Government also expresses its appreciation for the technical assistance provided by the ILO, including the organization of a specialized workshop on forced labour. The Government responded positively to this initiative and values the role of the Organization in enabling constructive dialogue among social partners – Government, employers and workers – which has strengthened national efforts to align legislation and practice with the provisions of the Convention.

Conclusion

In submitting this report, the Government underscores that national legislation guarantees fundamental rights and freedoms, and that any ambiguity in application relates to practical interpretation of certain provisions, which are subject to careful legal review. The Government reiterates its readiness to continue cooperation with the ILO and requests technical assistance in drafting the necessary amendments to ensure full compliance with the Convention, thereby strengthening confidence in the country's legal and institutional reform process.

Discussion by the Committee

Chairperson – We now turn to the case that we will examine today, which relates to the application of the Abolition of Forced Labour Convention, 1957 (No. 105) by Libya. For the discussion of this case, we have 25 speakers on the list and on that basis the Officers have decided to reduce the maximum speaking time of delegations speaking on an individual basis from five to three minutes. I now invite the Government representative of Libya, the Director of the Libyan Labour Institute, to take the floor.

Interpretation from Arabic: **Government representative** – The Government expresses its appreciation for the efforts of the Committee of Experts in preparing the report and for the constructive observations it contains which contribute to strengthening compliance with

international labour standards. The Government affirms that it pays close attention to all comments issued by the ILO supervisory bodies and treats them as an opportunity to support ongoing legislative review and development efforts in a manner that enhances full compliance with the provisions of the Convention.

The Government wishes to emphasize that the reference in the Convention to political opinions relates exclusively to cases in which forced labour is imposed as a punishment for peaceful political expression in accordance with Article 1(a) of the Convention. This is the specific technical scope of the Convention. This was confirmed by the 2012 General Survey, Giving globalization a human face, of the Committee of Experts, which noted in this regard that the Convention does not prohibit penalties involving compulsory labour for persons who use violence, incite violence or participate in preparatory acts aimed at violence. However, the penalties that fall within the scope of forced labour are those imposed on persons who are prohibited from expressing opinions or those opposing the existing political, social or economic system. Whether such prohibition is imposed by law or by discretionary administrative decision. Accordingly, our Government considers it important to maintain clarity regarding the scope of the Convention and to avoid attributing to it meanings that exceed its technical content.

The Government of Libya reaffirms its full commitment to the Convention and is keen to align its national legislation with its provisions. Its commitment under the Convention focuses on ensuring that forced labour is not imposed as a means of punishment or discipline. It is working to ensure clarity and consistency of the legal texts with the Convention in a manner that prevents any interpretation that could lead to the imposition of forced labour on those who express peaceful political opinions, while emphasizing at the same time that national criminal legislation targets acts that fall within the protection of public order or public security in accordance with the law and not the mere peaceful expression of opinion. The Government clarifies that the legal provisions contained in the Penal Code are all subject to thorough legal review within the framework of updating national legislation with the aim of removing any ambiguity and ensuring clarity of the text in a manner that prevents any interpretation that could lead to the imposition of forced labour on those who peacefully express political opinions. The Government also wishes to point out that the Constitutional Declaration of 2011 which constitutes the governing constitutional framework of the State of Libya guarantees equality among citizens without discrimination on the basis of political opinions and affirms respect for human rights and fundamental freedoms and the Government’s commitment to relevant international Conventions.

Accordingly, any existing legislative provisions are interpreted and applied in light of these constitutional guarantees, otherwise they are void and they are currently under review to enhance their full consistency with the Government’s international obligations, including with the Convention. The application of criminal provisions is subject to judicial oversight and to the guarantees of a fair trial, including respect for established constitutional principles. The Constitutional Declaration has established a system based on separation of powers and the independence of the judiciary during the transitional phase.

In confirmation of this, the Declaration guarantees freedom of opinion and expression, as well as freedom of the press and publication in article 14. It also a affirms equality before the law without discrimination on the basis of political opinions in article 6, commits to respect for human rights and international Conventions in article 7, and recognizes the right to work for every citizen together with other economic and social rights in article 8. In addition, the Declaration provides in article 31 that there shall be no crime or punishment except as

prescribed by law and guarantees the right to a fair trial. Furthermore, article 32 affirms the independence of the judiciary and prohibits the establishment of exceptional courts.

In the same context, the draft Constitution adopted by the Constitutional Drafting Assembly stipulates in article 34 the State's commitment to protecting human dignity and combating torture, cruel, degrading and inhuman treatment, forced disappearance, and all forms of slavery, servitude and human trafficking. It further provides that such crimes are not subject to prescription and prohibits forced labour, except in cases of necessity or pursuant to a sentence issued by a court. In addition, the Labour Relations Law No. 12 of 2010 provides as follows: article 1 – labour relations among citizens in the Great Socialist People's Libyan Arab Jamahiriya are free relations aimed at eliminating wage slavery. Article 2 prohibits coercion, forced labour, and all forms of injustice and exploitation, and affirms that work is a right and a duty based on equality among citizens. Article 3 affirms that access to employment, occupations and professions shall be based on competence, merit and qualifications and prohibits favouritism or discrimination on the grounds of union affiliation or social origin. Article 5 defines forced labour as any work or service that any person is compelled to perform under the threat of a penalty and for which that person has not volunteered to undertake of his or her own free will.

Accordingly, the Labour Relations Law No. 12 of 2010 explicitly affirms that work is a right based on freedom and choice and strictly prohibits coercion, forced labour and manifestations of injustice and exploitation. It also includes a definition of forced labour that is consistent with established ILO principles and limits exceptions to internationally recognized circumstances, including work performed under judicial supervision in execution of a judicial sentence. The Government reaffirms that imprisonment does not necessarily imply forced labour. Work performed within correctional and rehabilitation institutions is administered in accordance with humanitarian and legal rules, and aims at rehabilitation and social reintegration in line with Article 1 of the Convention, which prohibits the use of forced labour as a means of discipline or as punishment for participation in strikes.

The General People's Committee has issued the Executive Regulations of Correction and Rehabilitation Institutions No. 168 of 2005. The Executive Regulations confirm that work within these institutions is not a compulsory punishment but is organized under human and legal standards aimed at rehabilitation and social reintegration.

Article 8 requires medical examination to determine the inmate's ability to work. Article 30 prohibits the employment of pregnant or nursing women except in accordance with their health condition. Article 39 considers work as part of social rehabilitation and links it to good conduct. Article 65 grants inmates wages in cases of illness or occupational injury applying social security provisions. Article 123 provides that work assignments are made on the basis of the appropriate inmate's condition.

With regard to sections 237 and 238 of the Penal Code, which relate to discipline and strikes, these provisions have not been applied since 2011. The country has indeed witnessed several peaceful strikes, particularly in the education sector and in certain production and service units, carried out within the framework of the rights guaranteed by the Constitutional Declaration. These provisions are also currently under legislative review to ensure that they cannot be interpreted or applied in a manner inconsistent with the provisions of the Convention.

The Government expresses its readiness to provide the Committee of Experts with further information on the application in practice of the provisions including, available data on relevant

cases and judicial decisions, within the framework of the constructive dialogue and ongoing cooperation with the ILO's supervisory bodies.

The Government has, in recent years, introduced several amendments to its national law in consultation with its social partners, reflecting continued progress in developing legislation in line with international labour standards. The Government affirms that these legislative reforms form part of its commitments to strengthening fundamental rights and freedoms and ensuring the conformity of national legislation with the relevant international Conventions including Convention No. 105.

However, the political instability and the transitional phase that Libya continues to undergo have affected the acceleration of some legislative reforms and delayed certain practical steps in this regard. The Government affirms its commitment to continuing the development of its legislative framework in a manner that reflects the State's determination to advance towards a legal system more aligned with international labour standards. Specific steps have been taken in this direction through technical meetings and legal consultations between the Ministry of Labour and Rehabilitation and the Ministries of Justice, Interior and Foreign Affairs. In addition, a National Tripartite Committee comprising representatives of the Government, employers and workers has been established to examine the alignment of legislation with international Conventions. A new media law is being prepared and a preliminary review of the Penal Code is under way.

The Government expresses its appreciation for the technical support provided by the Office and particularly values the specialized workshop on forced labour held in May, which contributed to enhancing dialogue among social partners and supporting national efforts to bring national legislation and practices in line with the provisions of the Convention.

In conclusion, the Government reaffirms its firm commitment to the application of the Convention and to the continued review and development of its national legislation with a view to ensuring full alignment with international labour standards. It also reaffirms its full openness to dialogue and technical cooperation with the ILO and its supervisory bodies. It values the observations submitted by Committee members and social partners as positive contributions supporting reform and development efforts. The Government remains committed to continuing its work to address the concerns raised and to strengthen the relevant legal and institutional safeguards, thereby reinforcing respect for fundamental rights at work and enhancing full compliance with international Conventions ratified by the State of Libya.

Employer members – The Employer members stress the importance of ILO Member States' compliance with the ten core Conventions, including Convention No. 105, which is a fundamental Convention that aims to abolish certain forms of forced or compulsory labour constituting violations of the human rights referred to in the Charter of the United Nations. The eradication of forced labour is an obligation under international law applying to all ILO members: employers, workers and governments. By way of background, the Government ratified the Convention in 1961. So far, the Committee of Experts has provided six observations on this case, namely in 2010, 2016, 2018, 2022, 2024 and more recently in 2025. This is the first time that the Committee is looking at the application of the Convention in Libya. Concerning the procedural obligation of Libya, the Employer members note that Libya was included this week in the list of countries that have failed to provide information in response to the comments of the Committee of Experts. We are aware of the challenges the country is going through, but we recall that 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.

Concerning the case before this Committee, we note that the Committee of Experts has identified one main issue, which is the legislative provisions concerning sanctions involving the obligation to work as a punishment for the expression of political views or views ideologically opposed to the established social or economic system, which is contrary to Article 1(a) of the Convention. Specifically, the Committee of Experts highlights three critical areas requiring correction: certain provisions of the Publications Act No. 76, 1972 and the Penal Code, the Penal Code's broad restrictions, and the Anti-Cybercrime Law, 2022, which introduces vague parameters regarding digital data that threaten public security.

We further note that the United Nations Fact-Finding Mission on Libya, which took place in 2023, provided concerning findings that the Libyan authorities have restricted fundamental rights, including freedom of assembly, association, expression and belief. The report of the Fact-Finding Mission indicates that individuals have been detained for expressing criticism of the State and for holding divergent political, religious or social views. We note the Committee of Experts' deep concern at the current human rights situation in the country if measures are enforced by sanctions involving compulsory labour. The State has a duty to prevent forced labour. Therefore, it is particularly concerning when the State itself is involved.

The Employer members strongly oppose violations of the Convention and are committed to upholding fundamental labour principles to ensure forced labour is not tolerated. The Employer members take the finding of the Committee of Experts very seriously but, as we heard, to ensure a balanced perspective we should not consider the case of Libya in a vacuum. Rather, it is important to consider also the current national reality that Libya is facing. Libya is currently navigating a period of volatility, characterized by ongoing political instability and security challenges. We recognize that the volatility has placed a disproportionate burden on Libya's institutional capacity in infrastructure. However, we also note that it is precisely during such a complex period that clear legislative safeguards conforming to the Convention can provide a helpful foundation for sustainable recovery and stability.

The Employer members further note that the Government, in its written information, considers the Constitutional Declaration of 2011. It serves as the supreme reference during the transitional phase and implicitly supersedes conflicting laws that could be interpreted as restricting press freedom or imposing forced labour, including the provisions of Publications Act No. 76 of 1972. While the Employer members welcome this overarching constitutional commitment, we also note that implicit repeal may be insufficient to provide true legal certainty on the ground.

In practice, as long as contradicting provisions remain written in the Publications Act No. 76, 1972 and the Penal Code, the risk of misinterpretation or misapplication remains. Therefore, we urge the Government to translate the spirit of the Constitutional Declaration into concrete, explicit legislative amendments that formally repeal or amend relevant provisions of the Publications Act No. 76 of 1972 and the Penal Code, to bring them into conformity with the Convention.

The Employer members note from the Government's written information that it is working to guarantee clarity in legal texts and their conformity with the Convention, so as to prevent any interpretation that could lead to the imposition of forced labour on persons peacefully expressing political or intellectual views. We, as Employer members, welcome this commitment of the Government.

We note that, following the 2025 Committee's discussion on the application by the Government of a different but related Convention – the Forced Labour Convention (No. 29), 1930 – the Government requested technical assistance from the Office to address the Committee's conclusions and to strengthen the capacity of the tripartite constituents on international labour standards-related topics. We further note that an initial field mission took place in Tripoli from 17 to 21 May 2026, serving as a very important point of progress. We view that this process presents a timely opportunity for the Government to demonstrate its commitments to international labour standards.

The Employer members urge the Government to engage further with the Office to expand its technical assistance to effectively address and implement the upcoming conclusions of this Committee regarding the application the Convention. In light of the Committee of Experts' six previous observations regarding this Convention, we urge the Government to transition from dialogue into concrete action and, specifically, we call for a road map with a timeline to bring the identified legislation of Libya and actual practice into alignment with the Convention, by ensuring its effective and ongoing implementation within its national territory.

Worker members – We appear before this Committee today to examine Libya's application of the Convention - a fundamental Convention the effective implementation of which lies at the very heart of the ILO's mandate and credibility. The Convention establishes a clear and unequivocal obligation: to abolish forced or compulsory labour in all its forms, particularly when used as a means of political coercion, punishment for the expression of views, labour discipline or discrimination. This is a Convention that does not tolerate ambiguity or partial compliance. Its requirements apply at all times and under all circumstances, including during periods of institutional fragility or political transition.

Today, this case is being examined by the Committee because the Libyan criminal justice system sets forth that persons who express certain political views or positions that are ideologically opposed to the established political, social or economic system may be punished by imprisonment involving compulsory labour. Various provisions of the Publications Act No. 76 of 1972 show this to be the case. Civil servants or public sector workers may even be imprisoned, with sentences that include compulsory prison labour, as a penalty for breaches of labour discipline or for their participation in collective action.

As worker members, we are deeply concerned that freedom of expression and freedom of association, which are fundamental human rights, are being violated in this way. Furthermore, not only are people being imprisoned but their sentences also include the obligation to work, which amounts to forced labour. Even in cases of prison sentences of one year or more, the judge can order that the sentence involves compulsory labour.

Although the Committee of Experts has been highlighting this problem for at least a decade, without a satisfactory reply, the Government has meanwhile adopted the 2022 Anti-Cybercrime Act. This Act criminalizes the exchange of information and opinions which may threaten public safety or peace, providing for prison terms that may, once again, involve compulsory labour. Several United Nations experts have expressed concern about the vague and broad character of several of the provisions in this Act, which could lead to its discriminatory application against journalists, human rights defenders, activists and civil society actors in general. We have already noted that union leaders are victims of repeated attacks for voicing their opinions.

Our concerns are further confirmed by the report of the United Nations Independent Fact-Finding Mission on Libya of 3 March 2023, which emphasizes that the authorities, especially the Internal Security Agency, restrict the rights to assembly, association, expression and belief

– aimed at ensuring obedience and reinforcing values and standards that serve their own interests – and punish criticism of the authorities and their leaders. This implies that human rights and fundamental rights are violated simultaneously: first through the restriction on freedom of expression and association and then through the imposition of compulsory labour.

The Worker members wish to underscore that the issues raised by the Committee of Experts go beyond mere statements of principle. The Convention requires that the law be entirely free of ambiguity and that it be effective in practice. General constitutional provisions or broad declarations of intent are insufficient if they do not result in specific legal regulations that clearly ban forced labour in all its prohibited forms and provide for effective penalties and remedies in case of violation.

In its comments, the Committee of Experts has emphasized the importance of ensuring that all work performed under the authority or supervision of the State conforms fully with the Convention. This includes situations in which work may be imposed in situations relating to detention, under emergency measures or under other forms of compulsory service. Any system that authorizes the imposition of labour under the threat of punishment, without genuine consent and without solid legal safeguards, is in violation of the Convention.

The persistence of these shortcomings is particularly worrying given that this is a fundamental Convention. It has an impact on the very core of human dignity and the rule of law. Where forced labour is not unequivocally prohibited or effectively prevented, it is the most vulnerable people who suffer its consequences disproportionately: workers placed under the authority of public bodies, persons deprived of liberty and those who do not have the resources to challenge coercive practices.

We therefore join the Committee of Experts in requesting the Government to provide specific and detailed information on the legislative and practical measures adopted to ensure the total abolition of forced labour, as well as on the supervisory, enforcement and reporting procedures. We note that the Committee of Experts has also insisted on the importance of having effective penalties and remedies so that any violation of the Convention is not only prohibited on paper but is actually prevented and addressed in practice.

We also note that this is not an isolated matter. Libya was already under examination by this Committee at its previous session in 2025, at which conclusions were adopted that reflected the serious concerns raised by the supervisory bodies regarding the non-compliance with obligations relating to the exploitation of migrant workers through abusive practices akin to forced labour. The Human Rights Watch annual report confirms that this is still the case. Migrants in detention and other prisoners are sometimes sold – I repeat, sold – at auctions to work in construction or agriculture, without pay or solely in exchange for board and lodging, which amounts to the existence of a slave market.

Our conclusions adopted in 2025 highlighted the importance of constructive and sustained cooperation with the ILO. Such cooperation is essential to support implementation in a context where institutional capacities remain fragile. However, we reiterate that cooperation with the ILO is not an end in itself; it must lead to measurable progress, legislative clarity and effective protection for workers.

Repeated examinations relating to the same fundamental Convention, as we see today, reveal an urgent situation that requires us to step up the expectations on the Government, and we insist on close monitoring. The Worker members request the Government to take full account of the Committee of Expert's conclusions and to provide all the information requested.

We call on the Government to adopt the measures necessary to ensure that no prison sentences are imposed on persons who, without having recourse to violence, express political opinions or views opposed to the established political, social or economic system, through the internet or other technological means, or otherwise, and to ensure that under no circumstances can forced labour be imposed during a prison sentence.

We therefore trust that the Government will ensure the effective abolition of forced labour in all its forms prohibited under the Convention, and that its response will reflect the urgency of the situation. To this end, direct support from the ILO appears essential. We also urge the Government to follow up on the conclusions of the Committee, adopted in 2025, and to take urgent and effective measures to put an end to the arbitrary detention and exploitation of migrants, and to prevent them from being subjected to forced labour.

Interpretation from Arabic: **Worker member, Libya** – I'm speaking on behalf of the workers of Libya and we wish to begin by extending our appreciation to the Committee of Experts for all its work and we also appreciate the work of the Committee and we are deeply convinced that trade union rights are a fundamental pillar of social justice, of stability and of good labour relations. These obligations form an integral part of the obligations that Libya has assumed internationally. For many years Libya has faced significant political, economic and social challenges with a profound impact on labour institutions. In this context, the trade union movement in Libya has played its legitimate role in defending the rights of workers and demanding that their legitimate rights be respected. We commend what the State has done in seeking to revise national legislation to bring it into conformity with the Convention and other fundamental Conventions. We believe that any legal review must be carried out within the context of genuine social dialogue involving public authorities, workers and employers on an equal footing.

It is also necessary to develop the institutional legislative framework to provide more effective guarantees of freedom of association, trade union rights and all rights in general. We need to do this in order to ensure that we are fully in conformity with international labour standards. Looking at the world of work today in Libya, we recognize that the country is in a very difficult position. Many companies have gone bankrupt, investors and partners have withdrawn from the country in recent years. All of this has had an adverse effect on people's lives and on their ability to feed themselves and indeed to earn a decent livelihood.

We therefore commend any effort undertaken by the Government to tackle this situation. We very much hope that decisions can be taken quickly to resolve many of the administrative and financial problems of workers who work for companies that have gone bankrupt. They need to have their rights restored – their economic rights in particular. This is a significant proportion of workers in Libya. Workers should not have to shoulder the consequences of bankruptcy or of withdrawal of investment. These workers and their families are a national responsibility and require an emergency solution to promote social justice – one of the ideals promoted and defended by the ILO. Workers in Libya want a fairer and freer labour market. They seek the protection of their wages. They want their social rights to be respected and they recognize that social dialogue is the way to achieve these goals and that of sustainable development.

We commend the efforts taken made by the Government and the measures adopted to extend social protection to workers. Yes, what has been done is modest but it is a step in the right direction. We need reform at all levels to guarantee that workers can fully enjoy their rights, including the right to work. We call upon the ILO to provide technical assistance to the

Government and to social partners. This is necessary in order to ensure that national legislation can be fully in line with international labour standards.

There is one point that I would like to underscore strongly and unequivocally. One of the biggest problems faced by workers and the trade union movement in Libya is the political situation in the country and the divisions that continue to affect it. Measures are taken but they cannot be applied at the grassroots level particularly because of issues relating to sanctions. We do not wish to see our country on this list of cases before the ILO for any longer. We want to work with the ILO, with the Committee of Experts and other Committees.

We need technical assistance and training that can help us create decent jobs for all, and we want these objectives to be achieved through social dialogue in our country. We wish to conclude by reiterating our willingness to work and cooperate with the ILO and with employers' associations. We all need to work together so that everyone can live in dignity without any forced labour and free from any restrictions that are incompatible with the founding principles of this Organization.

Interpretation from Arabic: **Government member, Sudan speaking on behalf of the Arab group** – On behalf of the Arab group and in the name of Sudan, we would like to offer our thanks for the efforts of the Committee of Experts who have drawn up this report with comments aimed at ensuring respect for international labour standards. We also want to express our support for the Government with the reform process and the reforms that are undertaken to respond to the comments of our Committee. The Government has demonstrated that it is committed to the provisions of the Convention because it is very careful to bring its national legislation into conformity with the provisions of the Convention so that no compulsory labour is imposed as a punishment and also to avoid any other way of sanctioning political dissent through compulsory labour.

We would like to underscore that a full legislative review was launched by the Government looking at all relevant legislation. This is guaranteed in the 2011 Constitutional Declaration. There is a draft Constitution which seeks to protect the fundamental rights and freedoms in the country and to ban any kind of forced labour. Therefore, we very much welcome the measures taken by the Government to promote rehabilitation and social reinsertion and to ensure that forced labour does not occur. These efforts demonstrate a commitment to addressing the issue through rehabilitation and social reintegration rather than punitive approaches. We see that in Libya there is a very difficult, challenging security and political situation at the moment that we need to bear in mind. Nevertheless, we note the establishment of a National Tripartite Committee, the holding of consultations with the relevant ministries, and the adoption of other measures aimed at improving transparency and advancing legislative reform.

Government member, Cyprus– I have the honour to speak on behalf of the **European Union (EU) and its Member States**. The candidate countries, **North Macedonia, Montenegro, Albania** and the **Republic of Moldova**, the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, as well as the **United Kingdom of Great Britian and Northern Ireland**, align themselves with this statement.

The European Union 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards.

We remain seriously concerned by the human rights situation in Libya, in particular the restrictions of fundamental rights and liberties, including freedom of expression. In line with the Committee of Experts, we urge the Government to take the necessary measures to ensure that no prison sentences involving compulsory labour are imposed on persons who, without having recourse to violence, express political opinions or views opposed to the established political, social or economic system.

We call on the Government to bring the provisions of the Publications Act No. 76 of 1972 into conformity with the Convention and to provide specific information on the application in practice of these provisions, including the number of cases prosecuted, the convictions brought, the facts that led to these convictions and the penalties applied.

In regard to the Anti-Cybercrime Law of 2022, we urge the Government to ensure that no one who expresses political opinions, including dissenting opinions, or any views through the internet or any other technological tool, can be sentenced to imprisonment and compulsory labour, as enshrined in the Convention.

We call on the Government to take measures to amend the provisions of the Anti-Cybercrime Law of 2022 in a way that will restrict their scope and prevent any interpretation in their application that could lead to the imposition of a penalty involving compulsory work on persons who express political views or views ideologically opposed to the established political, social or economic system.

We note with interest the written information provided by the Government stating that the provisions contained in the Penal Code, the Publications Act No. 76 of 1972 and the Anti-Cybercrime Law of 2022 are subject to thorough legal review to remove ambiguities and ensure clarity so that no interpretation may result in the imposition of forced labour on persons peacefully expressing political or intellectual opinions.

In the interim and while awaiting the outcome of the legislative process, we recommend the implementation of executive orders to ascertain the protection from forced labour. We encourage the Government to translate its commitment into action, in full conformity with the fundamental Convention, and to continue its cooperation with the ILO. The European Union and its Member States will follow the situation closely and remain ready to support efforts aimed at ensuring compliance with international labour standards and the abolition of forced and or compulsory labour.

Interpretation from Arabic: **Government member, Tunisia** – The delegation of my country welcomes the delegation of Libya and thanks it for the information provided regarding the country's efforts concerning the application of the Convention. We appreciate the Government's commitment to the Convention and the alignment of national laws with the provisions of the Convention, as well as efforts to ensure the clarity of legal texts through their revision and interpretation. We welcome the practical approaches taken in this regard. My country's delegation also supports the Government's request to the ILO for technical and financial assistance to draft the amendments necessary to ensure full compliance with the Convention, thus fostering confidence in the country's institutional and legal reform process. My delegation welcomes the commitments and efforts of the Government to comply with international standards while taking account of the comments and conclusions of this Committee and the Committee of Experts.

Worker member, France – I take the floor on behalf of the French, Nordic and Belgian workers. The figures are unequivocal: between 2005 and 2025, more than 40 journalists and bloggers were killed in Libya. In 2024, at least five journalists were imprisoned, and 488

violations against journalists were recorded between 2014 and 2024. In 2024, Libya was ranked 143rd out of 180 countries in Reporters Without Borders' World Press Freedom Index. And journalists are not the only ones being repressed. In July 2024, the United Nations Support Mission in Libya registered at least 60 people held because of their actual or alleged political affiliations – and this figure is likely an underestimate.

These are not isolated incidents but instead part of a system in which detention is used as a weapon against freedom of expression. The Committee of Experts has identified three laws: the Publications Act No. 76 of 1972, the Criminal Code and the 2022 Anti-Cybercrime Act. This jurisprudence constitutes the legal framework for a repressive system designed to silence those who voice their opinions, because anyone imprisoned under these provisions for peacefully exercising their right to freedom of expression, as is their legal right, is subjected to forced labour.

Forced labour also affects migrants and refugees detained in Libya. Since 2016, the United Nations has documented a system in which thousands of migrants (men, women and children) are forced to carry out unpaid labour in official detention centres or in informal premises controlled by armed groups. This work is imposed under threat of violence and is sometimes presented as a condition for reducing the ransom or securing release.

The link between the suppression of freedom of expression and the forced labour of the most vulnerable groups is a structural one. When journalists are silenced, abuses cannot be documented, denounced or made public. When labour rights activists are imprisoned and subjected to forced labour, the most vulnerable workers lose their last defenders. And this situation is exacerbated by impunity. Arbitrary detention, forced disappearances, torture and deaths in detention persist, all the while fuelling a climate of fear and weakening the rule of law. In 2024, two people died in detention at the Internal Security Agency in suspicious circumstances, but no independent inquiry was opened into these two deaths. For the workers, the consequences of the systemic repression are decisive. A system that reduces journalists to silence, criminalizes activists and imprisons trade unionists destroys the ecosystem that defends workers' rights.

We call on the Government to respond by implementing a comprehensive legislative reform, establishing accountability, and creating the conditions that allow freedom of expression, freedom of association and workers' rights to be exercised without fear.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points.

Switzerland notes the Government's information regarding its intention to bring national legislation into line with the Convention but expresses deep concern at the repeated comments of the Committee of Experts regarding Publications Act No. 76 of 1972 and certain provisions of the Criminal Code.

We are particularly concerned that these provisions allow for the expression of political opinions or ideological opposition to be punished with prison sentences. Switzerland also regrets that, in cases of a prison sentence of one year or more, the judge may order that the sentence involve compulsory labour, which raises serious concerns with regard to the Convention.

Switzerland notes with deep concern that the new 2022 Anti-Cybercrime Act contains provisions providing for penalties involving forced labour. We note with concern the vague and very broad nature of several of its provisions, particularly those relating to "public safety" and "morality," which could lead to broad and discriminatory application, particularly against

journalists, human rights defenders and civil society actors. Switzerland notes with deep concern that these details are part of a wider context of increasing suppression, marked by arbitrary arrests and smear campaigns.

Against this backdrop, Switzerland urges the Libyan authorities to, without delay, take all measures necessary to ensure that no person can be sentenced with a penalty involving compulsory work for expressing political views or critical positions in a non-violence manner. We also urge the Government to carry out an in-depth revision of Act No. 76 of 1972 on publications and the Act against cybercrime to ensure alignment of this legislation with the Convention and to prevent any abusive application or interpretation.

Lastly, Switzerland encourages the Government to provide detailed and transparent information on the specific application of these provisions, particularly the number of cases, prosecutions initiated and penalties imposed.

Worker member, Argentina – I am speaking on behalf of the workers of Argentina, the workers of Italy and the confederations of Uruguay, with deep concern at the non-compliance reported with respect to the Convention in Libya.

The Convention specifically prohibits the use of any form of forced or compulsory labour as a means of political coercion or education or as punishment for expressing political views ideologically opposed to the established political, social or economic system. Libya ratified the Forced Labor Convention, 1930 (No. 29) and Convention No. 105 in 1961. However, United Nations reports, including that of the Office of the United Nations High Commissioner for Human Rights, reveal that Libyan detention centres are often run by non-state actors and armed groups acting outside the law. Within these facilities, migrants, refugees and political opponents suffer serious abuses, including forced labour and blackmail.

In this regard, it should be noted that an extremely serious situation is currently unfolding: Argentinian, Italian, Tunisian, United States, Uruguayan, Spanish and Portuguese citizens who are part of a humanitarian mission to deliver aid to Gaza, are being held in Benghazi precisely for reasons related to their political views. However, despite the fact that a humanitarian aid mission does not imply any kind of crime, they were arrested and illegally detained, and subjected to mistreatment, abuse and a lack of legal and medical assistance. Today, this group of citizens is on hunger strike, claiming respect of their rights.

We therefore demand that the Government immediately release the illegally held citizens and respect human rights and fundamental freedoms, including freedom of expression, and that it comply with the ILO Conventions, taking the measures necessary to ensure that no one is imprisoned or subjected to forced labour for the mere fact of expressing political opposition, without resorting to violence.

Worker member, Poland – I am speaking on behalf of NSZZ Solidarność. On 27 September 2022, the Anti-Cybercrime Law, 2022 was issued. NSZZ Solidarność observes that the Committee of Experts notes that certain provisions of this Anti-Cybercrime Law, 2022 criminalize behaviours with a prison sentence which involves compulsory labour. NSZZ Solidarność shares concerns expressed by United Nations experts and Libyan civil society organizations that the vague and broad nature of a number of the provisions of this law may lead to their discriminatory application against journalists, human rights defenders, activists and civil society actors who express dissenting views or publish, share or comment on information about the Government, its policies or actions, with such criticism being liable to interpretation as threatening to “public security or peace” or “public order or morality”. NSZZ Solidarność observes that the Anti-Cybercrime Law, 2022 was drafted without consultation

with the Libyan civil society. Libyan citizens became aware of this new Law when a copy of the draft was leaked in October 2021 on social media.

Throughout the whole process of its development, the legislators working on the draft law did not consult with any relevant actors of civil society or the legal community and did not give prior knowledge of it to the Libyan public.

NSZZ Solidarność shares the concerns that this Anti-Cybercrime Law, 2022 can restrict basic rights such as freedom of opinion and expression, the right to freedom of peaceful assembly and association, and lead to arbitrary arrests. Seven men aged between 19 and 29 were arbitrarily arrested and detained by the Internal Security Agency in 2021 and 2022 for using social media to propagate atheism and contempt for religion. Four of these men were sentenced to three years' imprisonment with hard labour. In February 2023, the Libyan authorities arrested a singer and an online content creator, both women, for allegedly violating that law and for violating "honour and public morals".

NSZZ Solidarność shares the Committee of Experts' concern that exercising the right to freedom of expression may be penalized through sanctions of imprisonment involving compulsory labour. NSZZ Solidarność supports the Committee of Experts' recommendations and urges the Government to take immediate measures, both in law and practice, to put an end to any violation of the Convention, by ensuring that no one who expresses political opinions, including dissenting opinions, or any views through the internet or any other technological tool, can be sentenced to imprisonment, under the terms of which compulsory labour is imposed.

Interpretation from Arabic: **Government member, Morocco** – At the outset, we express our appreciation for the efforts of the Committee of Experts in formulating reports, comments and objective recommendations that help to ensure respect for international labour standards and promote constructive dialogue between the Member States and the ILO supervisory bodies. We also thank the Government for the information and clarifications provided, which reflect its positive reception and attention to the comments, and its cooperation with the supervisory mechanisms. We have followed with interest the data provided by the Libyan delegation, and we note that some of it relates to the modernization of the institutional and legislative system that is relevant to the provisions of the Convention.

We appreciate the efforts made to promote fundamental labour rights under exceptional conditions, which illustrate that work towards these reforms is a positive indication of the Libyan authorities' commitment to ensuring alignment with international labour standards.

We note that the Libyan authorities have not only prohibited forced labour but have revised the relevant legal texts to ensure alignment with the requirements of the Convention, particularly with regard to the protection of fundamental freedoms and the prohibition of any practices that could lead, directly or indirectly, to the imposition of forced labour. We positively note the information on the legal and constitutional guarantees for the protection of fundamental rights and freedoms aimed at strengthening equality before the law and judicial independence.

Work in reform institutions is being performed as part of social rehabilitation measures and according to clear legal rules, in order to pursue the reform through national mechanisms that bring all the social partners together.

To conclude, we see that the procedural institutional and legislative measures presented to the Committee are positive indicators of a genuine will to harmonize legislation and practice at the national level, with the provisions of the Conventions. We therefore recommend that the

Office provides technical assistance to the Government and affords it the time necessary to establish reforms and comply with the Convention.

Worker member, Japan – The Committee of Experts' 2026 observation references the United Nations Fact-Finding Mission on Libya, which documented that the Internal Security Agency systematically detains individuals for criticizing the authorities. The cases reveal a pattern of punishment inside State facilities, outside judicial oversight, with complete impunity.

On 11 July 2024, journalist Ahamed Al-Senussi, editor-in-chief of the Sada Economic Newspaper and host of "Flusna" on Al-Wasat TV, was arrested in Tripoli by Internal Security Agency members. He had returned to Libya only the day before. The reason: he had published documents exposing corruption within the Ministry of Economy and Trade. He was held incommunicado for three days. According to his own public testimony, he was blind-folded, forced to kneel for hours, subjected to beatings, verbal abuse and the threats of sexual assault. He was coerced into recording a filmed "confession" that the Agency broadcast on its platform. He later said, "I testify that you destroyed my life with that video that my family watched." He was released on 14 July 2024, without a single charge filed.

The United Nations Support Mission in Libya, the European Union delegation, the United States Embassy, the Committee to Protect Journalists and Libya Crimes Watch all condemned the arrest. Al-Senussi was released but fled to the Netherlands, unable to work inside Libya.

Let us be clear about what this case means under the Convention. Al-Senussi was arrested for economic journalism – for documenting corruption in a government institution. This is precisely the journalism that workers depend on. When journalists face detention, torture, coerced confession broadcast to their families and exile, the exploitation continues in the dark, protected by the silence that fear produces.

No one has been held accountable. No investigation has been opened. No charge was ever brought. The Internal Security Agency arrested him, tortured him, coerced his confession and released him with no consequence whatsoever. This is what impunity looks like in practice and it tells every worker, journalist and activist in Libya that the State can do this again, at any time, to anyone. We call on the Government to open an independent investigation into the torture allegations inside Internal Security Agency detention facilities, and to ensure that no journalist, worker or activist in Libya faces detention for peacefully expressing their views.

Interpretation from Arabic: **Government member, Algeria** – The Algerian delegation would like to thank the Libyan delegation for the detailed information provided on the implementation of the Convention, which reflects the Government's efforts in this area. In this regard, Algeria encourages the Government to continue its fruitful efforts to address the comments on the application of this Convention and to continue the process of legislative and institutional reform already under way. Algeria welcomes the measures taken by the Libyan authorities to align national legislation with the provisions of the Convention in order to ensure that forced labour is not used as a means of punishment or to prevent freedom of expression and opinion.

We welcome the ongoing legislative revisions aimed at promoting legal safeguards for the protection of fundamental rights and freedoms, in accordance with Libya's international commitments. Algeria appreciates the measures taken within reform and rehabilitation institutions to ensure that occupational activities related to social rehabilitation and reintegration comply with the principles underlying international labour standards.

We would like to mention a series of measures taken by the Libyan authorities, including the establishment of a national tripartite commission and the organization of technical

consultations among the relevant bodies, the start of a review of the permanent legislative framework, and steps taken to promote transparency and dialogue. Algeria believes firmly that constructive dialogue and technical cooperation are the appropriate means of helping Member States to respect their international commitments. We therefore encourage cooperation to continue between the Government and the ILO in order to pursue and support the reforms under way, and to promote respect of the provisions of the Convention.

Interpretation from Arabic: **Worker member, State of Palestine** – The Committee of Experts' observation on Libya identifies a legal framework that criminalizes certain forms of reporting, documentation and public commentary on workers, especially the most vulnerable. This has implications that go beyond the fate of the individual journalist. It reduces the external visibility of abuses that often affect the most vulnerable workers and weakens one of the few mechanisms through which cases of forced labour and exploitation can be brought to public attention.

Reporters Without Borders ranked Libya 143rd out of 180 countries in its 2024 World Press Freedom Index. At least five journalists were imprisoned in 2024. Under Libyan law, these imprisonments may carry sentences of compulsory hard labour imposed for journalistic activities. Each prison sentence removes a reporter who was in many cases the only available channel through which exploitation of workers could reach public attention. This directly affects labour rights.

Libya hosts hundreds of thousands of migrant workers, many in conditions of debt bondage, wage theft and physical confinement that meet any definition of forced labour. The only mechanism through which their situation becomes visible to the international community is often the documentation provided by journalists, non-governmental organization workers and activists. When those documenting such abuses are imprisoned under the Penal Code and the Anti-Cybercrime Act, as identified by the Committee of Experts, the exploitation they were recording continues in darkness. Forced labour does not disappear because it is not reported.

It worsens as impunity grows in proportion to invisibility. Each journalist imprisoned under these provisions is not merely a victim of measures that raise concerns under the Convention. The imprisonment of such journalists may also indirectly facilitate the continuation of forced labour and exploitation that their work sought to expose. We urge the Government to release all journalists detained for carrying out reporting activities and to enact the legislative reforms that the Committee of Experts has repeatedly requested.

Employer member, Algeria – I am speaking on behalf of my employer organization: the Council for the Economic Recovery of Algeria (CREA). At the outset, I would like to say that we fully appreciate the work of the Committee of Experts, particularly the comments made in its report, which we consider constructive and useful for strengthening compliance with international labour standards.

Based on our exchanges with our Libyan economic partners, we consider that there is a strong will on their part to actively participate in the reconstruction of their economy, while improving working conditions for regular workers.

With regard to the Convention, the partners have stated that their Government is firmly committed to amending Libyan legislation to exclude all forms of forced labour as punishment or means of coercion. They also reported the measures taken in reform and rehabilitation centres in order to ensure that the work performed there is part of social reintegration and not compulsory penalty.

We have confidence in our Libyan partners who sometimes describe impossible situations related to the instability and fragility of the institutions.

Despite the difficult circumstances the country is facing, our Libyan partners trust in their Government's efforts, particularly:

- the examination and revision of the legislation;
- initiatives aimed at increasing transparency and good governance.

Therefore, if the Libyan social partners have confidence in their Government, we must also follow through with the technical support put in place to enable this country to uphold social justice and decent work for the long-term. We also encourage the continuation of reforms and dialogue with a view to ensuring full conformity with international labour standards.

Government member, South Africa – South Africa expresses its appreciation to the Committee of Experts for its thorough report and for the constructive comments it contains. The work of the Committee of Experts remains central to strengthening compliance with international labour standards and ensuring the dignity of all workers. The Committee of Experts' comments provide a useful basis for continued dialogue.

South Africa recognizes that the Government is engaged in a process of reform and has taken certain steps regarding the Convention. At the same time, the Committee of Experts' findings point to remaining gaps between legal provisions and actual practice, including indications that forced labour may still be used as a punishment or disciplinary measure in ways warranting further review. The Convention sets out clear expectations, and where ambiguity in legislation or practice remains, there would be value in continuing attention to these issues. South Africa notes the Government's constitutional and legislative commitments to this area, including provisions within the 2011 Constitutional Declaration and the draft Constitution. The translation of these commitments into everyday practice, including in detention settings, is an ongoing process. Our delegation acknowledges the difficult circumstances Libya continues to face. We know the establishment of the National Tripartite Committee and the review of relevant legislation as examples of steps being taken.

To conclude, we encourage the Government to continue working with the ILO through its technical cooperation programmes to address the Committee of Experts' concerns and to report concrete steps at the next session.

Worker member, Zimbabwe – The Convention was not adopted to protect abstract legal categories. It was adopted to protect people, and specifically to protect those who are most vulnerable when the State uses compulsory labour as a tool of control.

In Libya today, that vulnerability falls most heavily on ordinary workers. The Committee of Experts has identified the foundational problem clearly, which is that under the Penal Code, imprisonment expressly entails compulsory hard labour. Any provision that sends a person to prison for the peaceful expression of political or social views is, therefore, simultaneously a provision that imposes forced labour for those views. The Publications Act No. 76 of 1972, multiple Penal Code articles, and the 2022 Anti-Cybercrime Act all create exactly this consequence. There is a direct impact on workers.

A worker who speaks out about unsafe conditions, unpaid wages or discriminatory treatment at the workplace, and whose complaint is characterized by an employer or authority as criticism of public institutions or as damaging to the State, can be prosecuted under these provisions. If convicted, he or she faces imprisonment, which under Libyan law means

compulsory hard labour. The threat alone is sufficient to silence grievances. Forced labour does not only occur inside prison walls, it also occurs in every workplace where workers are silenced by the fear of that legal consequence.

In December 2022, four members of a civil society organization were sentenced to three years' imprisonment with hard labour for expressing secular and feminist views. The Committee of Experts cited these cases directly. They were not criminals. They were individuals who exercised their right to express their views. Yet the punishment for speaking out was hard labour, the very same mechanism that can be deployed against any worker whose voice the State finds inconvenient.

We call on the Government to urgently amend the Publications Act No. 76 of 1972 and the relevant Penal Code provisions, and to ensure that no worker in Libya faces imprisonment with compulsory labour as a consequence of peaceful expression.

Interpretation from Arabic: **Government member, Saudi Arabia** – The Kingdom of Saudi Arabia expresses its appreciation of the efforts by the Committee of Experts in presenting their report and the observations that are conducive to further compliance to international labour standards. The Kingdom of Saudi Arabia also supports the Government in its reform process and its ongoing efforts to promote the legislative and institutional framework, thus enshrining the protection of human rights, basic freedoms and the rule of law. These efforts reaffirm the commitment of the Government to the Convention through its harmonization with its national legislation. The Kingdom also would like to reaffirm the importance of the continuing cooperation of the Committee with the Government and reaffirms the necessity to respect its national and international specificity and their efforts.

Worker member, South Africa – The Committee of Experts' 2026 observation identifies the Anti-Cybercrime Law, 2022 as a major new concern. For workers and the labour rights defenders, it represents a qualitative expansion of the threat that they already face. Before this law existed, workers and activists who documented exploitation, illegal labour practices, wage theft and safe working conditions could be prosecuted under the Penal Code provision the Committee of Experts has long flagged. The Anti-Cybercrime Law, 2022 added an entirely new layer. It criminalizes online content deemed threatening to public security or social peace with penalties of up to 15 years of imprisonment. In a legal system where imprisonment means compulsory hard labour, this translates directly into a threat of forced labour for anyone who publishes information online about labour conditions that authorities find inconvenient.

The chilling effect is immediate and real. In 2021, blogger Hamza al-Treki was arrested after uploading a video criticizing the Prime Minister and held for four months without trial. In 2024, journalist Ayed Abdeljalil was imprisoned twice, on separate occasions, for Facebook posts denouncing corruption and racial discrimination. Between arrests, he remained under judicial supervision. These individuals did what workers and their advocates need to do. They documented, they reported, they raised their voices.

The legal system responded with arrests and imprisonment. For workers in Libya, particularly migrant workers, informal sector workers, and those in sectors where exploitation is documented, the effect is devastating. Those who might report abuses, contact a journalist, or post evidence of exploitation online are now facing the risk of criminal prosecution under a law so broadly worded that virtually any critical content can be captured within it. Forced labour thrives in silence. This law enforces that silence.

We call on the Government to repeal or fundamentally redraft the Anti-Cybercrime Law, 2022, removing all criminal penalties for peaceful expression, and to ensure that workers and

labour rights defenders can report exploitation without fear of prosecution. We also call on the Government to ensure compliance with Article 6 of the United Nations Convention against Cybercrime, which provides that States parties should ensure the implementation of their obligations under the Convention and that they should be consistent with their obligations under international human rights law.

Government member, Niger – Niger notes the report of the Committee of Experts and the constructive comments therein, which contribute to strengthening international labour standards.

Our delegation welcomes the steps and efforts of Libya to follow up on these comments. We believe that the Government has demonstrated a clear commitment to the Convention and has showed diligence in aligning its national legislation with the provisions of the Convention, in order to combat forced labour and prevent any interpretation that may infringe the right to intellectual and political freedom of expression. We also welcome the in-depth examination of the relevant legislation carried out by the Government, as well as the safeguards provided under the 2011 Constitutional Declaration and the draft Constitution concerning the protection of the fundamental rights and freedoms, and the prohibition of all forms of forced labour.

Niger appreciates the measures taken by the Government within the correctional and rehabilitation institutions to ensure that the work performed there is not a compulsory penalty but rather part of programmes aimed at social reintegration and rehabilitation. We also welcome the specific measures taken by the Government despite the exceptional circumstances it is facing, particularly the establishment of a National Tripartite Committee, technical meetings among the ministries involved, the preparation of a new law on the media and the preliminary examination of the legislation, as well as Bills aimed at strengthening transparency.

To conclude, Niger invites the Office and the partners to provide the Government with the technical assistance required to continue efforts to implement the Convention through tripartite social dialogue.

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC)** – I represent the Libyan Workers' Federation. I support the conclusion reached by the Committee of Experts regarding the continued punishment of individuals because of their political opinions or their peaceful expression of views and the related detention and sentences that may involve forced labour in places of detention, in violation of the provisions of the Convention. We also share the Committee of Experts' concern regarding continuing restrictions of freedom of expression and the targeting of critics of Government policies, including trade unions and workers who have been prosecuted or detained because of their trade union activities; among them is Fathi Al-Bousaifi, President of the Air Traffic Controllers' Union. However, I would like to draw attention to another aspect of the violations related to the application of the Convention in Libya, namely the use of employment and labour relations as a means of pressure or punishment against workers because of their political opinions, the criticism of corruption or their trade union activities. In a number of sectors and public institutions, cases have been reported involving the dismissal, termination of employment and forced transfer of workers without their consent, accompanied by threats that they would lose their jobs or sources of income if they refuse to comply with these decisions. One of the most significant examples concerns more than 1,000 workers of Libyan Airlines who were collectively dismissed under Ministerial Decision No. 146 following their criticism of corruption and of administrative and governmental policies.

A large number of them were also transferred to positions that did not correspond and deprived of their financial entitlements for more than three years. These measures were linked to the participation of some trade unionists and workers in peaceful protests and demands aimed at improving living conditions and combating corruption. A number of workers were also placed under what is known as "awaiting financial release" procedures, whereby workers remained for years without actual salaries or regular employment of their entitlements creating situations of coercive dependency and continuous economic pressure. A number of these workers submitted complaints to the labour inspection authority in Tripoli but these complaints were not accepted, raising serious concerns regarding the effectiveness and independence of labour law enforcement mechanisms. What is particularly concerning is not the collective dismissals, forced transfers or deprivation of wages but the use of employment itself and workers' livelihoods as instruments of pressure and punishment because of opinions, positions or peaceful activities contrary to the protection guaranteed by the Convention.

In the same context, we are increasingly concerned about the implementation of the 2022 Anti-Cybercrime Act in a manner that, in practice, restricts freedom of expression and creates a climate of fear and self-censorship among workers and trade unionists accordingly. We request the Government to provide full information regarding these practices and to take the necessary measures to ensure that employment dismissal, transfer or deprivation of wages are not used as tools of pressure or punishment and to guarantee the independence of the labour inspection authority in Tripoli and throughout Libya as a whole.

We also call on the ILO to accept requests for a direct contacts mission to verify these allegations and hear directly from workers, their trade union organizations and the relevant authorities with a view to assessing actual compliance with the Convention. We would like to point out that there was an invitation to a workshop in May, where not all the social partners were involved. In particular, certain trade union representatives were denied participation, reportedly because they had called for demonstrations. We note that those who participated claimed to represent the National Federation of Libyan Trade Unions rather than the workers of Libya as a whole. This is testimony illustrating that not all social partners are currently able to participate fully in social dialogue processes in Libya.

Interpretation from Arabic: **Government representative** – We have duly taken note of all of the observations that have been made and we affirm that all positions and all comments will serve to enrich our dialogue and improve labour standards at the international level. We are fully committed to applying the Convention.

Its technical framework consists of abolishing forced labour and Article 2 of the Labour Code prohibits all forms of slavery or forced labour in general for all inhabitants and making sure that everyone is on an equal footing. We also have the intention of respecting freedom for all. This has been mentioned in a number of different reports. All of these issues do, however, need to be dealt with as part of the revision mechanism concerning human rights and this is why we call for the full respect of the technical framework of the Convention. We would also like to affirm that all national legislation including the Penal Code is currently undergoing a process of revision in detail to ensure that the laws we have are fully in conformity with the Convention.

We also wish to share with you the fact that the legislative framework adopted since 2011, together with the Labour Code of 2010, guarantees fundamental freedoms and prohibits all forms of forced labour and slavery. Furthermore, certain legislative provisions that have been linked to concerns relating to forced labour have not been applied since 2011. The Government submitted its report, last year during the International Labour Conference, in relation to the

application of the Forced Labour Convention, 1930 (No. 29). On that occasion, we took into account the observation and the conclusions made by this Committee. It is therefore our view that Libya's inclusion on the present list of cases is not justified. However, we wish to emphasize that the remarks made by Committee of Experts and the Conference Committee will be taken into account. The Government remains committed to respecting international labour standards and, in particular, the principle of tripartism.

The Government is fully committed to respecting international labour standards and the principles of labour, in particular the tripartite principle. We believe that there is an important issue that the ILO should address. It concerns the appearance in this Committee of the entity referred to as the General Federation of Libyan Trade Unions, speaking on behalf of the ITUC, which has not been recognized as a social partner and has no effective presence within Libya in terms of worker membership, founding structures or trade union organizations registered at the national level.

The presence of an entity presenting itself as a representative of workers, without being grounded in an established organizational mandate or a genuine membership base, raises legitimate questions regarding the extent to which such representation is consistent with the principles established by the ILO to ensure the participation of the three constituents in a manner that reflects their actual representativeness.

According to the information available to us, this entity was reportedly established outside Libya, during a training workshop held in Tunisia, with the participation of individuals who did not represent an established worker constituency. In our view, this raises concerns regarding the foundations and representativeness of certain trade union structures.

Since the adoption of Law No. 3 of 2023 on trade union organization, the Government has embarked on a process of rebuilding the trade union movement on sound democratic foundations. However, the existence of structures that lack an institutional basis or an effective presence on the ground has created confusion within the trade union landscape and has affected the ability of legitimately established trade unions to carry out their normal role within the country.

We believe that the necessary measures must be adopted to ensure that representation within this room is genuine and based on a clear set of rules in order to instil trust in International Labour Conference delegates. We do not wish to criticize any particular party but we believe that this is an essential principle. It protects workers and an important principle of tripartism upon which the work of the ILO is built.

Despite the challenges posed by the transitional period, the Government remains committed to the process of legislative reform through technical work and coordination among the competent ministries, as well as through the activation of the National Tripartite Committee; and we shall put in place national legislation in accordance with international principles. The Government also reiterates its openness to the technical assistance and support provided by the Office and reaffirms its commitment to providing statistical information relating to prison sentences. It further confirms its readiness to continue constructive cooperation in a manner that strengthens confidence in the ongoing process of legal and institutional reform.

Worker members – We thank all delegations for their contributions to this debate and particularly the Government representative for the information provided to the Committee. From the workers' perspective, today's debate has confirmed that there are still serious and long-standing concerns regarding Libya's implementation of the Convention. The Convention

leaves no room for exceptions when forced labour is used as a means of political coercion, punishment for the expression of opinions, labour discipline or discrimination. We recall that these obligations apply at all times and under all circumstances, including during periods of political transition or institutional fragility.

The discussion has emphasized that the main concern in this case relates to the use of criminal legislation and detention practices that allow for the imposition of compulsory labour on persons who, without having recourse to violence, express political opinions or views opposed to the established political, social or economic system. From the workers' perspective, this affects the intersection between fundamental human rights and fundamental labour rights.

We are particularly concerned that, under the current legal provisions, a prison term may be imposed for the expression of certain views, and that this penalty may include compulsory labour. As the Committee of Experts has been highlighting repeatedly for some time: any system that allows for the imposition of compulsory labour as a consequence of the expression of political views is incompatible with the Convention.

The Worker members note with concern that, instead of resolving these long-standing problems, more recent legislative developments – such as the 2022 Anti-Cybercrime Act – have added further complexity. The adoption of new criminal provisions that set out prison terms involving compulsory labour raises serious questions of compatibility with the Convention, particularly when the scope of the criminalized acts is broad or vague. We consider that this further increases the risk of imposing forced labour despite its clear prohibition in the Convention.

The Worker members fully share the view of the Committee of Experts that general statements of principle are not sufficient. The Convention requires precision in the law and effectiveness in practice. The Criminal Code must clearly and explicitly exclude any possibility of imposing compulsory labour on grounds prohibited by the Convention. If not, workers and persons deprived of liberty remain exposed to serious risks of abuse. The Committee of Experts has also emphasized, and we fully agree, that any work performed under the authority or supervision of the State must be aligned with the Convention, including when in detention.

Deprivation of liberty must never be used as a way of being able to impose compulsory labour on any one without their genuine consent and without robust legal safeguards. Any practice of this kind jeopardizes human dignity and the rule of law.

Forced labour affects the most vulnerable people, particularly prisoners, migrants and others without the means necessary to challenge coercive practices. Wherever forced labour is not unequivocally prohibited or effectively prevented, it becomes an instrument of repression and exploitation that is incompatible with the values of the ILO.

The persistence of serious problems relating to the Convention confirms the need to address the question of forced labour in the context of detention and requires more urgent monitoring.

In this context, the Worker members fully support the repeated requests of the Committee of Experts for specific, detailed and updated information on the measures taken to give effect to the Convention, including with regard to detention practices, monitoring procedures and punishments. Without this information, it is impossible to evaluate whether progress is being made.

In the light of today's discussion, and echoing the concerns and requests of the Committee of Experts, the Worker members wish to clearly state their conclusions and expectations.

Firstly, we urge the Government to urgently adopt specific legislative measures to ensure that no prison sentence involving compulsory labour can be imposed on persons who, without having recourse to violence, express political opinions or views opposed to the established political, social or economic system whether such expression is offline or through technological means.

Second, we urge the Government to urgently adopt specific legislative measures to ensure that no civil servant or public sector worker may be imprisoned including with sentences involving compulsory prison labour as a penalty for breaches of labour discipline or for their participation in collective action.

Third, we urge the Government to ensure that any work related to detention and any work performed under the authority of the State is fully in conformity with the Convention and that no compulsory labour is imposed under the threat of punishment and without genuine consent.

Fourth, we urge the Government to strengthen the supervisory, enforcement and reporting procedures to ensure that all practices that amount to forced or compulsory labour are investigated quickly and effectively punished.

Fifth, we reiterate the importance of constructive and sustained cooperation with the ILO. To this end, we urge the Government to accept a direct contact mission in Libya to ensure that all the measures taken are in conformity with the Convention.

Lastly, we hope that the Government will provide the Committee of Experts with comprehensive and clear information on the measures adopted in law and in practice to abolish forced labour in all its prohibited forms, including information on safeguards, remedies and penalties.

The Convention is binding and its requirements non-negotiable. We hope that the Government seizes this opportunity to demonstrate its commitment to the full and effective abolition of forced labour in accordance with its international obligations and in cooperation with the ILO supervisory bodies.

Employer members – I will try to be as brief as possible. The Employer members would like to thank the Government for its constructive participation in today's discussion and for sharing its perspective with this Committee. As we move to close this discussion, the Employer members wish to reaffirm the shared critical importance that we place on full compliance with the Convention, including its Article 1(a) concerning the prohibition of sanctions involving an obligation to work as a punishment for the expression of political views or views ideologically opposed to established social, political or economic system. The observations raised by the Committee of Experts, particularly concerning the Publications Act No. 76 of 1972, certain provisions of the Penal Code and the Anti-Cybercrime Law, 2022 highlight important areas where legislative clarity is required to ensure full alignment with the Convention.

We have closely listened to the Government's information about its current challenging national context. The Employer members understand Libya is navigating a very complex period of political and security transitions. We also heard in this discussion that, within that context, enterprises and workers are also suffering as businesses close, and investor confidence also declines in the process. This naturally places a grave burden on the Government's institutional

infrastructure and capacity to govern the country. While we take note of the serious environmental constraints, it is also the Employer members' view that establishing clear and explicit legislative safeguards during such transitional times can help serve as a reassuring foundation for long-term stability, recovery and restoration of the confidence of investors and enterprises, and jobs for the workers.

While we welcome the Government's commitment to the Constitutional Declaration of 2011 as the supreme guide, we believe that relying on implicit alignment alone may leave room for misinterpretation and misapplication of the Convention on the ground. To provide legal certainty and confidence to all parties, we call on the Government to take the positive spirit of the Constitutional Declaration and reflect it through explicit amendments to the relevant written texts of the Publications Act No. 76 of 197, the Penal Code and the Anti-Cybercrime Law, 2022. The Employer members reiterate that the recent ILO field mission to Tripoli from 17 to 21 May 2026 is indeed a constructive progression. We commend this openness to dialogue of the Government and the Government's cooperation with the Office. We strongly urge the Government to sustain this momentum by expanding and deepening its cooperation with the Office to address the specific legislative elements discussed today under the framework of the Convention.

This brings me to my conclusion. While we note the political instability and security challenges that Libya is facing, the Employer members view this as critical for the Government to move forward with the practical implementation. The Employer members urge the Government to expand and deepen its work with the Office to establish a clear road map with a timeline and, on an urgent basis, to bring its national legislation as well as its practical implementation into full conformity with the Convention. We also call on the Government to ensure that a broad and inclusive social dialogue is adhered to throughout the legislative amendment process.

Chairperson – Let us conclude discussion of this case. I thank the Government representative of Libya and all the speakers who participated in the discussion.

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 that the Government did not provide a reply to the previous comments of the Committee of Experts, and recalled the importance of complying with reporting obligations under the supervisory system.

The Committee stressed that all work carried out under the authority or supervision of the State must comply with the Convention and not be imposed under threat or coercion.

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

- **take time-bound and concrete measures to ensure conformity of national legislation and practice with the Convention, in particular by amending the relevant provisions of the Publications Act of 1972, the Penal Code, and the Anti-Cybercrime Law of 2022, to ensure that no penalties involving compulsory labour are imposed for the peaceful expression of political or ideological views;**

- **ensure, in law and in practice, that no person is subjected to imprisonment involving compulsory labour as a result of the peaceful expression of political or ideological views; and**
- **strengthen the mechanisms to ensure that violations of the Convention are promptly investigated and sanctioned, and provide information on the progress achieved, including the number of cases processed, convictions brought, the facts that led to those convictions and penalties applied.**

The Committee requested the Government to avail itself of the technical assistance of the ILO to effectively implement all of the Committee's recommendations and to report to the Committee of Experts by 1 September 2026 on the measures taken to implement the above recommendations and the results achieved

Interpretation from Arabic: **Government representative** – Distinguished members of the Committee, the Government of National Unity of the State of Libya wishes to express its appreciation to the Committee for its observations and for the efforts made in examining the case concerning the implementation of the Convention. The Government reaffirms its full respect for the supervisory mechanisms of the ILO and its commitment to constructive cooperation with the Conference Committee and the Committee of Experts in a manner that strengthens compliance with international labour standards. With regard to the observations, the Government would like to make the following remarks.

The Government confirms its commitment to submit all reports required and indicates that the delay referred to by the Committee is due to exceptional circumstances related to the transitional period the country is going through. Of course, there are also the institutional challenges accompanying this process. The Government affirms that it will address this delay and submit comprehensive reports by the deadline of 1 September 2026. The Government also confirms that it has already initiated a review of several relevant pieces of legislation in line with the provisions of the Convention and these reviews are carried out in coordination and consultation with the National Tripartite Committee.

The Government denies the existence of any case in which punishment involving compulsory labour was imposed as a result of peaceful expression of opinion, and stresses that the provisions referred to have not been applied since 2001.

The Government is also working to strengthen mechanisms for investigation and follow-up on all investigations carried out. The Government welcomes the Committee's invitation to benefit from ILO technical assistance and affirms its full readiness to enhance this cooperation through workshops and the strengthening of national capacity-building. The Government of Libya wishes to provide clarifications with regard to the indication that it did not provide a reply to the Committee of Experts. In fact, we did submit this information and it was discussed at this session. The Government considers that the conclusions may not take account of transmission or registration reports within previous sessions. It is not that we do not want to provide this information or cooperate with the Committee. The Government reaffirms that it has been fully committed and will continue to cooperate with your Committee and through official records of the ILO. The Government of the State of Libya reiterates its firm commitment to implement the provisions of the Convention – this is a reflection of the will of the State to respect freedoms and the rule of law. The Government affirms that these observations represent an important way of cooperating with this Committee and with the ILO.

Mali (ratification: 2000)

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

Written information provided by the Government

In response to the 2025 observations of the Committee of Experts regarding the application of the Convention, the Committee has raised concerns regarding the forced recruitment of children in armed conflict in Mali. With regard to respect for fundamental human rights, it should be recalled that, from independence to the present day, all Governments of the Republic of Mali have accorded constitutional status to the promotion of those rights with a view to firmly establishing their legal basis. Despite the efforts made, the matter of protecting the rights of children and vulnerable persons in the context of the asymmetric armed conflict between the Malian Armed Forces and armed groups continues to be raised regularly by the ILO.

In fulfilling its sovereign mission, the military has for several years lawfully ensured the defence of Mali's territorial integrity and the protection of citizens and their property in accordance with specific legislation, in particular Act No. 04-051 of 23 November 2004 establishing the general organization of national defence and Ordinance No. 2023-15 of 21 March 2023, as amended, issuing the general conditions of service of military personnel. It should be recalled that section 3(3) of the general provisions governing the conditions of service of military personnel sets the age of recruitment in the armed forces at 18 years. Pursuant to that statutory provision, the State of Mali ensures that no child under 18 years of age may be recruited into the Malian armed forces. This provision is reinforced by the Constitution of 22 July 2023 and by the provisions of Act No. 01-081 of 24 August 2001 on the criminal responsibility of minors and the establishment of juvenile courts, Act No. 2024-027 of 13 December 2024 establishing the Penal Code and Act No. 2024-028 of 13 December 2024 establishing the Code of Criminal Procedure, all of which set the age of criminal responsibility at 18 years. Further, section 242-85 of the Penal Code specifically criminalizes and punishes the recruitment and use of children by armed forces and groups.

Therefore, we maintain that this information regarding the use of children by our armed forces, including in "support missions", requires verification and does not reflect the reality of the situation. For the Government of Mali, children associated with armed groups cannot be considered combatants; on the contrary, they are victims.

At the operational level, the National Directorate for the Promotion of Children and the Family (DNPEF) provided care for 1,432 children who left armed groups between 2013 and 2025, including 914 children in the 2023–25 period alone. These measures reflect the effective implementation of the legal and constitutional prohibition on the recruitment of children. The implementation of the Young Former Combatants–Young Agent of Change (JRA–JAC) project has facilitated the socio-economic reintegration of former child combatants; the annual organization of 400 consultation forums with religious, traditional and community leaders in Bamako has helped to raise public awareness; the implementation of intercommunity and interfaith dialogues in five regions has strengthened the promotion of peace and social cohesion; the construction of four de-radicalization centres (Mopti, Gao, Ségou and San) has facilitated the socio-economic reintegration of vulnerable young people; and the establishment of the Directorate for the Judicial Protection of Children has strengthened the protection and socio-professional integration of children.

Prohibition of begging

Begging by minors is punishable under section 242-91 of the 2023 Penal Code. The Government has also taken measures under the Child Protection Code and the Penal Code to provide for sufficiently dissuasive penalties against the practice of begging. Under the provisions of section 242-91 of the Penal Code, any person who is convicted of incitement to begging shall be liable to a sentence of six months of imprisonment. However, if the person incited to engage in begging is a minor, the sentence shall be one year of imprisonment. The Government will spare no effort in ensuring the effective implementation of these various pieces of legislation.

Prohibition of slavery, the sale and trafficking of children

Article 3 of the Constitution provides that: "The State shall ensure the protection of children against trafficking in persons and related offences, and against recruitment into violent extremist groups". The smuggling of minor migrants is punishable under section 324-47 of the Penal Code, and trafficking of children is punishable under section 324-52 of the Penal Code. Act No. 2019-056 of 5 December 2019 on the suppression of cybercrime provides for and punishes online abuse and exploitation of children. With regard to the prohibition of the procuring of a child for prostitution, child sex tourism is punishable under section 327-8 of the Penal Code, child pornography is treated as forced pornography, which is punishable under section 327-7 of the Penal Code, and the sexual harassment of a minor is punishable under section 327-6 of the Penal Code.

Street children

Every year, advocacy events are organized to mark the International Day for Street Children (12 April). Article 11 of the Constitution provides that: "Every citizen shall have the right to education. Public education shall be compulsory, free of charge and secular. Private education is recognized and shall be provided under the conditions established by law". In addition, basic education (from 6 to 17 years of age) is compulsory for all children.

With regard to the measures taken between 2021 and 2025 to overcome obstacles and make free and compulsory basic education a reality, Mali has introduced several policies aimed at ensuring the effective provision of free basic education, in particular through the second generation Ten-Year Programme for the Development of Education and Vocational Training (PRODEC 2) 2019–28 and the national teaching policy. To improve the situation, the State took several measures between 2021 and 2025, including recruiting and training teachers, building and renovating schools, promoting education for all (particularly for girls and vulnerable children), using radio and technology to deliver lessons, and implementing national education programmes.

With regard to the use, procuring or offering of children under 18 years of age for illicit activities in general, the Government draws the Committee's attention to legislation on the control of drugs and infusers, namely Act No. 01 078 of 18 July 2001, which remains in force. Additionally, on 15 August 2022 the Government adopted an interministerial order prohibiting the import, distribution, sale and use of shishas (hookahs) and all other similar appliances. These two pieces of legislation place strict controls on drugs, their precursors, narcotics and other substances defined therein, with breaches subject to severe penalties. None of these provisions permits the use of children in the production, supply or sale of drugs. Copies of these two texts will be included in an appendix to the coming detailed report. Nevertheless, the Government undertakes to consult the social partners with a view to the adoption of

adequate legislative provisions prohibiting the use, procuring or offering of children under 18 years of age for illicit activities, in particular for the production, supply and sale of drugs.

Hazardous work and effective and time-bound measures. Children working in traditional gold panning

The implementation period of the National Programme to Combat Child Labour (PANETEM) 2011–20 was marked considerably by a social, political and security crisis in the country. Moreover, the round table of donors did not take place, and the disbursements of the funds planned by the main actors could not be undertaken properly, which had a sizeable impact on efforts to implement the programme.

Between 2012 and 2020, however, the National Unit against Child Labour (CNLTE), in partnership with a number of state bodies (ministries responsible for promoting women, children and families; the Ministry of Justice; the Ministry of Education; the Ministry of Health and the Ministry of Agriculture) and non-state bodies (the Office, the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)), along with certain social partners (the National Union of Education and Culture (SNEC)) and civil society organizations, has undertaken significant activities to remove children from the worst forms of labour in traditional gold panning and to rehabilitate them and integrate them into society. Information on the progress made and the results obtained in that regard are included in the PANETEM 2011–20 evaluation report. The Government, working with the Office, has worked to draw up and adopt a second PANETEM, the draft of which has already been completed and was the subject of an initial interministerial meeting on 25 March 2025 which recommended submitting a written communication on the results of the PANETEM 2011–20 to the Council of Ministers before presenting its second iteration, backed by the national labour policy, for adoption. With the Office's assistance, the PANETEM 2011–20 evaluation workshop was planned for 27 and 28 April 2026 in Bamako, although the terrorist attacks that occurred in the country on 25 April 2026 prevented it from taking place. A new date will be identified once the security situation allows the workshop to be held.

Access to free basic education

The Government, with the support of technical and financial partners, has drawn up PRODEC 2 to cover the 2019–28 period, accompanied by a budgeted, multi-year plan of action for 2019–22 which constitutes the first phase in PRODEC 2's implementation and allows the activities undertaken to be highlighted each year and trends in the follow-up indicators presented. To that end, an annual performance report is produced and presented during joint education and vocational training sectoral technical reviews. As part of implementation and monitoring efforts, PRODEC 2 is based on the Education Funding Simulation Model (MSFE) 2016–30, a matrix of risks and mitigation scenarios, and a framework for measuring results.

Following the implementation of the five programmes that make up PRODEC 2, the main progress achieved between 2019 and 2023 in relation to the functioning of the education system and improvements to access are as follows: in terms of basic education, one of the most evident strengths is the vitality of the education system which, beyond the formal sectors, is based on education options that enjoy significant support from the State, communities, children and partners, which do not hesitate to contribute substantial funds to them; and with regard to access, in 2023 the gross enrolment rates for preschool for boys and girls were highest in Bamako, at 17.11 per cent and 17.77 per cent respectively, while the rate among girls in Koulikoro was higher than the national average, 7.14 per cent. At the first stage of basic

education, the gross enrolment rate rose from 81.92 per cent to 83.23 per cent between 2019 and 2023, an increase of 1.31 percentage points.

The best gross enrolment rates for girls were achieved in 2020 (82.32 per cent) and 2023 (80.39 per cent), increasing the gender parity index by 0.02 percentage points between 2019 and 2023, with a peak in 2023. The rate of 83.23 per cent, which exceeds the anticipated target of 77.5 per cent in the MSFE under PRODEC 2 by 5.73 percentage points, demonstrates that significant effort has been made and that the current direction of travel should be maintained.

The Government reaffirms its commitment to meeting its constitutional obligations arising from the ratification of the Convention, and more detailed information will be provided in its 2026 regular report as well as in its answers to the direct request made in 2025 by the Committee of Experts. We hope that these responses will be of interest to the Committee with regard to the individual case concerning Mali and that Mali will not be included in the final list of cases to be examined during the Conference.

Discussion by the Committee

Chairperson – Ladies and gentlemen, the second case this morning relates to the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), by Mali. For the discussion of this case we have 19 speakers on the list of speakers. The Officers have therefore decided to reduce the maximum time for interventions by individual delegates from five to three minutes, and we would welcome your understanding and cooperation in adjusting your speeches to the time allotted.

I invite the Government representative of Mali, the Minister of Labour, the Public Service and Social Dialogue, to take the floor. The Government has informed us that it wishes to use 25 minutes for its initial intervention, and five minutes for its conclusions.

Government representative – With a view to giving effect to the provisions of the Convention, ratified by Mali on 14 July 2000, the Government has adopted significant measures.

As legislative measures, regulations and agreements with an incidence on the application of the Convention, Mali has adopted the following texts:

- the Constitution of 22 July 2023;
- Act No. 2023-017 of 23 July 2023 amending and adopting Ordinance No. 2023-015/PT-RM of 21 March 2023 issuing the General Regulations for Military Personnel;
- Act No. 01-078 of 18 July 2001 on the control of drugs and their precursors;
- Ordinance No. 2023-005/PT-RM of 21 March 2023 establishing the National Human Rights Directorate;
- Act No. 2024-027 of 13 December 2024 issuing the Penal Code;
- the Ordinance issuing the Code of Criminal Procedure;
- the Decree amending certain provisions of the Labour Code of 1992;
- the Order establishing the list of light work permitted for children between the ages of 13 and 14.

More specifically, on the issues of forms of slavery and practices similar to slavery, and the forced recruitment of children in armed conflict, the Government thanks the Committee of

Experts for the attention drawn to the worrying situation of the forced recruitment of children in armed conflict. It fully shares the will to eradicate this practice, in full conformity with the international Conventions ratified by Mali, and particularly the present Convention.

In relation to respect for fundamental human rights, it should be recalled that, from independence to the present day, all the Governments of the Republic of Mali have endowed their promotion with constitutional ranking with a view to the deep-rooted confirmation of their legal status. More specifically, and despite the many visible efforts that have been made by Mali, particularly in relation to the strengthening and development of its internal juridical arsenal in accordance with international standards and the ratification of many other regional and international legal instruments in this field, the question of the protection of the rights of children and vulnerable persons in a context of asymmetrical armed conflict to combat terrorist armed groups by the Mali armed forces has repeatedly been raised by certain international organizations.

Accordingly, the army, in the exercise of its sovereign mission, has been ensuring in full legality for several years the defence of the whole of the territory of Mali and the protection of citizens and their property in accordance with certain specific legal texts, and particularly the Act of 23 November 2004 on the organization of the national defence and ordinance No. 2023-015/PT-RM of 21 March 2023 issuing the General Regulations of Military Personnel, as amended.

With reference to the General Regulations of Military Personnel, which establish the principles for the management of military personnel, section 3(3) contains general provisions setting the age of recruitment to the army at 18 years. Through this measure, it should be recalled that the State of Mali has guaranteed that no child under 18 years of age could be recruited into the armed forces of Mali. This guarantee is also reinforced by the provisions of criminal Act No. 01-81 of 24 August 2001 respecting criminal minority and the establishment of juvenile courts, Act No. 2024-027 of 13 December 2024 issuing the Penal Code and the Act of 13 December 2024 issuing the Code of Criminal Procedure, which sets the age of criminal majority at 18 years.

Furthermore, with a view to ensuring the rehabilitation and social reintegration of children involved in or affected by the conflict, the Government issued an Interministerial Circular on 7 February 2013 on the prevention, protection and return to the family of children associated with armed forces and groups. Signed respectively by the Ministers of Defence and Former Combatants, of the Administration of the Territory, of Decentralization and National Planning, of Internal Security and Civil Protection, of Justice, the Office of the Attorney-General and of the Family, the Circular, which already considers children used by armed groups as being victims of armed conflict, covers exhaustively, in eight points, the multiple aspects of their reintegration.

With a view to facilitating the implementation of these measures, on 1 July 2013, the Government also concluded with the United Nations System a Protocol Agreement on the transfer of children associated with armed forces and groups, establishing the obligation of the police to:

- appoint a focal point responsible for following up children in relation with the National Directorate for the Protection of Children and the Family (DNPEF) and the United Nations Children's Fund (UNICEF), without even being able to hold hearings; and
- immediately transfer any child referred to them by the armed forces or allies.

Where such referral occurs outside Bamako, the police has 24 hours to inform the DNPEF or UNICEF and a maximum of 48 hours for the transfer of the child.

In the view of the Government, children associated with armed conflict cannot be considered combatants. On the contrary, they are victims. The Government emphasizes the fact that, contrary to the indications contained in the United Nations (UN) report, the Mali army does not use and will never make use of children, even in "supporting roles", in accordance with the criteria set out in the General Regulations of Military Personnel. There is a serious case of confusion here that needs to be noted and corrected.

It should also be recalled that the terrorist groups that operate on the national territory are responsible for the use of children in conflict. On each occasion that children are captured with armed groups, the provisions of the above Circular are applied.

You have noted, as we have, that the situation is complex on the ground, and that the coordinated attacks of 25 April 2026 on Bamako, Kati, Sévaré-Mopti, Gao and Kidal against our country offer sufficient proof of this complexity, and indeed cost the lives of our Minister of Defence and his family and of the Muslim faithful who were at prayer in the adjacent mosque.

The terrorists and their foreign sponsors are responsible for the death of thousands of our population, including women and children. In violation of the law and the principles of humanity, these criminal groups take the civilian population as their targets, engage in murder, pillage, the forced displacement of the population, they ransack and profane religious sites, burn agricultural crops, torch barns and lorries containing sheep and trucks containing market garden produce. They are the perpetrators of the destruction of civil infrastructure, including schools, health centres, water systems and electrical networks. They attack economic activities, burn fuel tanks and whole villages, such as Gomossogou and Kori-kori in Dogon district, rape women, etc. Peace be with them.

There has been no condemnation of the acts of 25 April 2026 and other previous atrocities, and our national army never uses children, even in supporting roles, as professional military personnel. The attacks of 25 April 2026 were intended by the terrorists and their foreign sponsors who recruit, train and equip them to lead to the fall of Mali.

What can be confirmed is that the terrorists arrested during the attack on Timbuktu in 2013 have been judged and convicted. All terrorists who are arrested will be put on trial in accordance with the law. The Government remains determined to apply the penalties set out in the legal texts referred to above and will do everything it can to fulfil its constitutional obligations resulting from the ratification of the Convention. But we call for support from the Office as a pioneer country in relation to the human rights set out in the Charter of Kouroukan Fouga of 1236.

With reference to forced and compulsory labour, and begging, the Government has had a National Policy for the Promotion and Protection of Children in Mali since 2014, the principal objective of which is to contribute to the establishment of an environment (legal and institutional) that is conducive to the promotion and protection of children by building national consensus on the integrated development of the child.

The Government has therefore taken the necessary measures through the Child Protection Code and the new Penal Code for the establishment of sufficiently dissuasive penalties against begging. Section 242-91 of the new Penal Code provides that "any person convicted of incitement to begging shall be liable to a sentence of six months' imprisonment. However, if the person incited to engage in begging is a minor, the sentence shall be one year of imprisonment."

The Government will spare no effort for the effective application of these various texts. The number of convictions of marabouts under the provisions of section 242-91 of the new Penal Code is not yet available, but more complete information will be provided on statistics of convictions, if any, in future reports.

Recently, in May 2026, the Government established an inter-ministerial committee to seek a solution to the matter of the masters of *talibé* children and begging by children, which have become sources of recruitment for terrorist groups. The conclusions of that committee will be implemented without delay. Moreover, a national strategy to combat begging and a related plan of action for 2026–28, costed at more than 5 billion CFA francs, is currently being adopted by the Government and includes the mapping of locations in which beggars gather.

With regard to the use, procuring or offering of children for illicit activities, although there are no specific legislative provisions on the prohibition of the use, procuring or offering of children under 18 years of age for illicit activities in general, the Government draws the Committee's attention to legislation on the control of drugs and their precursors, namely Act No. 01 078 of 18 July 2001 on the control of drugs and their precursors, which remains in force. In addition to that law, on 15 August 2022 the Government adopted an inter-ministerial order prohibiting the import, distribution, sale and use of shishas (hookahs) and all other similar appliances in Mali. These two pieces of legislation place strict controls on drugs, their precursors, narcotics and other substances defined therein, with breaches subject to severe penalties. None of these provisions permits the use of children in the production, supply or sale of drugs.

Nevertheless, the Government undertakes to consult the social partners with a view to the adoption of adequate legislative provisions prohibiting the use, procuring or offering of children under 18 years of age for illicit activities, in particular for the production, supply and sale of drugs. That could relate to amendments to the 2001 Act on the control of drugs and their precursors to introduce specific provisions prohibiting the use, procuring or offering of children under 18 years of age for illicit activities. Correspondence will be sent to the Ministry of Security to request such an amendment or to strengthen the inter-ministerial order.

Regarding hazardous work, effective and time-bound measures and children working in traditional gold panning, the implementation period of the National Programme to Combat Child Labour (PANETEM I) 2011–20 was marked considerably by a social, political and security crisis in the country. Moreover, the round table of donors did not take place, and the disbursements of the funds planned by the main actors could not be undertaken properly, which had a sizeable impact on efforts to implement the Programme.

Between 2012 and 2020, however, the National Unit against Child Labour (CNLTE), in partnership with a number of state bodies (ministries responsible for promoting women; the Ministry of Justice; the Ministry of Education; the Ministry of Health and the Ministry of Agriculture) and non-state bodies (the Office, UNICEF, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)), along with certain social partners (the National Union of Education and Culture (SNEC)) and civil society organizations, has undertaken significant activities to remove children from the worst forms of labour in traditional gold panning and agriculture and to rehabilitate them and integrate them into society. Information on the progress made and the results obtained in that regard are included in the PANETEM I evaluation report and in the CNLTE's 2025 annual report.

The Government, working with the Office, has worked to draw up and adopt PANETEM II, the draft of which has already been completed and was the subject of an initial interministerial

meeting on 25 March 2025 which recommended submitting a written communication on the results of PANETEM I to the Council of Ministers before presenting PANETEM II for adoption. With the Office's technical and financial assistance, the PANETEM I evaluation workshop was planned for 27 and 28 April 2026 in Bamako, although the terrorist attacks that occurred in the country on 25 April 2026 prevented it from taking place. A new date will be identified once the security situation allows the workshop to be held.

A table has been drawn up that uses processed data gathered in 2025 by the Sikasso Regional Labour Directorate and the CNLTE to summarize the situation of victims of the worst form of child labour by sector and in terms of the number of children identified, removed, reintegrated, not reintegrated and not removed, specifying the sources and bodies that provided the data.

The non-governmental organization Right to Play, for example, identified 657 girls and 869 boys, removed 573 girls and 714 boys, and reintegrated 337 girls and 337 boys; in addition, 852 children were not reintegrated and 239 children were not removed. The Sikasso Regional Labour Directorate identified 246 girls and 482 boys, removed 246 girls and 382 boys and reintegrated 118 girls and 117 boys, while 493 children were not reintegrated and 100 children were not removed. The detailed table is included in the note that we have provided.

In 2025, the CNLTE carried out missions on the ground. These took place from 6 to 9 August 2025 in the gold panning sites of Misseni and Fourou in the Kadiolo cercle; from 17 to 20 August 2025, when one mission took place in Yanfolila and one in Kalana, in the Bougouni region, again in gold panning sites; and from 14 to 17 December 2025, in gold panning sites in Koflatié, Kangaba cercle. While these results obtained in 2025 certainly represent progress, the CNLTE's means of action must be strengthened.

Concerning access to free basic education, the Government, with the support of technical and financial partners, has drawn up the second-generation Ten-Year Programme for the Development of Education and Vocational Training (PRODEC 2) to cover the 2019–28 period. As part of implementation and monitoring efforts, PRODEC 2 is based on the Education Funding Simulation Model (MSFE) 2016–30, with a matrix of risks and mitigation scenarios, and a framework for measuring results. Following the implementation of the five programmes that make up PRODEC 2, the main progress achieved between 2019 and 2023 in relation to the functioning of the education system and improvements to access are as follows:

1. In terms of the progress made, in basic education one of the most evident strengths is the vitality of the education system which, beyond the formal sectors, is based on education options that enjoy significant support from the State, communities, children and partners, which do not hesitate to contribute substantial funds to them.

With regard to access, in 2023 the gross enrolment rates for preschool for boys and girls were highest in Bamako, at 17.11 per cent and 17.77 per cent, respectively, while the rate among girls in Koulikoro was higher than the national average, 7.14 per cent.

At the first stage of basic education, the gross enrolment rate rose from 81.92 per cent to 83.23 per cent between 2019 and 2023, an increase of 1.31 percentage points. The best gross enrolment rates for girls were achieved in 2020 (82.32 per cent) and 2023 (80.39 per cent), increasing the gender parity index by 0.02 points between 2019 and 2023, with a peak in 2023. The rate of 83.23 per cent, which exceeds the target of 77.5 per cent anticipated in the MSFE under PRODEC 2 by 5.73 percentage points, demonstrates that significant effort has been made and that the current direction of travel should be maintained, which has the advantage of achieving universal access to education.

The parity index in access to the first stage of basic education continues to pose a challenge. In comparison with the second stage, it evolved positively between 2019 and 2023, from 0.93 to 0.96 points. By pursuing the efforts made, the improvement in gross enrolment rates could address the flow of pupils, reducing the proportion of pupils who retake a year and of pupils who drop out of school.

In terms of coverage, in 2023 the gross enrolment rate in pre-primary education among girls in Bamako was more than double the national average, at 20.05 per cent compared to 8.14 per cent. The rate among girls in Koulikoro was around 1.26 per cent higher than the national average, at 9.4 per cent. The gross enrolment rate in the first stage of basic education rose from 79.93 per cent in 2019 to 81.29 per cent in 2023. The rate of 81.29 per cent in 2023 was lower than the MSFE target of 83 per cent. At the secondary level, the most significant progress was made in Bamako in 2023, in terms of access and coverage.

Nevertheless, several school enrolment and retention strategies have been developed, particularly for girls, including the setting up of school canteens, the distribution of supplies and the provision of school kits. Among the progress made, it is important to highlight the rate of completion of the second stage of basic education which rose significantly between 2019 (34.5 per cent) and 2022 (37.1 per cent), against the PRODEC 2 target for 2022 of 36.2 per cent. Gender parity was almost achieved between 2021 and 2023.

2. With regard to the results obtained, despite persistent challenges, the implementation of PRODEC 2 led to a number of achievements, including:

- the development of career pathways for teachers;
- training for enrolment management committees and parent associations in their roles and responsibilities in addressing children with special educational needs and in early childhood;
- the monitoring and evaluation of the setting up and operation of school canteens;
- the provision of mothers' grants to encourage girls' enrolment and retention in school;
- capacity-building for actors involved in girls' enrolment and the creation and management of income-generating activities;
- the establishment of facilities for women to process local products with a view to encouraging girls' enrolment and retention in school;
- training for mothers' associations in their roles and responsibilities in girls' enrolment;
- support for girls from disadvantaged backgrounds to retain them in the school system.

3. With regard to the progress achieved, and also the need for consolidation, with a view to innovation and the reinforcement of the governance systems of the education system, approaches have been implemented, among others, for:

- the securing of planning and follow-up tools for PRODEC 2 with budgetary management in the programme mode;
- the holding of meetings in the partnership framework bringing together the main actors in education;
- the regular performance of technical reviews of the education sector, as an accountability exercise, which are being improved over the years and mobilize a significant number of actors and partners in the Mali education system.

Furthermore, in the implementation of the PRODEC 2, efforts have been made for the provision of urgent support, including:

- continuing education with the use of electronic means (online courses);
- the recruitment of voluntary local teachers to cover certain areas experiencing difficulties due to security risks;
- the organization of catch-up and remedial courses for certain children with learning difficulties;
- financial support for certain children from families affected by or displaced as a result of the security crisis;
- technical and material support for certain vulnerable groups affected by flooding, conflict and disasters.

The Government reaffirms its commitment to fulfilling its constitutional obligations deriving from the ratification of the Convention, and more detailed information will be provided in the regular report in 2026 and in the replies to the direct request of the Committee of Experts. The Government remains committed to fulfilling its constitutional obligations, as it has always done, by providing regularly all the reports requested, as well as replying to the observations and direct requests made by the Committee of Experts, despite the recurrent terrorist attacks since 2012.

My presence at this sitting is a symbol of our attachment to the ILO and its supervisory bodies, as well as being an opportunity. With everything that is happening, I should not be here in this room in Geneva to participate in this discussion. But for us, compliance with commitments is part and parcel of the dignity of a strong and resilient people, and particularly a people with a heritage of great empires and kingdoms. The Government remains open to dialogue and to cooperation with the Office on the basis of the verified information provided by the Government authorities. This is the information that we are providing you with, in the hope that the significant progress that we have just described will enable the Committee to see the case of Mali from a different viewpoint.

Employer members – The present case concerns the application in law and practice of the Convention in Mali. The country ratified the Convention in the year 2000 and the Committee of Experts has made nine observations since 2005. Over a period of two decades, concern about child labour in Mali has been a constant preoccupation. It is the first time that the Committee has examined the application of the Convention in Mali.

We thank the Government of Mali for the additional information provided to the Committee on the application of this Convention in law and practice, and for the commitment it expressed in this room to the eradication of the worst forms of child labour in the country. We note the measures on which information has been provided. However, we are bound to take note of the serious nature of the comments of the Committee of Experts concerning the persistence of serious shortcomings in compliance with the Convention on the national territory.

The Employer members are fully aware of the exceptionally difficult conditions that are present in Mali: the prolonged armed conflict, the humanitarian crisis, the displacement of persons and the institutional fragility which have combined to create the conditions that are seriously compromising the rights of children.

The present session of the Committee is being held only a few months after the unanimous adoption of the Marrakech Global Framework for Action by the 6th Global Conference on the Elimination of Child Labour. The Framework for Action rightly calls for a transition from fragmented approaches towards a transformative solution, through integrated and rights-based action, and emphasizes the decisive contribution of the social partners to the prevention and elimination of child labour. It also recalls that, with 138 million children still working in the world, we have failed to achieve target 8.7 of the Sustainable Development Goals. The Employers' group is determined to ensure that the commitments made in Marrakech are translated into specific action, and cases such as Mali are precisely where this commitment needs to be tested.

The comments of the Committee of Experts note serious shortcomings in compliance with the Convention and I will address them in order.

First, with reference to Article 3(a), which prohibits all forms of slavery or practices similar to slavery, including forced or compulsory recruitment of children for use in armed conflict, the Committee of Experts once again deplored the recruitment and use of children in the armed conflict affecting the country, including by the armed forces in support roles. The Committee of Experts notes that the persistence of this worst form of child labour entails other serious violations of the rights of children.

Although the complexity of the situation on the ground and the presence of armed groups in certain areas of the country is recognized, such recognition must not replace action to bring an end to the worst forms of child labour in the country. We note that the Government has provided information on certain policies that are being implemented, and particularly the adoption of legislation setting the minimum age for recruitment at 18 years, the binding orders issued prohibiting the participation of children in military activities and training activities for military personnel on the rights of the child.

We recognize that these steps are going in the right direction. However, we need to see these efforts in the context of the report of the United Nations Secretary-General on children and armed conflict in Mali, in which 892 serious violations were verified against 778 children. We consider that these figures need to be taken very seriously.

The Employer Members subscribe to the concern expressed by the Committee of Experts and urge the Government to intensify its efforts to bring an end in practice to the forced recruitment of children under 18 years of age by all the parties to the conflict including, but not limited to, the regular armed forces. We call on the Government to ensure that exhaustive investigations are carried out and robust prosecutions undertaken so as to ensure that all those responsible are convicted with the imposition of sufficiently effective and dissuasive penalties. We also request the Government to continue providing information on the number of investigations carried out, the prosecutions brought and the convictions obtained.

We thank the Government for the additional information supplied on the number of children provided with assistance up to 2025, and we urge it to intensify the process of disarmament, demobilization and reintegration of all children associated with the armed forces and armed groups, to continue their rehabilitation and social integration and to keep providing information on the policies applied on the ground.

With reference to Articles 3(a) and 7(1) on forced and compulsory labour, and particularly in relation to the situation of *talibé* children forced to go out begging, the Committee of Experts once again requested the Government to ensure that in-depth investigations are carried out and prosecutions initiated against marabouts who exploit children for economic purposes, and

that effective and dissuasive penalties are imposed under the new Penal Code. We note the information provided by the Government on the provisions and strategies that are in force, but we express concern that information has not yet been provided on the results achieved in terms of the numbers of prosecutions, convictions and criminal sanctions imposed. For that purpose, we call for the necessary measures to be adopted to ensure that investigations are completed and those responsible brought to justice, and for specific information to be provided on the results achieved.

With regard to Article 3(c) on the use, procuring or offering of children for illicit activities, in particular for the production and trafficking of drugs, the Committee of Experts noted the continuing absence of adequate legislative provisions prohibiting and penalizing this worst form of child labour. This legislative gap has been noted repeatedly for 20 years. We note the Government's commitment to consult the social partners with a view to the adoption of legislative provisions prohibiting the use, procuring or offering of children under 18 for illicit activities, but we regret that a firm time frame has not been specified. We urge the Government to ensure in the very near future the adoption of the necessary measures to bring the national legislation into full conformity with the Convention in this respect.

The Committee of Experts also referred to Article 7(2)(a) and (b) on hazardous work and effective and time-bound measures, and access to free basic education. It noted with concern the continued use of children in traditional gold panning in hazardous conditions, and it requested the Government to intensify its efforts to make progress in the adoption and implementation of PANETEM II in order to remove children from this worst form of child labour and provide the necessary and appropriate direct assistance for their rehabilitation and social integration.

With reference to access to education, the Committee of Experts noted with concern the high number of children deprived of education due to the armed conflict affecting the North of the country. The Employer members endorse the request made by the Committee of Experts for the Government to adopt all the necessary measures to improve the functioning of the education system and facilitate access to free basic education for all children, particularly by increasing school enrolment rates at both the primary and lower-secondary levels, and by reducing drop-out rates in all regions of the country, including for girls and children living in areas affected by armed conflict.

The Employer members wish to emphasize that the prosecution of those responsible and the removal of children from the worst forms of child labour, while essential, are not solutions in themselves. Such measures cannot be effective and sustainable when they are applied in isolation from broader strategies addressing the deep-rooted causes and risk factors that give rise to child labour. This involves investment in free and good quality education, creating a conducive environment for sustainable enterprises to create decent work for adults and reducing the socio-economic vulnerability of families. The elimination of child labour and the conditions for sustainable economic development are mutually reinforcing elements and one cannot be achieved without the other.

The Employer members hope that the commitment expressed by the Government will be up to the task and that the next report of the Committee of Experts will note specific, verifiable and significant progress in the protection of children in Mali.

Worker members – This is the first occasion on which our Committee has examined the application of the Convention by Mali. However, for many years, the Committee of Experts has been expressing deep concern at the situation of child labour in the country. Indeed, in view

of the seriousness and persistence of these problems, the Committee of Experts placed a double footnote against this case for the attention of our Committee.

The situation of children in Mali remains a matter of serious concern and takes on multiple dimensions. It includes several unacceptable forms of child labour, and particularly the recruitment and use of children in armed conflict, forced begging, hazardous work in traditional gold panning and the use of children for illicit activities. These challenges are aggravated by insecurity, persistent poverty, social inequality and limited access to high-quality education.

In this context, children are exposed not only to immediate physical and psychological risks, but also to serious long-term consequences for their health, development and future prospects. The persistence of such violence emphasizes the urgent need for global and effective action in both law and practice.

One of the most serious concerns remains the continued recruitment and use of children in armed conflict. In the first place, the Worker members wish to endorse the concerns expressed by the Committee of Experts in relation to these persistent violations. According to the June 2025 report of the United Nations Secretary-General on children and armed conflict, 285 children were recruited and used by armed groups, including by the armed forces in support roles. Hundreds of others have been killed, mutilated, detained or have been the victims of sexual violence.

The recruitment affects both boys and girls and exposes them to extreme danger, psychological trauma and lasting social marginalization. As rightly emphasized by the Committee of Experts, the forced recruitment of children is one of the most serious forms of child labour and is prohibited by Article 3(a) of the Convention.

Such violations remain a matter of deep concern. Nevertheless, we note the additional information provided by the Government on the efforts made to address this situation. We also note that, between 2013 and 2025, the National Directorate for the Promotion of Children and the Family provided support for 1,432 children who had left armed groups, including 914 between 2023 and 2025. The principal initiatives adopted include: the JRA–JAC project, which promotes the socio-economic reintegration of children formerly associated with armed groups; the organization of annual consultations with religious, traditional and community leaders in Bamako with a view to raising awareness among the population; the launching of inter-community and inter-religious dialogue in five regions to strengthen peace and social cohesion; the construction of four de-radicalization centres in Mopti, Gao, Ségou and San for the support of vulnerable young persons; and the establishment of the Directorate for the Judicial Protection of Children with a view to strengthening the protection of children and their social and economic reintegration.

While these developments are welcome, and bear witness to encouraging progress, they need to be made permanent and strengthened in order to ensure lasting protection for children affected by conflict. Important gaps remain between the commitments made and the real situation. Effective implementation, robust follow-up and mechanisms to ensure greater responsibility are still essential.

We are also deeply concerned at the situation of child *talibés* forced to engage in begging under the control of marabouts. These children are exposed to violence, harassment and exploitation. Although the new Penal Code criminalizes incitement to begging and provides for stronger penalties in cases involving minors, the Government has not provided any

information on its implementation, or on the investigations and prosecutions undertaken. In the absence of effective law enforcement, these children are particularly vulnerable.

Another major concern relates to hazardous work by children, particularly in traditional gold panning. The Committee of Experts has emphasized on several occasions that children, sometimes aged only five years, are engaged in extremely hazardous activities, and particularly excavation and work on unsecured mining sites. The small number of child victims identified during labour inspections show both the extent of the problem and the inadequacy of current interventions.

Combating this phenomenon requires a coordinated global policy response. In this regard, PANETEM II is still under preparation. We note the information provided by the Government that progress is being made in the adoption process, while awaiting the evaluation of the previous plan covering the period 2011–20. The evaluation workshop has been postponed due to the security situation and will be held as soon as conditions allow.

It seems to us to be essential for PANETEM II to be adopted without delay, to be provided with adequate resources and implemented effectively, particularly through the adoption of ambitious rehabilitation and reintegration measures, particularly for children working in traditional gold panning and agriculture.

Over and above these challenges relating to implementation, we are still concerned at the absence of legislative provisions specifically prohibiting the use, procuring or offering of children for illicit activities, in particular for the production and trafficking of drugs. This legislative gap continues to expose children to serious forms of exploitation and ill-treatment.

Education is one of the most effective means of preventing the worst forms of child labour and of protecting vulnerable children from exploitation. In the supplementary information that it provided, the Government indicates that efforts are being continued to improve access to free basic education through the implementation of PRODEC 2, covering the period 2019–28. According to the Government, progress was made between 2019 and 2023 in access to education, particularly at the basic education level. The gross enrolment rate in the first cycle of basic education rose from 81.92 per cent to 83.23 per cent, thereby exceeding the objective set out in the context of PRODEC 2. Improvements were also reported in the school enrolment rate of girls and in parity between the sexes in education.

We also note the information provided today by the Government concerning the additional measures taken to improve the access of children to education and promote their retention in the education system. While noting these measures and the progress reported, it is clear that further efforts are necessary, particularly to overcome the persistent obstacles faced by girls and children living in areas affected by insecurity and armed conflict. Over 2,000 schools are still closed for reasons of insecurity, depriving over 600,000 students of access to education. The absence of access to free and high-quality education makes children particularly vulnerable to recruitment by armed groups, forced labour and hazardous work.

The Worker members are aware of the extremely difficult security and humanitarian situation faced by Mali. Nevertheless, the obligations deriving from the Convention are subject to immediate application and cannot be put off. The prevailing circumstances in Mali make coordinated, effective and urgent action all the more essential. The protection of children against the worst forms of child labour is not just a legal obligation under the Convention. It is also an essential prerequisite for breaking the cycles of conflict, exploitation and poverty, and for ensuring long-term stability, development and prosperity in Mali.

Worker member, Mali – We fully align ourselves with the intervention by the Government representative. The sustainable eradication of all forms of child labour is a key objective of the national, international, regional and subregional trade union movement. It is with this momentum that, for several years, the trade union movements have worked to defend human rights and trade union rights, to ensure that the fundamental rights and principles at work are written into development, macroeconomic and sectoral policies. The trade union movements have therefore, in all their actions in the field, focused on the different forms of child labour, particularly the worst, which include hazardous work and unconditional worst forms of child labour, through projects and programmes.

One targeted objective is to help to embed fundamental rights and principles at work, particularly those related to the elimination of child labour and forced labour, into the supply chains for cotton and gold.

To this end, emphasis has been placed on training trade unions and other stakeholders in the Minimum Age Convention, 1973 (No. 138), Convention No. 182, the Domestic Workers Convention, 2011 (No. 189), and the United Nations Convention on the Rights of the Child, with a view to ensuring they have a good overall understanding of the concept (definition, causes and consequences) and building the social dialogue capacities of trade unions, other stakeholders and communities. Trainers have therefore received training on the theme of child labour, based on the guide adopted by the ILO.

To ensure proper provision of the different training courses, a teaching manual has been prepared, containing modules based on the worst forms of child labour. Trade unions have thus set up sessions in 18 municipalities and 151 villages in the regions of Ségou, Sikasso and Koulikoro. In this context, certain activities have been carried out with the trade unions, such as awareness-raising for activists by building capacities related to the overall concept of child labour, Conventions Nos 138, 182 and 189, the Convention on the Rights of the Child and dialogue, in order to foster a behaviour change with regard to the dangers of child labour, especially its worst forms. Several trade unions and others were trained from 2014 to date. It should be noted that through awareness-raising, 3,672 children have been removed and formally reintegrated into school.

Social dialogue spaces have also been created that bring together all those involved in schools at the local level and led by traditional leaders. The role of these leaders is to lead discussions on the dangers of child labour and respect for child rights within communities. A widespread awareness-raising campaign was led through the transmission of radio programmes to encourage stakeholders to speak out publicly against child labour. Ten national and regional focal points were established through the Accel-Africa project, phases I and II. All the action taken by the trade union movement of Mali is aimed at raising awareness of the communities and changing their way of reacting to the dangers of child labour.

In the implementation of this policy, the trade union movement of Mali worked closely with the Government, particularly in the preparation of PANETEM I and the road map to combat child labour in agriculture. The trade unions have also contributed to the development of the list of hazardous work and PANETEM II.

Today, the trade unions are members of the National Steering Committee to combat child labour (CDN) led by the National Labour Directorate. To this end, the trade unions participate in all the Government's initiatives to protect children's rights.

All the trade union initiatives are part of the drive of the national action plan for the elimination of child labour by the Government and the social partners in collaboration with the ILO.

Government member, Cyprus – I speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, the European Free Trade Association (EFTA) countries, **Iceland** and **Norway**, members of the European Economic Area, as well as **Canada** and the **United Kingdom of Great Britain and Northern Ireland**, align themselves with this statement. We are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights, and the fight against child labour and its worst forms, as enshrined in the Convention. 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.

We express our solidarity with the Malian population regarding the terrorist attacks that the country has been suffering for years and that have caused thousands of victims. Mali was granted preferential access to the EU market via the Everything But Arms scheme, which is conditional to the respect of fundamental human and labour rights principles, including the fight against child labour and abuse. We express deep concerns over the Committee of Experts' findings regarding Mali over the continued recruitment and use of children under 18 years old by armed groups, including in the armed forces of Mali. We urge the transitional Government to intensify its efforts to bring an end to the forced recruitment of children under 18 years of age by the parties in the conflict and to ensure their demobilization, rehabilitation and social integration. We also urge the transitional Government to pursue thorough investigations, prosecutions and imposition of effective and dissuasive penalties for all perpetrators. We recall the importance of scaling up efforts in this regard and underline our strong commitment thereto.

The situation of *talibé* children also remains of deep concern. These children remain subjected to practices of forced or compulsory labour, including economic exploitation through organized begging. We urge the transitional Government to eliminate these practices as a matter of urgency, ensuring accountability and effective and dissuasive penalties, and to provide detailed information on enforcement and protection measures.

We also note with concern the lack of adequate legislative provisions to prohibit the use, procuring or offering of a child for illicit activities, in particular for the production, supply and sale of drugs. We call on the transitional Government to adopt specific legal prohibitions without delay and ensure their enforcement.

We urge the transitional Government to intensify its efforts in combating child labour, including hazardous work, and implement effective and time-bound measures, in particular for children working in traditional gold panning. We reiterate the Committee of Experts' call on the transitional Government to ensure the adoption and implementation of the second national plan of action for the elimination of child labour in Mali and to provide appropriate rehabilitation and reintegration and report on progress achieved. We also encourage the transitional Government to continue reinforcing labour inspection services to provide adequate protection to all children.

Noting with concern that a large number of children remain deprived of education due to the armed conflict, we call on the transitional Government in Mali to intensify its efforts to improve the functioning of the education system and access to free basic education, in particular for girls and children living in areas affected by armed conflict.

We encourage the transitional Government to continue to provide information on the application in practice of PRODEC II.

Finally, we call on the transitional Government to intensify its efforts as to guarantee the highest possible protection against any form of child labour or any other form of exploitation so that the children of Mali can enjoy a life conducive to their physical, mental, spiritual, moral and social development. We took note of the written information provided by the transitional Government of Mali and we encourage further exchanges between Mali and the ILO with a view to implementing the recommendations of the Committee of Experts and to engage meaningfully with social partners.

Government member, Switzerland – Switzerland supports the statement made by the EU and would like to make the following points. Switzerland notes with interest the legal framework in place that prohibits the recruitment of children to the armed forces, as well as the measures announced by the Government of Mali to ensure the disarmament and reintegration of children removed from armed groups. Switzerland especially welcomes the strengthening of the legal framework, prevention and oversight mechanisms, as well as cooperation with the international partners, while noting the persistence of a complex and worrying situation in certain regions in Mali.

Nevertheless, Switzerland expresses its deep concern with regard to the June 2025 report of the Secretary-General of the UN on children and armed conflict in Mali. We deplore the continued recruitment and engagement of children by armed groups, and the presence of children in supporting roles in the national armed forces. Switzerland calls for all parties to the conflict, including the Malian authorities, to step up their efforts to end this unacceptable situation.

Switzerland also remains concerned by the situation of *talibé* children, forced to beg and exposed to violence. We encourage the authorities to continue their efforts to make long-term improvements to their situation. In the same spirit, Switzerland calls on the Government to adopt legislative provisions prohibiting the use, procuring or offering of children under 18 years for illicit activities, in particular for the production and trafficking of drugs. No child should be exposed to such activities or the risks associated with them.

Education is an important means of preventing the worst forms of child labour. Switzerland recognizes the efforts made by the Government to improve the quality of and access to education but remains concerned by the high number of children deprived of education. We encourage the Government to continue its efforts to reduce the territorial disparities and to guarantee all children equitable access to quality education.

Switzerland also expresses its concern at children working in traditional gold panning, including very young children, and strongly encourages the Malian authorities to intensify their efforts in the context of the action plan against child labour in order to eliminate these forms of exploitation.

Switzerland recognizes the efforts made by the Government to address the complex situations related to the worst forms of child labour, as well as the impact of the difficult security and socio-economic situation on the practice adopted. Switzerland calls on the Malian authorities to step up their efforts to fully comply with the obligations under the Convention to achieve the sustainable eradication of the worst forms of child labour in the country.

Worker member, Norway – I will speak on behalf of the trade unions in the Nordic countries. According to UNICEF, more than one in six children globally now live in areas affected by conflict. Children are especially vulnerable to abuse, exploitation and trafficking

during emergencies and armed conflicts. This includes killing, maiming, sexual violence, abductions and armed recruitment of children. Children in Mali continue to be victims of grave child rights violations. This is confirmed by the Committee of Experts' report and several other reports from UN bodies.

In Mali, many children lack access to basic education, food or protection. With livelihoods disappearing and schools destroyed, some see joining armed groups as the only path forward. In many cases, entire families rely on armed factions for security. Children have further been kidnapped, forced, threatened or sold by their poor parents to serve in the armed groups. Girls are especially at risk. Armed groups frequently subject them to sexual violence, domestic labour and forced marriages.

International law clearly prohibits the use of children under 18 years in armed conflict. Mali signed an action plan with the UN in 2017 to end the recruitment of children by state forces. However, enforcement has been weak. While the Government no longer officially recruits children, armed groups continue to do so with little consequence. Security forces lack control in large parts of the country, allowing non-state actors to operate freely. As a result, the use of child soldiers in Mali has persisted. The Nordic trade unions are deeply concerned about the violation of children's rights in Mali. We urge the Government to take immediate and effective measures to put an end to the forced or compulsory recruitment of children for their use in armed conflicts. It should further ensure the demobilization of children.

To further avoid the use of children in hazardous work, it is also necessary for the Government to investigate and strengthen labour inspection. Penalties for offences related to the use of children in armed conflicts, as well as the use of children in hazardous work and prostitution, should be introduced and enforced. Persons who forcibly recruit children under 18 years should be prosecuted and punished. I further appeal to the ILO and the international community to continue giving technical assistance to Mali and assist the country in improving the security situation, taking measures to reduce poverty as well as making sure that the country complies with the Convention.

Government member, Burkina Faso – Burkina Faso warmly welcomes the delegation of its sister delegation, Mali, and welcomes the Government's remarkable efforts to comply with the provisions of the Convention, despite the challenges that remain. We note with satisfaction the progress made, especially the adoption of the 2023 Constitution, and the strengthening of the legal framework aimed at preventing and combating all forms of child exploitation.

We also welcome the firm commitment of the Malian authorities to refrain from all recruitment of persons under 18 years in the national armed forces, in line with the legislation in force, which is sufficiently clear and complies with the international obligations that the Government has freely undertaken.

We also share the concerns expressed by the Malian delegation relating to certain unfounded allegations that do not distinguish the actions of terrorist groups for which the Malian State is not accountable. In this regard, it is important to note that children are often the first victims of the criminal activity of these terrorists, who forcibly recruit and exploit them.

Despite the security problems, Burkina Faso shares Mali's determination to combat terrorism, and to promote peace and respect of children's fundamental rights. We therefore call on the international community to support Mali and other countries of the Confederation of Sahel States in their efforts against terrorism and towards development, rather than following the narratives and statements of States, non-governmental organizations and

individuals relating to hidden agendas. The unobjective treatment of the situation does not allow constructive collaboration to be fostered to combat the worst forms of child labour.

To conclude, Burkina Faso reaffirms its fraternal solidarity with Mali, as well as its commitment to working together towards the effective implementation of the Convention in our subregion.

Worker member, Senegal – I thank you for this opportunity to speak on behalf of the workers of Senegal on the application of the Convention in the Republic of Mali. We would firstly like to welcome the remarkable work carried out by the Committee of Experts in this area. We are also aware of the extremely difficult security situation that has prevailed in the Republic of Mali for several years, even though this cannot justify the persistence – or even the worsening – of the situation faced by child victims of this scourge.

The report describes the plight of *talibé* children, who are boys, and sometimes girls, sent by their families to receive an Islamic education from religious teachers (marabouts). While religious education is a respected tradition in many regions of West Africa, including Mali, concerns arise when children are forced to beg, carry out excessive work or live in exploitative conditions. Although the system involving *talibé* children is mainly associated with neighbouring countries, similar practices exist in certain regions of Mali. Some *talibé* children are victims of forced begging. Children can be required to collect a daily quota of money, food or goods for their marabouts. Failure to meet these quotas can lead to punishment or deprivations. When children are required to beg for the economic benefit of adults, this amounts to forced labour as defined by the Convention.

There is also no doubt that child labour is damaging for the socio-economic development of the country, and subjects these children to an uncertain and precarious future. It is for this reason that we call on the Government to comply with the Convention to prevent children from being engaged in the worst forms of child labour and to provide support to remove them from this type of labour.

To effectively combat the worst forms of child labour, we must address poverty and social inequalities. To this end, we urge the Malian authorities to implement an effective strategic policy to combat poverty and social inequalities in the framework of a national social protection strategy which is accessible to all, and which would guarantee a minimum wage for all, in particular for low-income parents who send their children to work or to beg on the streets or in neighbouring countries. The Government could draw on existing best practices in this area. This would involve the implementation of family allowances through cash transfers, including a financial component, health coverage and child education support, as was done in Senegal with a focus on the most vulnerable households.

We call on the Government to also implement a genuine policy on apprenticeships by regulating and supporting apprenticeship centres, while ensuring the safety of apprentices.

Government member, Niger – Niger would firstly like to pay tribute to the brave people and Government of Mali following the cowardly terrorist attacks on 25 April 2026. In this regard, my delegation would like to reiterate its solidarity with the Malian Government and people.

The delegation of Niger firmly condemns the terrorists and their foreign sponsors who are operating in the Sahel and who are bringing grief to the peoples of Mali, Burkina Faso and Niger. Niger, which is a sister country and neighbour of Mali, understands the circumstances that hinder the implementation of public policies in the countries of the Sahel region. Such circumstances require my Government to allocate a very significant portion of the national

budget to national defence and security at the expense of other sectors that are equally important, if not essential, such as education, health and agriculture to name a few.

Recalling this context does not mean making excuses. This is the current situation in which the Government exercises its authority. Despite this context and these circumstances, Niger notes with appreciation the considerable efforts of the Government to combat the worst forms of child labour, in particular through a legal framework that is consistent with its international commitments.

We do not wish to repeat everything that the Minister has said, which was comprehensive, clear and firm, and delivered with the authority befitting his position. We simply wish to note and point out to the Committee that the Malian army is a professional army that does not recruit and will not recruit children under 18 years of age. This is the work of terrorist groups that are engaging in forced recruitment in the subregion.

Niger welcomes the results obtained by the Government through the implementation of PANETEM I, and appreciates the ongoing tripartite development of PANETEM II, in the context of combating hazardous work and child labour in gold panning. My delegation also welcomes the assistance provided to Mali by the ILO and invites the ILO and international partners to continue and to strengthen this technical assistance with the Government.

In conclusion, my delegation wishes to remind the distinguished members of this Committee to take into account, when drafting the conclusions, the aforementioned circumstances, the efforts undertaken and the significant results recorded by the Malian Government. We would like to invite the distinguished members of this Committee to take into consideration the Government's determination to fully implement its international commitments, including the Convention, and the good faith demonstrated through its cooperation with the ILO and the social partners, and in the context of these proceedings in which the Government is represented by a large delegation including two ministers. Credence should also be given to the official information provided by the Government, which is authoritative.

Worker member, Uganda – Child labour remains one of the most serious challenges affecting the development and well-being of children worldwide. Despite international efforts, it continues to deprive millions of children of their education, health, safety and future opportunities. The ILO has long recognized this concern through the Convention and other international standards aimed at eliminating the worst forms of child labour. These instruments provide an important framework for governments to protect children and promote decent work at the same time.

In Mali, child labour remains highly prevalent, with approximately 35 per cent of the children aged between 5 and 17 years engaged in economic activities. Of these, nearly 7 million children in this age group, more than 80 per cent of those who are involved in work are actually serving in forms of child labour that should be eliminated. While Mali has endorsed several legal and policy measures, including the Children Protection Code of 2002, the Code on persons and family and the provisions within the Criminal Code that protect children's rights, significant gaps still remain in the process of implementation. The concerns raised by worker members and noted by the Committee of Experts actually demonstrate that current efforts have not been sufficient.

Furthermore, workers' organizations and other tripartite partners are not adequately involved in addressing this crucial challenge. When governments fail to prioritize the elimination of child labour, the consequences remain severe and long lasting. Children

engaged in child labour often miss educational opportunities, limiting their future prospects and contributing to cycles of poverty. Many are exposed to hazardous working conditions, particularly in the mining sector, where they face occupational accidents, health risks and psychological harm. Child labour also increases vulnerability to exploitation, causing early marriages, early parenthood and other social challenges that perpetuate poverty across generations.

We are also concerned by the apparent inadequacy of labour inspection mechanisms in Mali, and we believe and think that effective labour inspections are essential to identify violations, monitor working conditions and ensure compliance with national laws and also international labour standards. In our view, the Government has not done enough to combat child labour in the country. Without stronger action, the country risks facing greater socio-economic challenges in the future, and therefore we urge the Government to fully implement the recommendations of the Committee of Experts, that is, to strengthen the legal and institutional framework to protect children and enhance labour inspection so as to eliminate child labour.

Government member, Morocco – Firstly, I would like to thank the Government for the detailed information as well as the useful clarifications that it has communicated to the Committee which constitute a substantial response to the Committee of Experts' comments and observations.

The matters raised concern mainly the protection of children from the worst forms of labour, labour linked to begging and traditional gold panning, as well as access to basic education. It is true that these challenges, worsened by a complex economic, social and security setting, call for the continuation of ongoing, reliable efforts to ensure the effective application of the Convention.

In that context, we note with interest the progress made by Mali in both the normative and institutional spheres, notably through the strengthening of its legal arsenal via the adoption of the 2023 Constitution, several legislative and regulatory texts, as well as measures to prevent and prohibit the use of children in illicit activities. Tangible results have also been seen in the fight against the worst forms of child labour thanks to the adoption of child protection policies, the creation of an inter-ministerial committee responsible for combating child begging and the drafting of a new national plan for the elimination of child labour. The progress made by the Malian authorities in the area of education should also be commended. As a result, between 2019 and 2023, Mali succeeded in increasing gross enrolment rates in the first stage of basic education. At the same time, parity between girls and boys has improved, surpassing the national target set for that period.

In view of the reforms and the words of the Minister here today, as well as the progress made, we believe that the Government's efforts should be recognized and supported, and that it should also be given the sufficient and necessary time to consolidate the gains already made, pursue its activities and make further progress in the process of eliminating child labour and exploitation, and also in fully implementing the Convention's objectives.

Worker member, Ghana – The observations of the Committee of Experts demonstrate that significant challenges remain in the fight against the worst forms of child labour. Chairperson, allow me to share some practical experiences from Ghana which may be useful in addressing these challenges.

First, strong institutional coordination is essential. In Ghana, efforts to combat child labour are coordinated through the National Steering Committee on Child Labour, which

brings together the Government, ministries, employers' organizations, workers' organizations and civil society actors. The Committee oversees implementation of the Ghana Accelerated Action Plan Against Child Labour (2023–27) and the Ghana Child Labour Monitoring System. This multi-stakeholder approach has helped improve coordination, monitoring, awareness creation and policy implementation. We encourage the Government to continue strengthening collaboration among government institutions, social partners, communities and development partners.

Second, education must remain at the centre of child labour elimination efforts. Experience in Ghana demonstrates that children are less likely to enter hazardous work when barriers to education are removed. Programmes such as free compulsory universal basic education, the Ghana school feeding programme, the competition grant scheme and targeted support for girls' education have contributed to improving school attendance and retention.

Particularly relevant are initiatives that support community mobilization, school enrolment campaigns and dedicated girls' education officers at regional and district levels. Given the large number of school closures in conflict-affected areas of Mali, investment in education must remain a priority component of any child education strategy.

Third, social protection and support to vulnerable households are critical. Poverty remains one of the main drivers of child labour. Ghana has implemented social protection interventions including conditional cash transfer programmes for vulnerable families, support for trafficking victims and rehabilitation programmes for vulnerable children. Such measures help reduce the economic pressures that push children into hazardous labour, forced begging or recruitment by armed groups.

Fourth, community-based approaches have proven effective. One particularly promising initiative in Ghana is the establishment of Child Labour Free Zones. These interventions bring together local authorities, schools, traditional leaders, employers, workers, parents and community groups to identify children at risk, monitor cases of child labour and ensure that children remain in school. Child Labour Free Zones move child labour prevention from national policy into community action and ownership. Such models may offer useful lessons for communities affected by child labour in mining areas and other vulnerable sectors.

Fifth, targeted interventions in high-risk sectors are necessary. In Ghana's cocoa grain areas, Government and social partners have implemented programmes that combine child labour monitoring systems, access to education, livelihood support, social services and community awareness.

These initiatives seek to address not only the symptoms of child labour but also its root causes. Similar integrated approaches could support efforts to remove children from hazardous work in artisanal small-scale mining in Mali. The experience of Ghana demonstrates that progress is possible when child labour policies are supported by effective institutions, quality education, social protection programmes, community engagement and sustained political commitment. We therefore encourage the Government, with the support of the ILO and social partners, to intensify efforts aimed at expanding access to education, strengthening social protection systems, supporting vulnerable families, eliminating hazardous child labour in mining and scaling up community-based initiatives such as Child Labour Free Zones. The fight against the worst forms of child labour requires not only laws and sanctions, but also sustained investment in children, families and communities. Let me add that all of these initiatives have been driven by workers' organizations and employers.

Government member, Cameroon – As a developing country, the challenges in ensuring the well-being of the general population through the construction of basic infrastructure and the adoption of reforms that contribute to human development and social justice remain key motivations. To that effect, Mali has adopted several legislative, regulatory and conventional measures to respect the Convention, particularly the 2023 Constitution and laws on defence, drugs and human rights protection, as well as decrees and orders regulating work by children and their protection.

The Government ensures that no child under 18 years of age may be recruited to the armed forces, in line with its legislation and the Constitution. Measures addressing the social reintegration of children identified in armed conflict have been adopted and include a referral and follow-up mechanism in cooperation with the UN. In the legal sphere, a national policy for the promotion and protection of children has been adopted, and laws introducing a Child Protection Code and a Criminal Code are cited as references to discourage begging, with sanctions for those who incite others to engage in begging, particularly in cases involving children. An inter-ministerial committee was established in May 2026 to address the matter of masters of *talibé* children and begging by children (a measure to be commended in this particular cultural context), and a national strategy to combat begging is also in the process of adoption.

With regard to dangerous work and measures against child labour in gold panning, the PANETEM I programme was affected by a social, political and security crisis. Nevertheless, effort has been made to remove children from labour in traditional gold panning and agriculture with the support of multilateral partners. A new plan, PANETEM II, has been drawn up and validated with the involvement of all tripartite constituents and is in the process of being approved by the Government to finalize the draft. Mali should be allowed to adopt and implement it and measure its progress for several years through appropriate evaluations. The Office's contribution to Mali would be enhanced through efforts to reinforce the quality of that strategic document to combat child labour and, in particular, through assistance in designing a follow-up and data consolidation mechanism that would facilitate the evaluation of these data and the policy in the future.

Statistical data from 2025 show that 2,558 children identified in the gold and cotton sectors, including 1,021 girls and 1,537 boys, were removed from the worst forms of child labour. These efforts must be encouraged.

The accusations that children are used in the army or in support roles must be analysed and rigorously verified and documented. Indeed, in conflict situations the forces involved have the unfortunate tendency to shift the blame for the most serious wrongdoing. Nevertheless, the reality facing us is that the protection of Malian children concerns all parties, and the Government has clearly demonstrated its national capacities in the matter.

Many attacks, acts of destruction and loss of human life have been recorded. Can an army whose role is to ensure the security of property and citizens logically turn against the children of the nation which it defends? This question leads us to consider the commitment of the Malian Government to respecting children's rights and combating all harmful practices.

Worker member, Spain – the Worker members of Spain wish to highlight the continued exploitation of children in traditional gold panning in Mali. It is estimated that more than 45,000 minors participate in traditional mining activities, exposing them to mercury, hazardous working conditions, heavy loads, long days and multiple forms of exploitation. The Committee of Experts has, rightly, expressed its profound concern at the persistent hazardous child labour

in gold panning and has requested that efforts to remove children from these activities and to afford them reintegration and support are intensified.

Every child in a mine is a child who is missing school. Every year that they spend in a mine is a year lost in terms of skills development, human development and preparation for decent work. All of this in a country that is already facing insecurity, displacement and school closures. A country where this exclusion creates conditions that can leave the youngest individuals exposed to criminal networks, armed groups and violent extremism. Child labour and insecurity are mutually reinforcing in a vicious circle. We acknowledge the efforts of the Government, the social partners, the ILO and development partners. Programmes have already demonstrated that it is possible to successfully remove children from mining areas and reintegrate them into school and safer alternatives. The challenge that we are facing, however, is large, since the number of children affected far exceeds the scope of current programmes.

The Government of Mali requires much greater, sustained effort to identify children in mining zones, remove them from dangerous work, support their families and ensure their reintegration into education, vocational training and community life. We therefore call for the strengthening of follow-up mechanisms and the application of child labour legislation. The CDN undertakes important coordination work. Its impact, however, continues to be limited owing to shortages in resources and skills. We therefore request greater investment in labour inspection, more robust child labour monitoring systems in communities and improved data gathering.

The wealth buried under the ground in Mali must never be obtained at the expense of children's suffering. Our objective must be clear: to remove children from mines, reintegrate them into education, protect them from exploitation and give them a real path towards decent work and a peaceful future.

Worker member, Belgium – I am speaking on behalf of the Belgian and French workers. Echoing the Committee of Experts, we regret that child labour, including its worst forms, remains widespread in Mali. The Committee of Experts highlights the recruitment and use of children in armed conflict, the exploitation of *talibé* children, the recruitment of children for the supply and sale of drugs, and the work carried out in traditional gold panning, sometimes by children under the age of five years.

The Government has established a regulatory framework aimed at eliminating the worst forms of child labour, in particular through the reform of the 2024 Penal Code. This Code criminalizes and penalizes the use of children by the armed forces and armed groups, incitement to begging, trafficking of migrant minors, and the recruitment of children for prostitution. It is important to note, however, the lack of specific provisions aimed at prohibiting the procuring or offering of a child for illicit activities, in particular for the sale of drugs. In this regard, the Government has committed here to holding discussions with the social partners on the adoption of appropriate legislative measures.

Although a certain legal framework exists, its implementation in practice remains uncertain, particularly with regard to the imposition of criminal or other penalties. The Government reports that effective assistance was provided to 1,432 children removed from the armed forces between 2013 and 2025. However, it does not give any information on the number of investigations conducted, or on any criminal prosecutions or convictions against perpetrators. The same gaps are observed with regard to marabouts who incite begging and recruiters who recruit for illicit activities or for hazardous work. We note, however, that some information has been provided today concerning prosecutions against marabouts.

Combating the worst forms of child labour requires the imposition of effective and sufficiently dissuasive penalties against perpetrators. To combat the worst forms of child labour, labour and social inspection services must also have sufficient resources and means of action. According to the 2024 report of the US Department of Labor, 75 labour inspectors have conducted an unknown number of inspections, and it is unclear whether investigations have been carried out with regard to suspected cases of the worst forms of child labour, or whether prosecutions have been initiated or perpetrators convicted.

According to the report of the Committee of Experts on Convention No. 138, a plan is currently being developed to modernize the labour inspection system and strengthen labour services, including the National Unit against Child Labour.

We urge the Government to increase the number of labour inspectors assigned to address the worst forms of child labour, and to investigate, prosecute and convict, in accordance with the law, perpetrators of the worst forms of child labour, and also to collect and publish data on the number of investigations conducted, prosecutions initiated, convictions handed down, and penalties imposed.

Government representative – We thank all of the governments, the employers and the workers, who have supported our statements on this Convention. I sincerely thank my brothers from Burkina Faso and Niger for their fraternal support. I appreciate the positive contributions that have been made by the different speakers.

Nevertheless, I will respond to some of the concerns raised. We note that over the years, the Committee of Experts' comments rely much more often on reports produced by the UN, rather than drawing mainly on information provided by the State party to the Convention. We note the content of the UN reports, particularly the report of the Secretary-General on the Malian armed forces' use of children in support roles. In my opening statement, I stated clearly that recruitment in the Malian army is undertaken based on applications and that the minimum age is set at 18 years. Any other information contrary to these legal regulations is unreliable.

With regard to this case in particular, I inform you that, as actors on the ground, we note that reports are often provided by dedicated non-governmental organizations, generally by UNICEF in relation to the situation of children. Some consultants do not visit the field, and the information provided does not reflect reality. The Committee of Experts should encourage States in conflict situations and guide them. The Committee of Experts is seen as the balancing point of the ILO supervisory system; it should not pass judgment based on political or geopolitical matters.

Concerning access to schools in difficult areas, insecure areas and closed schools, there are terrorists who force teachers to close their classrooms. If they refuse, they are killed. I think that everyone could become more informed about this situation. Many teachers have lost their lives in that way; that is the reality on the ground that we are communicating to you here. We are the ones on the ground, and everything that I am saying here can be verified and documented. Many teachers have lost their lives trying to continue to educate children in conflict zones. Many teachers. If you wish, we can give you the statistics. So, what we are telling you is not easy.

It is not a question of lack of commitment. Mali has always been committed to respecting its constitutional obligations. I can say that because I have been at the Ministry of Labour for 30 years, and I have worked at all levels of the Ministry, including preparing reports on ratified Conventions. So I know what I am talking about, and we are very sincere in what we are saying.

That is to say, in fact, that this is not hot air. We are describing the reality to the Office, and that is the reality on the ground. The Government will adopt PANETEM II without delay. We have a labour inspectorate that follows the training given by the African Regional Centre for Labour Administration and also by the International Training Centre of the ILO in Turin. It must be recognized that there is insufficient staff and resources. That is a reality.

Next, regarding *talibé* children, the implementation of the national begging strategy that I announced in my opening statement will lead to convincing results, investigations and criminal proceedings against perpetrators. We commit here to providing detailed information in future reports.

Concerning PRODEC 2, which continues to be implemented, new information will be communicated to the Office in line with the normal channels for submitting regular reports. We have always cooperated with the Office on the ground, and the ongoing action highlighted in our statement bears witness to that fact.

For all aspects in which certain parties claim that no progress has been made, the Government will provide, in full transparency, all the available information in its 2026 report and in future reports on this matter. Lastly, with regard to the positive contributions that have been made today, the Government remains open to cooperation with the Office to implement the conclusions that will emerge from this discussion as part of its respect for its constitutional obligations.

Worker members – We thank the Government of Mali for the information provided and for its engagement in this discussion. We also thank the other speakers for their contributions. However, this discussion has once more highlighted the severity and persistence of the worst forms of child labour in Mali. Despite certain measures taken by the Government, children continue to be recruited and used in armed conflict, forced to beg, exposed to hazardous work in traditional gold panning and agriculture, and remain vulnerable to exploitation due to the absence of adequate legal protection and limited access to education.

The Worker members remain particularly concerned by the ongoing procuring and use of children by armed groups as well as their support roles for armed groups. These practices constitute serious violations of the Convention and require immediate and effective action. Going forward, the legislative measures adopted must give way to tangible results in practice, particularly in relation to prevention, monitoring, accountability, rehabilitation and reintegration of the children concerned. We also highlight the urgency of strengthening implementation of the legislation on forced begging and exploitation of *talibé* children related to trafficking, including by means of effective prosecutions and convictions under the new Penal Code.

With regard to hazardous work, particularly in traditional gold panning, the Worker members urge the Government to accelerate the adoption of the implementation of PANETEM II and to ensure that the labour inspection services have sufficient resources and can effectively perform their functions, including in high-risk sectors and regions.

In addition, the legislative gaps concerning the use of children for illegal activities must be filled without delay in order to ensure full conformity with the Convention.

The closure of thousands of schools and the absence of free access to quality education continues to expose hundreds of thousands of children at high risk of exploitation. Ensuring access to education must remain at the core of all effective strategies aimed at eliminating the worst forms of child labour.

The Worker members recognize the difficulties related to the security and humanitarian situation that Mali is facing. But child protection cannot wait. The Convention reflects a clear international consensus that the worst forms of child labour require immediate time-bound measures.

We therefore urge the Government to take all necessary measures, in consultation with the social partners, to ensure the effective application of the Convention in both the legislation and in practice, to accept the technical assistance of the Office and to provide the Committee of Experts with detailed information on specific progress made.

In conclusion, we urge the Government to:

- take urgent and effective measures to prevent the procuring and use of children in armed conflicts, ensuring the identification, removal and reintegration of the children involved, including through access to psychosocial support, long-term rehabilitation programmes, as well as prosecutions and convictions of all perpetrators of these violations, whether State or non-State actors;
- strengthen measures to combat forced begging by *talibé* children, through inspections, investigations, prosecutions and effective penalties, while developing prevention strategies that address the underlying causes of the phenomenon, in cooperation with the religious authorities and communities;
- adopt, adequately resource and implement PANETEM II by setting out clear objectives, precise deadlines and solid monitoring mechanisms to eliminate hazardous work of children, particularly in traditional gold panning and agriculture, ensure the removal of children from these activities and guarantee their reintegration into training and education systems;
- take measures to facilitate access to free basic education, particularly in conflict-affected zones, including by reopening and protecting schools, and through measures that aim to increase the rate of school enrolment and prevent school dropout;
- fill legislative gaps and strengthen the legal framework by prohibiting and explicitly punishing the use, procuring and offering of a child for illegal activities, particularly for the production, supply and sale of drugs.

Employer members – In our observations we wish, once again, to thank the Government for the additional information submitted to the Committee, as well as the commitments expressed by its representative during today's discussion. We note with interest the promises made and the Government's acknowledgement of the need to strengthen its capacities through technical assistance. We also thank the spokesperson of the Worker members and all Committee members for their participation and contributions to the discussion.

Having said that, given the complexity of the situation on the ground and the persistence of multiple worst forms of child labour, we reiterate our profound concern at this case. The Employer members recall that we cannot, in any context, close our eyes to any form of child labour, and even less so when children are victims of forced recruitment in armed conflict, labour exploitation and the deprivation of their right to education.

We repeat that this case should be read in line with yesterday's discussion of the General Survey on employment and decent work for peace and resilience, on the understanding that, without peace, without stable institutions and without an environment compatible with sustainable enterprises, the socio-economic conditions and risk factors that lead to child labour cannot be adequately addressed.

The humanitarian crisis and prolonged armed conflict affecting Mali have considerably exacerbated families' vulnerability and hinder the implementation of sustained policies to eradicate the worst forms of child labour. The Employer members reiterate that any strategy to eradicate the worst forms of child labour must be accompanied by strategies intended to strengthen the country's institutions, sustainable development and the creation of quality jobs in the country.

We note with satisfaction the commitments made today by the Government, in particular its willingness to work together with the ILO to make progress in adopting the PANETEM II programme. We trust that these commitments will become a reality as soon as possible in the form of concrete, verifiable measures.

In the light of the discussion, the Employer members wish to recommend the Government to:

- intensify the process of disarmament, demobilization and reintegration of all children associated with the armed forces and armed groups and adopt measures to ensure that such recruitment practices do not reoccur, ensure the rehabilitation and social integration of the children involved and continue to report on the measures adopted and the number of children benefiting from integration programmes;
- ensure that exhaustive investigations are carried out and effective and sufficiently dissuasive sanctions imposed;
- report on the number of investigations launched, the prosecutions brought and the sentences handed down under the Penal Code;
- adopt, as soon as possible, the necessary legal provisions to prohibit and penalize the use, procuring or offering of children under 18 years of age for illicit activities, in particular for the production, supply and sale of drugs;
- intensify efforts to improve the functioning of the education system and facilitate access to free basic education for all children, as well as access to opportunities for vocational training;
- report on the measures adopted, as well as on school enrolment, retention and dropout rates, paying particular attention to children in areas affected by conflict;
- adopt a multidimensional approach that addresses the root causes and risk factors that lead to child labour;
- implement strategic policies intended to reduce families' socio-economic vulnerability, promote quality education and create an environment conducive to sustainable enterprises that generate decent work for adults.

We encourage the Government to make the most of the ILO's technical assistance to strengthen public officials' and tripartite constituents' capacities to design and implement effective and sustainable integrated strategies to eradicate the worst forms of child labour in Mali, including the promotion of an environment conducive to sustainable enterprises that create quality jobs and contribute to building a safer environment for children.

Chairperson – That concludes the discussion of this case. I thank in particular the Minister of Labour of Mali for his participation, and all speakers who have participated in the discussion.

Conclusions of the Committee

The Committee took note of the written and oral information provided by the Government and of the discussion that followed. While recognizing the difficult security and humanitarian situation facing the country, the Committee noted with deep concern the seriousness and persistence of the worst forms of child labour in Mali, including the recruitment and use of children in armed conflict, the forced begging, exposure to hazardous work and exploitation due to the absence of adequate legal protection and limited access to education. Taking into account the discussion, the Committee urged the Government, in consultation with the social partners, to take effective, urgent and time-bound measures to:

- **prevent the recruitment and use of children in armed conflict by ensuring the identification, withdrawal, and reintegration of affected children, including access to psychosocial support and long-term rehabilitation, and the investigation and prosecution of perpetrators;**
- **intensify enforcement against forced begging of Talibé children, while developing prevention strategies addressing root causes in cooperation with communities and religious leaders;**
- **adopt, adequately resource, and implement PANETEM II, ensuring clear targets, timelines, and strong monitoring mechanisms to eliminate hazardous child labour, particularly in traditional gold mining and agriculture, and to ensure withdrawal of children from such work, and guarantee their reintegration into education and training systems;**
- **take measures to facilitate access to free basic education, particularly in conflict-affected areas, including through the reopening and protection of schools and measures to increase school enrolment rates and to prevent dropout;**
- **develop and implement policies aimed at promoting decent work and sustainable job creation, particularly at the local level, as part of a comprehensive strategy to address the socio-economic root causes, including systemic poverty and economic vulnerability of children and their families; and,**
- **close legislative gaps and strengthen the legal framework by explicitly prohibiting and penalizing the use, procuring or offering of a child for illicit activities, in particular for any illegal drug-related activities.**

The Committee called on the Government to avail itself of ILO technical assistance to implement all the Committee's recommendations and to provide detailed information to the Committee of Experts by 1 September 2026 on the concrete progress achieved.

Government representative – I would like to sincerely thank and commend all the government, employer and worker representatives who have taken the floor to make observations on the Convention. As has already been noted, I would first like to recall that we have taken due note of the Committee's conclusions arising from the discussions on this case.

With regard to the recruitment of children in armed conflict, as has already been noted, it is terrorist groups that recruit children. Children who are recovered will be reintegrated in accordance with the provisions of the 2013 interministerial circular. Recruitment into the Malian armed forces is carried out in accordance with the General Conditions of Service of Military Personnel, which specifies a minimum age of 18 years.

PANETEM II will shortly be adopted by the Government.

With regard to *talibé* children, the implementation of the national strategy to combat begging will produce convincing results. Investigations and judicial proceedings will be initiated against those responsible, and detailed information will be provided in future reports.

The legislation on the control of drugs and infusers will also be amended to take account of the situation of children.

With regard to basic education, PRODEC 2 continues to be implemented, and updated information will be communicated to the Office.

We therefore accept the Committee's conclusions, and they will be implemented with the customary technical support of the Abidjan Country Office and the specialists based in Dakar. Mali will provide all available information in its next 2026 report and in future reports to the Committee.

Nigeria (ratification: 1960)

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 National Industrial Relations Policy (NIRP) for Nigeria and the guideline on labour administration issues in outsourcing/casual/fixed-term contract/contract labour of third party employees in the hotels, hospitality, tourism and catering industry.

The Government notes the observations of the Committee of Experts with regards to the allegations made by the Nigeria Labour Congress (NLC) with regards to the absence of adequate dispute resolution mechanisms, interference in the collective bargaining process and failure to implement collective bargaining agreements. The Federal Government of Nigeria has put in place various legal and institutional frameworks for dispute resolution. These include:

- the Trade Disputes Act;
- the National Joint Industrial Negotiating Council:
- the Industrial Arbitration Panel;
- the National Industrial Court; and
- the Appeal Court.

These frameworks provide for negotiation, mediation, conciliation, arbitration and adjudication at all levels.

The Government does not interfere in the process of collective bargaining since the process is between the employer and the worker or workers' organization concerned. Although the Government is not involved in the implementation of collective agreements between employer(s) and worker(s), the laws provide for the implementation of collective agreements as binding.

As requested, a copy of the National Industrial Relations Policy will be submitted to the International Labour Standards Department for onward transmission to the Committee of Experts.

Articles 1 and 2 of the Convention: Adequate protection against acts of anti-union discrimination and interference. The Government notes the observations and comments of the Committee of Experts and will take measures to ensure that reported allegations of anti-union discrimination are investigated, and information on outcomes provided accordingly.

As requested, hard copies of the sectoral guidelines for the banking and finance, food and beverage, and hotel and personnel services sectors will be submitted to the International Labour Standards Department of the ILO for onward transmission to the Committee of Experts.

Labour Law reform. The Government notes the comments of the Committee of Experts with regards to ensuring that the Collective Labour Relations Bill conforms with the Convention.

The Government is pleased to inform the Committee that it is in the process of obtaining technical assistance from the ILO Country Office in Abuja to convene two legal drafting retreats to further the labour law reform process. It is hoped that these retreats will conclude the legal drafting process and hopefully prepare the Collective Labour Relations Bill, the Labour Standards Bill and other bills for final tripartite validation and legislative action.

Collective bargaining in practice. There are at least 130 collective agreements concluded and in force in the country. Collective bargaining agreements cover a minimum of 4.6 million workers across various sectors.

Discussion by the Committee

Chairperson – The next case today relates to the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by Nigeria. There are 23 speakers on the list for the discussion of this case. The Officers have therefore decided to reduce the maximum speaking time for individual delegations from five to three minutes. I now invite the Government representative of Nigeria, the Director and Head of Productivity Measurement and Labour Standards, to take the floor.

Government representative – I congratulate you on your election as Chairperson of this Committee and commend you on the great work you have done so far. We particularly thank the Committee of Experts for its keen interest in the implementation of international labour standards in Nigeria. The Federal Government of Nigeria is committed to providing good governance for its citizens, particularly as it relates to their fundamental human rights and ensuring social justice. Nigeria's human capital remains a legitimately priced resource that the Government values highly, recognizing that it is a critical component of our wealth generation, socio-economic development and national growth strategies.

Nigeria has remained steadfast to its statutory obligations, as required of Member States of the ILO. We are, and have always been, legitimately committed to upholding the guiding principles and mandate of the ILO in our national law and practice. Nigeria prides itself as a nation that has strived to maintain a sound labour administration system and promotes and ensures the implementation of policies built in the spirit of tripartism, a system guided by social dialogue, non-discrimination, equal opportunities for all, inclusiveness, free and fair employment, freedom of association, dispute resolution mechanisms and much more. Nigeria is particularly committed to the effective implementation of Convention No. 98. The Articles of

the Convention which promote protection against anti-union discrimination, protection against employer interference, promotion of collective bargaining and the establishment of machinery for voluntary negotiations strongly echo the provisions of the human rights dimensions of the 1999 Constitution of the Federal Republic of Nigeria.

Nigeria notes the observations of the Committee of Experts with regard to the allegations made by the Nigeria Labour Congress (NLC) on the absence of adequate dispute resolution mechanisms, interference in the collective bargaining process and failure to implement collective bargaining agreements. These allegations were received with surprise, noting that the Government has put in place various legal and institutional frameworks for dispute resolution in the country. These include the Constitution of the Federal Republic of Nigeria where labour matters are listed on the exclusive list, the Trade Disputes Act, the Trade Unions Act, the Federal Ministry of Labour and Employment itself, the National Joint Industrial Negotiating Council, the Industrial Arbitration Panel, the National Industrial Court and the Appeal Court. These frameworks provide good governance for negotiation, mediation, conciliation, arbitration and adjudication at all levels. Furthermore, the Committee may wish to note that Nigeria's labour adjudication system has evolved to the point where the National Industrial Court may refer to ratified and unratified ILO instruments as persuasive authorities when applying international best practices and proceedings.

The Government wishes to refer to the International Trade Union Confederation (ITUC)'s observations submitted to the Committee of Experts on 11 September 2025 concerning alleged labour rights violations against trade unionists in Edo State as well as its comments on Nigeria's application of the Violence and Harassment Convention, 2019 (No. 190), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Convention No. 98. In this regard, the Government of Nigeria wishes to emphasize that social dialogue remains the primary mechanism for managing labour relations in the country. Consistent with established dispute resolution procedures, the Honourable Minister of Labour and Employment has intervened in the industrial dispute between the Edo State Government and the Edo State branch of the NLC. The Honourable Minister will continue to engage both parties with a view to facilitating an amicable resolution of the matter if the measures already taken have not yet yielded the desired outcomes. The Federal Government of Nigeria does not interfere in the collective bargaining process as this process is conducted between workers' organizations and employers.

While the Government is not a party to the implementation of collective agreements concluded between employers and workers, the legal framework provides that such agreements are binding. The Committee is invited to note that although there may be isolated instances of non-compliance in the collective bargaining process or in the implementation of agreements, the Government remains firmly committed to maintaining a sound industrial relations climate in the country and to strengthening Nigeria's labour administration system, in line with international best practice. In furtherance of this commitment, the Government recently adopted the National Industrial Relations Policy 2025, which was developed through extensive consultations with workers' and employers' organizations. The policy provides a comprehensive framework for strengthening collective bargaining, enhancing labour management cooperation, promoting the prevention and resolution of disputes and encouraging compliance with collective agreements. As requested, a copy of the National Industrial Relations Policy was submitted to the Committee, along with our written information, on 18 May 2026.

On Articles 1 and 2 of the Convention on adequate protection against acts of anti-union discrimination and interference, the Government notes the observations and comments of the

Committee of Experts and is pleased to inform this Committee that the issues referenced in our submission to the Committee of Experts in 2025 were investigated and resolved. The Committee is invited to note that the Government, through the Federal Ministry of Labour and Employment, has continuously remained open and committed to promoting fair labour practice across all sectors in Nigeria. The Government will continue to engage with the social partners to address any concerns regarding the practical operation of collective bargaining processes and the implementation of agreements. As requested, hard copies of the sectoral guidelines for the banking and finance, food and beverage, and hotel, hospitality, tourism and catering industries are available for submission to the Committee of Experts. The Government is still developing guidelines for the power and health sectors.

This brings me to labour law reform. The Government notes the Committee of Experts' comments regarding the need to ensure that the Collective Labour Relations Bill is fully aligned with Convention No. 98. In this regard, section 46(1) and (2) of the Bill proposes an amendment to section 19 of the Trade Disputes Act. The Government is pleased to inform the Committee that it is currently seeking technical assistance from the ILO Country Office in Abuja to convene two legal drafting retreats to further the labour law reform process. Our next meeting is going to be immediately after this International Labour Conference.

It is anticipated that these retreats will help conclude the legal drafting process and prepare the Collective Labour Relations Bill, the Labour Standards Bill and other related bills for final tripartite validation and subsequent legislative action. There are at least 130 collective agreements concluded and in force in the country between January 2025 and May 2026, spanning sectors such as oil and gas, health, education and transportation. These collective bargaining agreements cover at least 4.6 million workers across the various sectors. In conclusion, the Government of the Federal Republic of Nigeria reiterates its commitment to fulfilling its obligations on ratified international labour standards and ILO supervisory mechanisms, maintaining strong ties with the social partners and recognizing social dialogue as a critical tool for promoting and ensuring social justice for shared prosperity.

Worker members – Nigeria ratified Convention No. 98 more than six decades ago. Yet today workers in Nigeria continue to face serious and persistent obstacles in exercising their right to organize and bargain collectively in practice. At the outset, the Worker members note with deep concern the many violations of the Convention reported over a number of years. These include persistent cases of anti-union discrimination, interference in collective bargaining processes, failures to implement collective agreements and shortcomings in dispute resolution mechanisms. Collectively, these violations demonstrate serious and systemic obstacles to the effective exercise of freedom of association and collective bargaining rights in practice. The situation is compounded by increasing acts of violence, intimidation and threats against trade union leaders and members, including by state actors, and by a persistent climate of impunity that enables such violations to continue unchecked. The Worker members are particularly concerned that despite repeated requests from the Committee of Experts, the Government has failed to provide substantive replies to many specific allegations.

Instead, it refers generally to the adoption of a National Industrial Relations Policy in 2025. While policy development may be a positive step, policies alone are not enough. A policy cannot substitute for concrete measures ensuring that workers can organize freely, bargain collectively without interference and obtain effective protection against anti-union retaliation. The Committee of Experts rightly noted that the Government has not responded to serious allegations concerning interference in collective bargaining, failure to implement collective agreements and inadequate dispute resolution mechanisms. These are not technical shortcomings. They go to the heart of the Convention. Collective bargaining can only function

where workers and their organizations can negotiate freely. Agreements are respected and disputes are resolved through fair and effective procedures. The Worker members are also deeply concerned by long-standing allegations of anti-union discrimination across key sectors of the Nigerian economy, including banking, education, electricity, petroleum, gas and telecommunications. These allegations concern dismissals of workers seeking to join unions, dismissals of union leaders and members and acts of interference intended to weaken independent trade union activity.

The Committee of Experts recalls an essential principle: legal protections are meaningless if they are not effectively enforced. We fully agree. While Nigerian legislation formally prohibits anti-union discrimination, workers continue to report widespread violations with little evidence of investigation, accountability or remedy. Last year, the Government had informed our Committee that consultations with the social partners had taken place regarding mass dismissals linked to trade union membership and that the report would soon be submitted. Sectoral guidelines intended to address anti-union discrimination in certain industries were to be developed. However, consultations and guidelines cannot replace enforcement. Workers dismissed for joining a union need reinstatement, compensation and justice. Employers responsible for anti-union acts must face meaningful consequences. Trade unions must be able to operate free from intimidation and retaliation. To date, there appears to be little evidence that the allegations raised over the years have resulted in specific investigations or effective remedies.

We therefore strongly support the Committee of Experts' request that the Government provide detailed information on the investigations undertaken, their outcomes and the concrete measures adopted to ensure protection against anti-union discrimination in practice. The Worker members are also concerned by continuing deficiencies in Nigerian labour legislation. We recall that the Committee of Experts has repeatedly called on the Government to guarantee full collective bargaining rights for all public sector workers not engaged in the administration of the State, including prison service workers and workers at the Central Bank of Nigeria. In this regard, we note the Government's indication that it is seeking ILO technical assistance to convene legal drafting retreats aimed at advancing the Collective Labour Relations Bill, the Labour Standards Bill and related legislation to its final tripartite validation. While noting these developments, we reiterate the urgent need to address these long-standing legislative gaps.

Convention No. 98 is clear. Restrictions on collective bargaining rights in the public service must remain strictly limited. The continued exclusion of workers who are not engaged in the administration of the State is incompatible with the Convention and deprives thousands of workers of fundamental rights. After years of discussion, workers in these sectors are still waiting for their rights to be fully recognized. We fully note the Government's indication that the problematic provision contained in section 19 of the Trade Disputes Act, which requires ministerial approval of collective agreements on wages, will not be carried over to the new Collective Labour Relations Bill. Such approval mechanisms undermine the voluntary nature of collective bargaining and open the door to state interference in negotiations between workers and employers. This reform must now be completed without delay. The Government must ensure that the new legislative framework fully complies with the Convention and is adopted in genuine consultation with representative workers' and employers' organizations.

We also note the Government's indication that at least 130 collective agreements are currently in force, covering around 4.6 million workers. Such information is essential to assess whether collective bargaining is functioning effectively in practice. We therefore urge the

Government to continue collecting and providing comprehensive data on collective agreements, the sectors covered and the workers concerned.

Beyond the legal and institutional questions, we must remember what is at stake for workers. Collective bargaining is not an abstract principle. It is the means through which workers negotiate fair wages, safe working conditions, job security and dignity at work. Where collective bargaining is weakened, inequality grows, labour conflicts intensify and democratic participation in the workplace is undermined. The Worker members therefore urge the Government of Nigeria to take immediate concrete action to give full effect to the Convention. It must ensure that allegations of anti-union discrimination and interference are properly investigated and remedied, that workers can organize and bargain collectively without fear of retaliation and that legislative reforms fully align with the Convention. It must also strengthen dispute resolution mechanisms, ensure respect for collective agreements and provide the information repeatedly requested by the Committee of Experts. The Worker members hope that this discussion will mark a turning point. Nigerian workers have waited many years for effective implementation of their rights under the Convention. They deserve more than promises, consultations and draft policies. They deserve concrete protection, genuine collective bargaining and full respect for their fundamental rights at work.

Employer members – The Employer members thank the Government of Nigeria for the information provided to this Committee. Before turning to the specific issues in this case today, the Employer members wish to reaffirm the importance of Convention No. 98, one of the ten fundamental Conventions. The Convention protects the right to organize and collectively bargain. It provides protection against anti-union discrimination and acts of interference. It also promotes free and voluntary negotiation between employers and workers. The Employer members recognize that economic development and stable industrial relations depend upon the independence of the social partners and the ability to exercise Convention rights free from undue interference. At the same time, we recall that the Convention allows for implementation in accordance with national conditions and does not prescribe a single model of labour relations, provided that its core principles are respected in both law and in practice.

The Government of Nigeria ratified the Convention in 1960. Since 1989, the Committee of Experts has previously issued 14 observations on this case, most recently in 2021, 2024 and 2025. This Committee previously commented on this case in 2018. This history indicates the existence of long-standing issues relating to the application of the Convention in law and in practice. The Committee of Experts raised three main issues in its report regarding the Government of Nigeria's compliance with the Convention. First, the Committee of Experts addressed allegations raised by workers' groups regarding anti-union discrimination in violation of Article 1 of Convention No. 98. In particular, the NLC and the ITUC had raised allegations in 2024 that collective bargaining rights have been severely undermined through insufficient dispute resolution mechanisms and the non-implementation of collective agreements.

The ITUC also raised allegations which first appeared in the Committee of Experts' comments in 2021 regarding the large-scale dismissal of workers attempting to join trade unions and specific incidents of anti-union discrimination and interference in certain sectors such as the banking, education, electricity, petroleum, gas and telecommunication sectors. These observations were repeated in the Committee of Experts' 2024 observations. The Committee of Experts requested that the Government provide its response to these allegations in 2021 and 2024. The Government of Nigeria provided some information regarding collective bargaining rights to the Committee of Experts over the years, and most recently on 18 May 2026. The information provided most recently referenced the legal and institutional

frameworks for dispute resolution. However, the Government of Nigeria has continuously failed to provide any information to the Committee of Experts with respect to the specific allegations by the workers and how the legal and institutional frameworks operate in practice. We, the Employer members, emphasize the importance of providing information requested by the Committee of Experts, as failing to do so disrupts the functioning of the supervisory system.

With respect to the information that was provided regarding anti-union discrimination, the Employer members welcome the Government of Nigeria's consultations with social partners on the issue of dismissals of workers for attempting to join trade unions. The Employer members also welcome the development of sectoral guidelines to address anti-union discrimination and interference. The Employer members echo the comments of the Committee of Experts that such efforts to ensure protection against acts of anti-union discrimination must be applied in practice as well. No specific information was provided regarding the investigations and the outcomes of those investigations into the allegations of anti-union discrimination. The Employer members ask the Government to take further steps to provide information regarding these investigations and provide information on the results of these investigations. We also ask that the Government provide information on the outcomes of consultations and the specific sectoral guidelines. The Employer members encourage the Government to continue to consult with social partners in relation to these issues. We reiterate the importance of ensuring that collective bargaining processes operate freely, effectively and without interference.

The second issue raised by the Committee of Experts concerns the scope of the application of Convention No. 98, noting that legislation excludes certain categories of workers from organizing activities beyond the exceptions outlined in Articles 5 and 6 of the Convention. The Committee of Experts noted the information supplied by the Government of Nigeria regarding its ongoing labour law reform process in consultation with the social partners to align the new labour legislation with the requirements of Convention No. 98. The Employer members encourage the Government to continue this reform process in close consultation with the social partners and in line with the principles of tripartite dialogue. The Employer members also encourage the Government to take the necessary measures to ensure that the legislative framework is aligned with the requirements of the Convention.

The Employer members recognize that the Government of Nigeria is in the process of obtaining technical assistance from the Office to assist with labour law reform. We invite the Government to continue to avail itself of the technical assistance of the Office in that regard.

Finally, the Committee of Experts requested information from the Government on the number of collective agreements in force and number of workers covered by them. Such information would demonstrate the extent to which the Articles of Convention No. 98 apply in practice. We acknowledge that the Government of Nigeria has provided this information in its comments on 18 May 2026.

To conclude my introductory remarks, the Employer members reiterate that the provision of information to the Committee of Experts is essential for the functioning of the supervisory system. We also encourage the Government to continue its labour law reform process in consultation with the social partners to ensure that the relevant legislative provisions are brought into conformity with the Convention.

Worker member, Nigeria – I speak on behalf of the NLC, the most representative central trade union organization in Nigeria and an affiliate of the ITUC. We appear before this Committee because workers and their organizations in Nigeria continue to face persistent

violations of the Convention. The violations before us are not isolated incidents. They constitute a pattern of interference, intimidation, violence and discrimination directed against workers and their organizations in contravention to the obligations imposed by the Convention.

Article 1(1) of the Convention provides that workers enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Article 1(2)(b) further prohibits acts designed to cause the dismissal or otherwise prejudice workers because of their participation in trade union activities. However, when trade union leaders are threatened, assaulted, intimidated, arrested or victimized for carrying out legitimate trade union activities, such actions amount to anti-union discrimination prohibited under Article 1. In November 2023, while leading a legitimate trade union mission in Imo State to secure the implementation of a duly negotiated 2021 agreement, I was violently attacked and seriously injured. The attack occurred solely because I was carrying out lawful trade union functions, which include addressing pension arrears, non-payment of income such as salaries and allowances, intimidation and harassment of workers, etc. Such impunity sends a chilling message to workers and trade union representatives throughout Nigeria and undermines the protection guaranteed under Article 1 of the Convention. Recently, trade union leaders from the NLC and the Trade Union Congress of Nigeria (TUC) in Osun State were shown gory pictures of my beaten and bleeding body by the agents of the State as what will befall them to dissuade them from embarking on their legitimate trade union action.

Article 2(1) of the Convention provides that workers' organizations shall enjoy adequate protection against any acts of interference by public authorities or employers in their establishment, functioning or administration. Article 2(2) specifically prohibits measures designed to place workers' organizations under the control of public authorities. The situation in Edo State constitutes a direct violation of these provisions. On 5 December 2024, the Edo State Government, supported by security personnel, seized and occupied the NLC State Secretariat in Benin City. The Secretariat remains under occupation despite interventions using internal mechanisms. The forcible occupation of a trade union facility by state authorities interferes directly with the administration and functioning of a workers' organization and violates Article 2(1) of the Convention. The interference did not stop there. The Governor publicly rejected the democratically elected leadership of the NLC in Edo State and sought to influence internal union leadership arrangements. The Convention guarantees the independence of workers' organizations. Governments cannot choose union leaders, determine who should represent workers or interfere in internal organizational matters. Such actions are precisely the type of interference prohibited by Article 2(2), which seeks to prevent workers' organizations from being subjected to State control.

Article 4 of the Convention requires Member States to take measures appropriate to national conditions to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers' and workers' organizations. Instead of promoting collective bargaining and social dialogue, authorities in Edo State actively obstructed legitimate trade union activities. On 28 August 2025, security agencies and other actors prevented the inauguration of the duly constituted NLC leadership in the State. Trade union officials were pursued all over the city like common criminals, meetings were disrupted and organizational activities frustrated, compelling the inauguration to take place in a secret location for fear of their lives. Such actions are fundamentally not compatible with Article 4. Collective bargaining cannot flourish where governments deploy security forces against workers' organizations, obstruct lawful union meetings or undermine the independence of

workers' representatives. As it is today, the NLC in Edo State is a clone of the Governor, so the Government negotiates with itself instead of the legitimate leadership of the NLC.

The situation involving the National Union of Road Transport Workers (NURTW) presents another serious violation of the Convention. The continued imposition of government-backed leadership structures despite court decisions and established trade union processes constitutes interference in the internal administration of a workers' organization. This violates Article 2(1) and Article 2(2) of the Convention because it places the affairs of a workers' organization under external influence and control.

Where governments determine who leads a union rather than allowing workers to freely choose their representatives, especially when the highest appellate courts have ruled to the contrary, trade union independence ceases to exist.

These incidents are part of a broader pattern documented by the NLC and the ITUC over several years, including: (i) intimidation, harassment and physical attacks against trade union leaders; (ii) interference in internal trade union elections and leadership structures; (iii) the excessive deployment of security forces during lawful industrial actions; and (iv) restrictions on the ability of workers' organizations to operate freely and independently.

Taken together, these practices constitute violations of Articles 1 and 2 of the Convention and undermine the obligations established under Article 4 to promote genuine collective bargaining. The Committee of Experts has repeatedly requested information regarding these allegations. Yet the Government has failed to provide adequate responses or demonstrate effective remedial action. As it stands, internal mechanisms for remedial action have failed, demanding external intervention. The NLC respectfully requests this Committee to find that Nigeria is in breach of its obligations under Articles 1, 2 and 4 of the Convention. We further request the Committee to urge the Government of Nigeria to: (i) end the occupation of the NLC Secretariat in Edo State and restore full control of the premises to the Congress; (ii) cease all forms of interference in the internal affairs of trade unions and work with the legitimate leadership of the NLC in the State; (iii) respect court decisions relating to trade union leadership disputes, including those concerning the NURTW; (iv) guarantee the safety and protection of trade union leaders and members; (v) conduct independent investigations into acts of anti-union violence and intimidation; and (vi) establish a clear timetable for the labour law reforms necessary to ensure full compliance with the Convention.

The issue before this Committee is not merely one of labour relations. It concerns the fundamental right of workers to organize freely, choose their representatives independently and bargain collectively without fear, interference or violence. Those rights are guaranteed by the Convention. They must also be guaranteed in practice in Nigeria. What is happening in Nigeria is a cancer that has become malignant with pustules everywhere: in Edo, Rivers and Lagos, and it is growing. We therefore urge this Committee to use the full weight of its authority to secure compliance with the Convention and protect the rights of Nigerian workers.

Government member, Cyprus – I have the honour to speak on behalf of **the European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, as well as the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, align themselves with this statement. The European Union and its Member States are committed to the promotion, protection, respect 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 European Commission has supported Nigeria's social

dialogue system via a technical assistance project under the global deal implemented by the ILO and the Organisation for Economic Co-operation and Development in 2023–24.

The European Union and its Member States have been committed development partners of Nigeria, including through the standard Generalised Scheme of Preferences (GSP) arrangement under the European Union's general GSP. The trade benefits granted under the standard GSP arrangement are subject to the condition that Nigeria respects core international principles enshrined in core UN and ILO Conventions, including the Convention.

We welcome the copies – provided by the Government – of the National Industrial Relations Policy for Nigeria and the guideline on labour administration issues in outsourcing/casual/fixed-term contract/contract labour of third-party employees in the hotels, hospitality, tourism and catering industry. We also welcome the information regarding the number of collective agreements in force. Yet we regret the absence of an adequate dispute resolution mechanism, the interference in the collective bargaining process and the lack of adequate implementation of collective bargaining agreements.

We acknowledge the technical assistance in the process to be provided by the ILO Country Office in Abuja to convene two legal drafting retreats to further the labour law reform process. We hope these efforts will lead to the speedy finalization of the drafting of the Collective Labour Relations Bill, the Labour Standards Bill and other bills for final tripartite validation and legislative action. We request the Government to take the necessary steps to ensure that the allegations referred to by the ITUC denouncing anti-union discrimination lead to specific investigations. We request information on the results of these investigations and further request the Government to provide the report on the consultations with the social partners regarding massive dismissals for trying to join trade unions, which was not shared after the 113th Session of the Conference. Regarding labour law reforms, we request the Government to take the necessary measures to ensure that amendments are made to ensure the full recognition of the right to collective bargaining of all public sector workers not engaged in the administration of the State, including prison services and the Central Bank of Nigeria.

We also call on the Government to amend section 19 of the Trade Disputes Act regarding the legal obligation to submit any collective agreements on wages for ministerial approval. While recognizing the importance of a comprehensive legal framework to protect trade union rights, we also wish to recall that the existence of legal provisions prohibiting anti-union discrimination is not enough if they are not accompanied by effective application in practice. The European Union and its Member States encourage further exchanges between the Government and the ILO with a view to implementing the recommendations of the Committee of Experts and to engaging meaningfully with the social partners.

Government member, South Africa – South Africa thanks the Committee of Experts for its detailed report on the application of the Convention in Nigeria. We also thank the Government of Nigeria for its response. The Committee of Experts' comments highlight a number of areas that may benefit from further attention, including allegations of interference in collective bargaining and failure to implement agreements, reports of large-scale dismissals and discrimination across different sectors, outstanding legislative issues, including section 19 of the Trade Disputes Act on approval of wage agreements and the exclusion of certain public sector workers from full bargaining rights. We note Nigeria's adoption of the 2025 National Industrial Relations Policy and the development of sectoral guidelines.

These are seen as steps in the right direction. At the same time, as the Committee recalls from the 2012 General Survey, legal provisions alone may not be sufficient. Practical measures including effective and timely procedures and concrete investigations would help strengthen

implementation. South Africa encourages the Government of Nigeria to continue its engagement with the ILO and the Committee. In that context, it could be helpful for Nigeria to respond to the specific points raised by the NLC and the ITUC and to provide the information requested by the Committee.

Sharing the 2025 National Industrial Relations Policy and sectoral guidelines with the Office will also allow the Committee to assess their alignment with the Convention. Engaging ILO technical assistance to advance work on the new Collective Labour Relations Bill and Labour Standards Bill may be a useful way forward. In conclusion, South Africa believes that continued cooperation with the ILO supervisory system can serve as a constructive basis for reform. Through strengthened social dialogue, Nigeria may be able to bring its law and practice further in line with the Convention.

Worker member, United Kingdom of Great Britain and Northern Ireland – I speak on behalf of the workers of the United Kingdom, and the Commonwealth Trade Union Group supports this statement. Noting the prohibition in the Convention of acts of interference against workers' organizations and that the effective realization of the right to organize and bargain collectively requires the good faith implementation of law and practice to prevent them, it is concerning to report gross systematic interference in the independence of unions by the Government of Nigeria itself. In 2024, just as he was at the Abuja Airport to fly to the United Kingdom to take part in the British Trades Union Congress (TUC)'s annual congress in Brighton, NLC president Joe Ajaero was arrested. For several hours no one knew what had become of him.

Eventually released, it seemed that Mr Ajaero had been arrested without a warrant and held long enough to make his visit to the TUC impossible. The TUC president issued a strong statement of condemnation from the platform of the congress, saying Mr Ajaero's unlawful arrest is a gross violation of fundamental trade union freedoms, especially as he was on his way to speak to us about the vital right of trade unions to seek solidarity. Replying via national media, the Government of Nigeria attacked the TUC statement, calling it a false claim and saying that with regards to Mr Ajaero, no one is above the law, even though no charges were ever brought against Joe on the multiple offences alleged by the Government. If they wished to prevent him from sharing examples of Government interference with a wider audience, then, as we discuss these matters here today, it could be said to have backfired. Let us look at some now.

In December 2024, the Government of Edo State invaded trade union offices, ejected the workers, locked it and has since withheld the keys. In the same State, the Governor refused to work with the elected NLC Chairperson, removed him from power and replaced him with a government-approved and unelected leader, forcing the union to dissolve its leadership structures to avoid co-option. Similarly, in Imo, the State Government attempted to appoint an alternative State-approved NLC leadership and attempted to replace the legitimate union leaders; condemnation by the country's tripartite National Labour Advisory Council has had no effect. In Abia, the State Government attempted to replace the leadership of the NURTW, and in four other states the Government banned that union from operating, in defiance of the Trade Unions Act and the Constitution. It was ironic that the Government of Nigeria chose to say that no one is above the law, because the State itself is operating in breach of its own national laws and in defiance of international law by failing to comply with the Convention.

Rather than aggressively rejecting legitimate criticism, we hope the Government will reflect on the need to respect the independence and democratic integrity of unions and their

leadership and, by doing so, create the conditions where collective bargaining and the right to organize can be fully realized.

Government member, Zambia – The Zambian Government thanks the Government of the Republic of Nigeria for its detailed response and welcomes the information provided regarding the measures undertaken to strengthen the application of the Convention. We positively note the existence of established dispute resolution institutions, the continued practice of collective bargaining across key sectors and the ongoing labour law reform process being undertaken in collaboration with the ILO and the social partners. We further commend Nigeria's commitment to tripartite dialogue, the development of sector-specific industrial relations guidelines and efforts to align national registration with international labour standards. These initiatives demonstrate a constructive approach towards strengthening industrial relations and promoting decent work.

Zambia encourages Nigeria to continue its engagement with the ILO supervisory mechanisms and its social partners to address the remaining observations of the Committee of Experts. We are confident that with the support of the ILO, the ongoing reforms will further enhance the effective implementation of the Convention. We therefore encourage the Committee to take note of the progress achieved and to continue supporting Nigeria's efforts through constructive dialogue and technical assistance.

Worker member, Ghana – We are deeply concerned by the observations of the Committee of Experts relating to intimidation, harassment, interference in trade union affairs, attacks on trade union offices and threats against trade union leaders and members in Nigeria. We are particularly troubled by the assault and intimidation of the President of the NLC, comrade Joe Ajaero. This development should concern all of us. Such actions undermine not only individual trade union leaders but also the institutions of social dialogue and collective representation that are fundamental to democratic labour relations.

Trade unions are not enemies of the State. Trade unions are democratic institutions that give workers a collective voice and contribute to national development, social stability and economic progress. When trade union leaders are intimidated, when workers are harassed for exercising their rights and when governments interfere in the internal affairs of workers' organizations, the victims are not only trade unions. Democracy itself is weakened. Social dialogue is undermined.

Trust between the social partners is eroded. The challenges of unemployment, informality, inequality, climate change, technological transformation and growing social pressures require stronger social dialogue, not weaker social dialogue; stronger trade unions and not weaker trade unions; and great respect for freedom of association, not restrictions on workers' rights. In Ghana, our situation is not perfect. However, our experience demonstrates that sustainable industrial peace is best achieved through dialogue, mutual respect and strong labour institutions rather than confrontation and intimidation.

Over the years, successive governments have organized labour as a legitimate partner in national development. At the highest level of governance, the President of the Republic regularly joins workers during these meetings and engages directly with organized labour on matters of international importance. This is not merely symbolic. It reflects a national commitment to social dialogue and respect for workers' voices. Such engagement has contributed significantly to industrial peace, strengthened trust among the social partners and demonstrated that meaningful dialogue remains the most effective pathway for resolving differences and advancing national development.

The lesson is clear. Respect for freedom of association and collective bargaining is not a threat to development. It is a prerequisite for development. We therefore urge the Government of Nigeria to take all necessary measures to investigate the allegations raised by the Committee of Experts, guarantee the safety and independence of trade union leaders and members, refrain from interference in trade union affairs and fully uphold its obligations under Convention No. 87 and the Convention. We stand in solidarity with our brothers and sisters in Nigeria and reaffirm that workers everywhere must be free to organize, bargain collectively and defend their interests without fear, intimidation or violence.

Government member, Ghana – It is critical to reaffirm the importance of the Convention as one of the fundamental Conventions underpinning decent work, social cohesion and social justice in the world of work. The Government of the Republic of Ghana has taken note of the information provided by the Government of the Republic of Nigeria to the Committee of Experts regarding the matter of the right to organize and collective bargaining as espoused in the Convention. The Government of Nigeria has honestly indicated the occurrence of isolated breaches of these rights by employers in the country. It has also informed this Committee of ongoing legislative reforms and its commitment to ensuring a serene industrial relations environment through an improved labour administration.

In the light of this, we applaud the legislative strides it is making to give meaning to the rights provided under the Convention and the assurance of non-interference in the processes between workers and employers regarding these rights. While we commend the Government for its efforts, we entreat you to continue to engage meaningfully with its social partners to resolve all inherent challenges together to avoid future recurrence.

The Government of Ghana urges the Government of the Republic of Nigeria to seek the necessary technical assistance from the ILO to ensure these rights are integrated into the tripartite validation of the outstanding draft bills and facilitate their early passage by the appropriate competent authority. We urge the Committee to consider the efforts of the Government of the Republic of Nigeria to reform in its conclusions.

Worker member, Zimbabwe – This case concerns more than labour relations. It concerns the integrity of the Convention itself. For many years, the Committee of Experts has emphasized that the promotion of voluntary collective bargaining is one of the central objectives of the Convention. The Committee has repeatedly recalled that negotiations must be conducted in good faith, that workers' organizations must be free from interference and that collective agreements freely concluded must be respected and implemented.

The Committee's jurisprudence in this regard is unequivocal. In its General Survey on collective bargaining and in its long-standing interpretation of Article 4 of the Convention, the Committee of Experts has consistently stated that collective bargaining must be conducted in good faith and agreements reached through such bargaining must be respected. The Committee has emphasized that there would be little reason for workers to engage in collective bargaining if the agreements reached could simply be ignored by employers or public authorities. It is precisely this principle that is being violated by Nigeria. At the federal level, the Government has not fully implemented the wage award negotiated with organized labour.

The payment of negotiated peculiar allowances for federal workers remains incomplete. The agreements concluded between the Federal Government and the NLC and TUC on 2 June 2023 and 5 October 2023 have not been fully honoured. At state level, the consequential adjustments arising from the national minimum wage remain outstanding in Edo State. In Kaduna State, workers continue to face challenges regarding the full implementation of the national minimum wage. Collective bargaining cannot exist only on paper.

When governments negotiate agreements with representatives of workers' organizations and then fail to implement them, collective bargaining is transformed into an empty ritual. The Committee of Experts has repeatedly maintained that the objective of Article 4 of the Convention is not merely to facilitate meetings between parties but to promote genuine collective bargaining leading to meaningful agreements that are respected in practice. The failure to implement negotiated agreements is therefore not a minor administrative matter. It strikes at the heart of the Convention. Yet the challenges in Nigeria go beyond non-implementation.

The Committee of Experts has examined Nigeria under the Convention on numerous occasions, including observations adopted in 2018, 2021, 2024 and 2025. The persistence of these issues demonstrates a troubling pattern rather than isolated incidents. The workers of Nigeria have negotiated in good faith. They have honoured their obligations. They have demonstrated patience. It is now time for the Government of Nigeria to do the same.

Interpretation from Arabic: **Government member, Tunisia** – The delegation of Tunisia commends the Government of Nigeria and thanks it for all the information provided regarding the application of the Convention. We have taken note of the progress made in establishing a legislative framework for effective, lasting labour dispute resolution, as well as the development of guidelines. We also welcome the reforms being pursued to improve the alignment of legislation with the Convention. We commend these efforts, as well as the collaboration between Nigeria and the ILO. My delegation would also like to commend Nigeria's commitment and efforts to respect international labour standards, while taking note of this Committee's observations and those of the Committee of Experts.

Worker member, Kenya – I speak on behalf of African trade unions and Public Services International. We join in the concerns expressed regarding Nigeria's compliance with the Convention. At the heart of this case lies a simple but fundamental question: can collective bargaining function effectively when engagements are delayed, disregarded or subjected to excessive administrative control? For workers in Nigeria's public services, this is not a theoretical question. It is a daily reality. Collective bargaining is built on good faith, yet public sector unions frequently face prolonged delays before negotiations even begin. Bargaining processes are too long, often reactive rather than institutionalized, forcing workers to mobilize repeatedly simply to secure dialogue on matters affecting their livelihood and working conditions. Even more concerning is what happens after agreements are reached. Workers in health, in education and other public services have repeatedly experienced situations where negotiated outcomes are not implemented within the agreed timelines.

This creates a cycle of frustrations, a cycle of industrial unrest and a cycle of avoidable disruptions of public services. The Committee of Experts has noted allegations concerning interference in collective bargaining processes and the failure to implement collective agreements. These concerns go to the very essence of the Convention. The Committee has also rightly called for labour reforms, including the removal of provisions that subject collective bargaining outcomes to ministerial approval. Such powers are incompatible with the principles of free and voluntary collective bargaining. Collective agreements should be negotiated by parties, not subjected to political discretion.

We are also particularly concerned about the continued exclusion of certain categories of public sector workers from full collective bargaining rights. Public servants who are not engaged in the administration should enjoy the protection guaranteed under the Convention. Collective bargaining cannot thrive where agreements are treated as optional, where implementation depends on political convenience or where workers must resort repeatedly to

industrial action to secure what is right and what they have rightfully negotiated. We call on the Government of Nigeria today to stop using the "no work, no pay" policy as a tool of intimidation against workers. This policy, which emanates from section 42(1)(a) of the Trade Disputes Act, has been misused and has been abused to silence lawful industrial action and to criminalize the legitimate struggle for fairness, struggle for dignity and struggle for the fulfilment of agreements. We therefore urge the Government of Nigeria to engage in genuine good faith bargaining, to fully implement negotiated agreements, to complete labour reforms without further delay, to remove all remaining obstacles to free and voluntary collective bargaining and to ensure all public sector workers covered by the Convention can effectively exercise their rights. Respect for collective bargaining is not only a worker's right; it is a prerequisite for stable public service and social dialogue and lasting industrial peace.

Government member, Libya – The State of Libya is honoured to express its deep appreciation to the Committee of Experts for the preparation of its report and affirms its support for the responses and objective clarifications provided by the Federal Republic of Nigeria which reflect a clear and sincere commitment to the principles of the Convention, and a genuine dedication to fostering a work environment based on dialogue and mutual respect. We have carefully reviewed the comprehensive institutional framework presented by Nigeria for the settlement of labour disputes, which includes negotiation, mediation, conciliation, arbitration and judicial processes through well-established institutions that play a pivotal role in ensuring fair and effective dispute resolution. We also welcome Nigeria's confirmation that collective bargaining is fully exercised between workers and employers and that the role of the Government remains limited to providing the legislative and regulatory environment that guarantees the independence of the social partners, an essential principle of decent work. We further commend the practical measures taken by the Nigerian Government to protect workers from anti-union discrimination and strengthen the capacities of labour inspectors, the sectoral guidelines developed in key industries, as well as the ongoing work in other sectors.

We also note that the legislative reforms under way in cooperation with the ILO include updating labour relations, law and labour standards within a broad tripartite consultation framework. In conclusion, the State of Libya reaffirms its support for the efforts of the Federal Republic of Nigeria and encourages the continuation of constructive dialogue with the supervisory bodies of the ILO. The State of Libya also calls upon the esteemed Committee to take into account the progress achieved and to value the practical steps undertaken by the Nigerian Republic to strengthen trade union rights and collective bargaining.

Worker member, South Africa – I take the floor on behalf of the Federation of Unions of South Africa to highlight the plight of public sector workers in Nigeria who continue to be denied their fundamental rights to freedom of association and collective bargaining. These categories of workers are found in immigration services, correctional services, customs services, minting and printing services, the Central Bank of Nigeria, defence forces, police and other public sectors not engaged in state administration. Convention No. 98 is a fundamental international labour standard that protects workers from anti-union discrimination and promotes voluntary collective bargaining between employers and employees. The Nigerian Government is violating the rights of these groups of public service workers, discriminating against them for joining and forming trade unions and engaging in collective bargaining. These workers are dedicated professionals who must enjoy their rights like any other group of workers recognized by the laws of Nigeria.

The Convention affirms the right of all workers to join and form trade unions without distinction. Collective bargaining is not just a legal obligation, but a fundamental necessity to ensure fair wages, better working conditions and job security. The failure to enjoy fundamental

rights has a negative impact on services delivered to the entire Nigerian population who rely on Government services. Public trust in Government institutions may also be affected. In my country, South Africa, the Constitution and the Labour Relations Act allow workers to join and participate in trade unions of their choice without fear of discrimination or victimization. This right is extended to members of the police force, correctional services and defence forces. These workers have their trade unions: the Police and Prisons Civil Rights Union and the South African National Defence Union. Collective bargaining takes place mainly through the Public Service Coordinating Bargaining Council, which brings together Government representatives and trade unions. Several major public service unions play a key role in representing employees. These include the National Education, Health and Allied Workers' Union, which represents workers in health, education and other public services, and the Public Servants Association, one of the largest unions representing public servants, just to mention a few. These unions negotiate on behalf of their members and help ensure that workers' rights and interests are protected. I call upon the Government of Nigeria to emulate South Africa's anti-discrimination laws in ensuring that they offer all public servants the right to organize, the right to join and form a trade union, including trade union federations. We affirm our commitment to standing against discrimination in all forms within the public service. It is our collective responsibility to advocate for the rights of every worker, ensuring that they can join in unity, strength and solidarity.

The Committee of Experts' report has been calling on the Government to undertake reforms which have remained an unending promise. Strong public service unions and effective collective bargaining contribute significantly to workplace democracy, social justice and improved public service delivery. I urge the Government of Nigeria to uphold the principles of democracy and equality, essential for a just society.

Government member, Morocco – Allow me, at the beginning of this intervention, to commend the work undertaken by the Committee of Experts in the exercise of its mandate. We also thank the Government of Nigeria for the detailed information and the clarification provided to this Committee, as well as for the spirit of cooperation which it has demonstrated during its dialogue with the ILO supervisory mechanisms in follow up to the observations made.

We followed the statement made by the Nigerian delegation attentively, and we welcome the efforts made to further strengthen the alignment of the country's legislation and national practice with international labour standards. We also note the strengthening of the legal and institutional arsenal with the aim of promoting social dialogue, preventing and resolving labour disputes and promoting the effective exercise of the right to organize and collective bargaining. In that regard, the negotiation, mediation, conciliation, arbitration and adjudication mechanisms established, as well as the tripartite consultation conducted with the support of the ILO, bear witness to Nigeria's commitment to the principles enshrined in Convention No. 98, including freedom of association, collective bargaining, the institutionalization of social dialogue and the promotion of a social climate that enables decent work. The results communicated illustrate the specific and effective nature of collective bargaining in Nigeria, with more than 130 collective agreements in force in strategic sectors covering close to 4.6 million workers, confirming this mechanism's vital role in regulating labour relations and maintaining social peace.

With regard to the progress recorded, Morocco encourages the continuation of the efforts undertaken with the support of constructive dialogue with the ILO and technical cooperation, in order to further consolidate gains in the area of collective bargaining, social dialogue and the protection of trade union rights, in accordance with Convention No. 98.

Worker member, Democratic Republic of the Congo – The workers of the Democratic Republic of the Congo, as well as the Worker members, denounce the case of Nigeria with deep concern. Our message is simple: freedom of association cannot exist while the public authorities interfere in the affairs of trade unions, impose leaders upon workers and use the security forces and the judiciary to stifle trade union activity.

Nigeria ratified Conventions Nos 87 and 98 more than 60 years ago. Nevertheless, the Committee of Experts continues to note serious allegations of harassment, intimidation, arrests, police violence and interference in the life of trade unions. In 2025 the Committee of Experts noted allegations relating to the occupation of the NLC headquarters in Edo State, the eviction of democratically elected leaders, the intimidation of trade union leaders and the use of the security forces to prevent trade union activity. Let us call a spade a spade: this is not a simple administrative dispute, but an attempt to take control of workers' organizations with the sole aim of stifling freedom of association and job action.

In Edo State, the elected trade union structures were allegedly replaced by structures supported by the public authorities which were allegedly afforded the necessary resources to torpedo the legitimate trade unions, while the workers' legitimate representatives were cast aside. Similar allegations have also been made in Lagos and Rivers State. When the same phenomenon appears in several states in the Federation, it is no longer an isolated incident; on the contrary, it is a concerning pattern of political interference in trade union autonomy.

The right to organize means that workers choose their representatives freely. Governors, the police and political actors do not choose trade union leaders. A trade union controlled by the Government is not a trade union. Collective bargaining led by imposed structures is not collective bargaining. And social dialogue without independent workers' organizations is nothing more than an illusion.

We therefore call on the Government of Nigeria to investigate all allegations of violence and interference, re-establish legitimately elected trade union structures, bring an end to the use of the security forces against legal trade union activity and ensure conformity with Conventions Nos 87 and 98 in order to guarantee the effective enjoyment of trade union rights. This Committee must send a clear message: democracy cannot be selective. A State that claims to respect democracy must guarantee workers the full freedom to elect trade union representatives at all levels.

Worker member, Eswatini – We wish to underscore the critical importance of the ongoing and proposed legislative reforms in Nigeria as a necessary and urgent step towards full compliance with the application arising under the Convention. The Committee of Experts' observations highlight several areas within the Trade Unions Act and related legislation that require amendment. These include a restrictive threshold for union formation, limitations on the registration of new unions, excessive ministerial discretion in revoking union registration and broad exclusions of certain categories of workers from the right to organize. Additionally, constraints on the right to strike, including arbitration over the expansive definition of essential services and penal sanctions, raise serious concerns regarding the effective exercise of trade union rights. From our perspective, these reforms are not merely technical legal adjustments. They go to the very heart of freedom of association.

Convention No. 98 guarantees workers and employers the right to organize and collectively bargain and to establish and form organizations of their own choosing without prior authorization. Any legislative framework that imposes undue barriers, whether through numerical thresholds or restrictions on industrial action, risks undermining this fundamental principle. We particularly note the ongoing effort to consolidate these reforms within the

proposed Collective Labour Relations Bill. This presents a valuable opportunity for Nigeria to align its domestic legal framework with international labour standards.

Ensuring that workers, including those in previously excluded sectors, can freely organize, that unions can operate without interference and that the right to strike is respected in law and in practice, will significantly strengthen industrial relations and democratic governance. Furthermore, reforms addressing freedom of association and the right to organize and collectively bargain in export processing zones and ensuring genuine trade union pluralism are essential in adapting labour law to contemporary economic realities. We firmly believe that meaningful social dialogue coupled with legislative reforms is indispensable in fostering respect for fundamental rights at work. We therefore encourage the Government of Nigeria to expedite these reforms in consultation with the social partners and to avail itself of the technical assistance offered by the ILO. In furtherance of this, we urge the Nigerian Government to stop the continuous delay in sending these bills to the legislature for enactment into law. We consider seven years' delay after its conclusion as inexplicable and a continued hindrance to the operation of Convention No. 98. Such steps will not only advance compliance with Convention No. 98, but will also contribute to a more just, inclusive, sustainable and stable labour environment.

Observer, Building and Wood Workers' International (BWI) – The Building and Wood Workers' International (BWI) thanks the Government of Nigeria for its report and welcomes this discussion. The BWI wishes to emphasize that the effective protection of workers against anti-union discrimination and interference lies at the very heart of the Convention. Workers must be able to freely join and participate in trade unions without fear of retaliation, dismissal, intimidation or any other forms of prejudice. In this regard, we note with concern the issues raised over a number of years concerning anti-union discrimination and interference in several sectors of the economy. Dismissals of workers seeking to join trade unions, actions targeting trade union leaders and members and obstacles to exercise trade union rights continue to raise serious questions regarding the practical application of the Convention.

We are particularly concerned that workers still face barriers when attempting to organize and join trade unions of their own choosing. Freedom of association and collective bargaining cannot be exercised where workers are discouraged, intimidated or prevented from joining independent trade unions. Equally concerning are situations in which employers seek to influence or control workers' representations through employer-dominated organizations or so-called "yellow unions", which undermine genuine collective bargaining and weaken workers' ability to defend their interests independently. We therefore encourage the Government to ensure that all anti-union discrimination, interference and dismissals related to trade union memberships or activities are subject to prompt, independent and effective investigations. Where violations are established, appropriate remedies should be available, including reinstatement, compensation and sanctions that are sufficiently dissuasive to prevent future violations.

The BWI also wishes to underline the importance of effective and timely dispute resolution mechanisms. Delayed procedures can deny workers meaningful protection and undermine confidence in labour relations institutions. Justice delayed is often justice denied. Workers who lose their employment because of trade union activities require rapid access to impartial procedures capable of providing timely remedy. In conclusion, the BWI calls on the Government to take concrete actions to combat anti-union discrimination and interference, prevent dismissals linked to trade union activity and ensure that workers can freely join an organization of their own choosing, strengthening dispute resolution mechanisms to guarantee an environment in which collective bargaining can take place freely and effectively.

Observer, IndustriALL Global Union – I speak on behalf of IndustriALL Global Union, which brings together unions in 130 countries representing workers in the mining, energy and manufacturing sectors. Nigeria presents one of the most serious and persistent challenges to freedom of association and collective bargaining on the continent. Although the country ratified the Convention in 1960, the gap between its international commitments and the reality on the ground continues to widen. The situation affects all major sectors, including energy, manufacturing, transport and services. Across the country, authorities at all levels bypass collective bargaining through wage commissions. Instead of negotiating with unions, they impose wage awards for political purposes. This excludes workers entirely from the process, leaving unions sidelined in decisions that shape wages, working conditions and the scope of bargaining.

The private sector also presents serious challenges. Companies continue to deny workers the right to join unions, to bargain collectively and to enjoy basic rights at work. For example, in a refinery in Lagos hundreds of workers were dismissed after attempting to organize. Following intervention by the NLC and industrial affiliates, the company signed an agreement allowing unionization. However, within one week, soldiers were deployed to intimidate workers and prevent them from joining unions. IndustriALL Global Union observes and highlights the following violations of fundamental rights in Nigeria under Convention No. 98: anti-union discrimination and retaliation, employer interference in union affairs, restrictions on collective bargaining, excessive use of security forces during labour disputes, legal and administrative barriers and a failure to enforce protections. IndustriALL also supports the key points raised by the ITUC submission regarding the Government of Nigeria's failure to respond to concerns raised by the Committee of Experts and other ILO supervisory bodies.

This Committee must express serious concern and conclude that the Government of Nigeria takes concrete and time-bound measures to remedy these serious violations.

Government representative – Nigeria wishes to thank all delegations that have made interventions in this matter. Comments by both Workers' and Employers' groups are duly noted. Nigeria views the observations of the supervisory bodies and several delegations as valuable tools for continuous improvement, rather than merely compliance exercises. All workers in Nigeria are, in law and practice, allowed to join unions and are not prevented from exercising this right.

The Government of Nigeria reiterates that social dialogue remains the primary mechanism for managing labour relations in the country and does not interfere in trade union matters. Therefore, the Government would continue to engage meaningfully in line with the provisions of Convention No. 98, which was adopted by this august body because freedom of association alone was not enough. Workers needed protection from retaliation, independence from employer control and a legal framework that made collective bargaining real rather than symbolic. However, while the Government improves processes in line with our established dispute resolution procedures, on the issue of Edo State which was mentioned in the course of our deliberations, the Honourable Minister of Labour and Employment intervened in the dispute between the Edo State Government and the Edo State branch of the NLC as expected. To demonstrate the Government's willingness and compliance with the provisions of Convention No. 98, the Government established a high-powered investigative Committee comprising the NLC members to Edo State.

Both parties, the NLC and the State Government, agreed to work together to find a lasting solution. Let me reiterate that the Government of Nigeria is willing to continue engaging with all parties to explore new ways to facilitate an amicable resolution of matters raised if the

conciliatory measures taken have yet to yield desired results. Permit me to respond briefly regarding the NURTW, raised again by the NLC leadership. The Honourable Minister of Labour and Employment has also intervened to resolve this dispute. At one point, the parties in this dispute left the mediation and conciliation processes and proceeded to adjudication.

Following adjudication, conciliation was resumed, with several court judgments presented. The Government found it necessary at this point to forward these judgments to the Ministry of Justice for interpretation. This demonstrates genuine actions on the part of the Government to resolve the issues in dispute objectively. We therefore assure this Committee that this matter is being handled and will be resolved in accordance with our dispute resolution processes. Nigeria acknowledges the Committee of Experts' observation that legal protections must be supported by effective implementation mechanisms.

Accordingly, efforts are under way to strengthen labour administration and inspection services to improve monitoring, investigation and enforcement concerning allegations of anti-union discrimination. Nigeria is presently undertaking one of the most comprehensive reviews of its labour legislation since independence. The objective is to modernize the legal framework governing labour relations and ensure greater conformity with ratified international labour standards. The review process has been conducted through extensive tripartite consultations involving the Government, employers, workers and technical experts, with support from the Office. Several legislative instruments have been developed, including the proposed collective labour relations legislation and the labour standards legislation among others.

The Government therefore notes the workers' comments concerning collective bargaining rights for certain categories of public sector workers and wishes to assure this Committee that these matters continue to receive careful consideration within the ongoing reform process. We also note the Committee of Experts' comments concerning section 19 of the Trade Disputes Act. In this regard, Nigeria welcomes the Committee of Experts' recognition that the ministerial approval requirement currently contained in section 19 is not being retained in the proposed Collective Labour Relations Bill. This represents an important step towards further strengthening the autonomy of collective bargaining processes in line with the Convention. The Government remains committed to constructive engagement with the social partners and the Office to explore available technical assistance and ensure that the final legislative framework is fully informed by international labour standards and national realities.

I will conclude by emphasizing that our Government remains fully committed to genuine collective bargaining, promoting freedom of association, collective bargaining, social dialogue and decent work. We recognize that challenges remain, as they do in many countries. However, significant progress has been achieved through institutional reforms, policy development, legislative modernization and sustained engagement with the social partners. We may not be where we want to be yet, but we are certainly not where we were. Nigeria, therefore, welcomes continued collaboration with the ILO and reiterates its readiness to avail itself of the technical assistance of the Office, particularly in the areas of labour law reform, strengthening collective bargaining institutions, labour inspection, data management and mechanisms for preventing anti-union discrimination.

Employer members – The Employer members would like to thank the speakers who have taken the floor today. We again want to thank the Government of Nigeria for the information that it has provided and for its engagement. Before I start with my concluding remarks, I want to note that the intervention from the Worker of Eswatini referred to the right to strike. We wish to remind the speakers that we are here to address the Government's application of Convention No. 98 in law and in practice.

We reiterate the importance of ensuring compliance with Convention No. 98 in both law and practice, including effective protection against anti-union discrimination, the promotion of free and voluntary collective bargaining and a legislative framework that supports the independence of the social partners. In light of today's discussion, the Employer members recommend that the Government of Nigeria take the following steps: (i) provide specific information on the allegations of interference in collective bargaining, inadequate dispute resolution mechanisms and the non-implementation of collective agreements as they apply in practice; (ii) provide information regarding the investigations into the allegations of anti-union discrimination first raised in the Committee of Experts' observations in 2021 and the outcomes of these investigations; (iii) provide information on steps to deepen tripartism and social dialogue and also ensure the functioning of the National Labour Advisory Council, the supreme supervisory body for social dialogue and tripartism in Nigeria; and (iv) continue its labour law reform process in consultation with the social partners to ensure that the relevant legislative provisions are brought into conformity with the Convention and to continue to avail itself of technical assistance from the Office in relation to the labour law reform.

Worker members – The Worker members thank the Government of Nigeria for the information it has provided to this Committee, as well as all the delegates who took the floor during the discussion. We have listened carefully to the interventions made, and note the Government's references to ongoing labour reform, the adoption of the National Industrial Relations Policy and the development of sectoral guidelines intended to address anti-union discrimination. We also take note of the stated willingness to continue engaging with the ILO and the social partners. At the same time, this discussion has confirmed that serious concerns regarding the application of the Convention remain unresolved.

Many of the issues raised by the Committee of Experts have been before this Committee for several years, including allegations of anti-union discrimination, dismissals linked to trade union activity, interference in collective bargaining processes, failure to implement collective agreements and restrictions affecting the collective bargaining rights of certain categories of public sector workers. The Worker members also remain deeply concerned by reports of violence, intimidation and threats against trade union leaders and members, including allegations involving state actors as well as by the persistence of a climate of impunity. Such acts create fear, undermine the exercise of trade union rights and are fundamentally incompatible with the effective application of the Convention. The Government bears responsibility for ensuring a safe and enabling environment in which workers and their organizations can exercise their rights freely and without fear. This requires not only the prompt investigation and prosecution of acts of violence and intimidation, but also the effective protection of civil liberties and fundamental rights that are indispensable for the exercise of freedom of association and collective bargaining.

The Worker members wish to stress that workers in Nigeria cannot continue waiting indefinitely for concrete progress. Repeated assurances, ongoing consultations and references to future reforms are not sufficient if violations persist in practice and if workers continue to face retaliation for exercising their fundamental rights. Convention No. 98 requires more than formal commitments. It requires effective protection in law and in practice. We therefore expect the Government to take concrete and measurable actions without delay. In particular, We urge the Government to: (i) ensure that all allegations of anti-union discrimination and interference are promptly and effectively investigated and to ensure access to effective remedies and sanctions where violations are established; (ii) provide detailed information on the outcome of investigations undertaken, including in the banking, education, electricity, petroleum, gas and telecommunication sectors; (iii) ensure a safe and enabling environment

in which workers and their organizations can exercise their rights freely, including the right to organize and bargain collectively without fear of intimidation, violence or retaliation; (iv) complete without delay the ongoing labour law reform process to bring national legislation into full conformity with the Convention. This includes ensuring the full recognition of collective bargaining rights for all public sector workers not engaged in the administration of the State and eliminating legislative provisions that allow undue interference in collective bargaining; and (v) regularly collect and provide reliable statistical information on collective agreements concluded and enforced, and sectors and workers covered by these agreements.

As a final note, the Worker members acknowledge the Government's stated openness to receiving support. We recall that the issues discussed today have been pending for years. Expectations are clear. Nigerian workers are entitled to effective protection against anti-union discrimination, genuine collective bargaining free from interference and full respect for their rights and for Convention No. 98. Therefore, we invite the Government to accept a direct contacts mission.

Chairperson – We conclude the discussion of this case. I thank the Government representative of Nigeria and all the speakers who took part in the discussion for their participation.

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 the long-standing nature of the issues raised regarding anti-union discrimination and interference in the right to collective bargaining, as well as the delay in completing the ongoing labour law reform.

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

- **promote free and voluntary collective bargaining and provide information on such measures;**
- **ensure that all allegations of anti-union discrimination, interference and actions that undermine collective bargaining rights are promptly and effectively investigated, and ensure access to effective remedies and dissuasive sanctions where violations are established;**
- **provide information on the outcome of investigations undertaken, including in the banking, education, electricity, petroleum, gas and telecommunications sectors, and on measures taken to address concerns relating to interference and implementation of collective agreements and inadequate dispute resolution mechanisms;**
- **ensure a safe and enabling environment in which workers and their organizations can exercise their rights freely, including the right to organize and bargain collectively without fear of intimidation, violence or retaliation;**
- **continue, without any further delay, the ongoing labour law reform process, in consultation with the most representative employers' and workers' organizations, to bring national legislation into conformity with the Convention, including by ensuring the recognition of collective bargaining rights for all public sector workers not engaged in the administration of the State, including prison services and the Central**

Bank of Nigeria, and by removing provisions allowing undue interference in collective bargaining;

- **provide reliable statistical information on collective agreements concluded and in force and the number of workers covered by such agreements.**

The Committee invited the Government to continue to avail itself of ILO technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations by 1 September 2026.

Government representative – The Federal Government of Nigeria has received the past conclusions on Nigeria's individual case on the Convention with a sense of responsibility and has noted all the observations and recommended action points. Nigeria appreciates the constructive discussions that our case has generated and sentiments expressed by governments and social partners.

We reiterate our commitment to the full and effective application of the Convention, particularly as it relates to strengthening existing legal and institutional frameworks and bridging identified gaps in law and practice, creating an environment for free and fair trade unionism, the promotion of voluntary negotiations and dispute resolution mechanisms and encouraging collective bargaining devoid of employer interference, in both the public and private sectors, as well as the effective and timely implementation of collective bargaining agreements.

In the spirit of upholding the principles of tripartism, Nigeria has been consistent in maintaining and sustaining social dialogue institutions as well as encouraging strong engagement with its social partners at all levels. We recognize that social dialogue remains key in maintaining a sound and healthy industrial relations climate and ensuring social justice for all.

The Nigerian Government has resolved to take the following concrete steps in direct response to effectively implement the recommendations received following our discussions:

- make efforts to hold regular meetings of the National Labour Advisory Council;
- expedite the process of our labour law review, particularly with regard to the Collective Labour Relations Bill and Labour Standards Bill;
- continue to create an enabling environment for the effective implementation of the Convention;
- avail ourselves of technical assistance from the ILO and report on any additional information as requested by the Committee by 1 September 2026.

Once again, on behalf of the Federal Government of Nigeria, I thank the Committee for its interest in Nigeria's application of Convention No. 98.

Panama (ratification:1958)

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

Written information provided by the Government

Panama, in accordance with articles 40, 68 and 76 of the Political Constitution, recognizes and guarantees the exercise of freedom of association and the effective protection of the right to organize of workers and employers, as fundamental pillars of the social rule of law. The Government, through the Ministry of Labour and Employment Development (MITRADEL), acts in strict accordance with the Political Constitution and the international labour standards ratified by the country. Pursuant to section 1 of the Labour Code, the relations between capital and workers are regulated on the basis of the principles of social justice, guaranteeing State protection for workers, promoting full employment and creating conditions that ensure a decent existence for workers and fair return on the capital invested.

In this context, Panama reaffirms its commitment to promoting social justice, respecting fundamental rights at work and strengthening social dialogue, in line with Sustainable Development Goals 8 and 16 on decent work, economic growth and strong institutions. In this regard, the protection of freedom of association is enshrined in sections 379 et seq. of the Labour Code, which include guarantees aimed at preventing acts of interference, discrimination and undue influence concerning the exercise of trade union activity. In accordance with section 334, the State recognizes and protects the right to organize as an effective means of contributing to the economic and social development of the country, the strengthening of a culture of democracy and sustained social peace.

For the Government, social dialogue is a State policy aimed at guaranteeing freedom of association, transparency and the peaceful settlement of labour disputes. Through institutionalized forums for tripartite consultation, the Government has promoted the autonomous, free and representative participation of trade unions and employers' organizations, strengthening the development of sustainable consensus, in full conformity with international labour standards.

Panama also has strengthened guarantees in place for the protection of trade union activity. Panamanian legislation explicitly recognizes trade union immunity which prohibits dismissals, harassment, persecution and any form of retaliation against workers and trade union leaders in relation to the exercise of trade union functions. These guarantees constitute specific mechanisms for the protection of freedom of association and ensure the free, independent and effective exercise of trade union activity in accordance with the Political Constitution, the Labour Code and the international conventions ratified by the Republic.

To fulfil these commitments, the Government has implemented public policies and strategic actions to promote decent and freely chosen work, with the aim of reinforcing an institutional environment that fosters balanced labour relations, stability of employment and the well-being of the productive sector, in accordance with the principles enshrined in international labour instruments.

In this regard, the exercise of social dialogue and collective bargaining in Panama is reflected in the following actions and concrete results, with the participation of MITRADEL.

Between July 2024 and April 2026, 177 collective agreements and accords were registered, directly benefitting 69,004 workers, and 120 lists of claims were submitted, with no strikes recorded.

Meanwhile, the labour market remained dynamic, with an 11 per cent increase in recruitment nationwide, which represents over 30,700 additional contracts, comparing 2024 with 2025. This reflects a sustained recovery and favourable conditions for formal employment.

MITRADEL is continuously strengthening labour inspection, conciliation and tripartite dialogue mechanisms to prevent, investigate and address complaints related to harassment or violence against trade union leaders or any other violation of their rights, ensuring institutional follow-up and effective protection in accordance with the applicable legislation.

Between July 2024 and February 2026, over 24,000 inspections were conducted, covering over 600,000 workers. These actions were not restricted to formal checks, but also included preventive and corrective measures aimed at promoting regulatory compliance.

The exercise of social dialogue, in the context of the ruling declaring unconstitutional the legislative contract signed by the Panama Ports Company and the Panamanian Government, with intervention by the executive authorities, mediation by MITRADEL, and the strengthening of social dialogue channels, were key mechanisms for maintaining labour continuity and stability and respect for the rights of workers, following a change of employer.

Regarding the expiry of the concession of Revisalud San Miguel, S.A., which is responsible for waste management in one of the districts in Panama City, the mediation of MITRADEL contributed to ensuring the payment of employment benefits and the protection of workers' acquired rights.

In the banana sector in the province of Bocas del Toro, the actions carried out to reactivate employment in 2025 enhanced the stability of formal employment, representing over 1,600 current contracts and 967 duly registered contracts.

The historic consensus reached on the minimum wage is an act of social justice that reaffirms the Government's commitment to defending workers' rights and promoting sustainable and inclusive economic and social development. The agreement reached has a direct impact on 27 per cent of employees in the private sector and prioritizes the protection of existing jobs and the sustainability of enterprises.

The signature of the Panamanian Chamber of Construction (CAPAC) collective agreement 2026–29, which guarantees the continuity of acquired benefits and includes new wage and labour adjustments, contributed significantly to strengthening social peace in the strategic construction sector.

The launching of the "Juan Albañil" programme, which was a result of the alliance between MITRADEL and the Caja de Ahorros (Savings Bank), represents a landmark step towards financial inclusion by facilitating access to mortgage loans for workers who were historically excluded from the banking system, due to the intermittent nature of construction contracts.

The Government has implemented training and awareness-raising programmes for employers and workers, which are organized by the Panamanian Institute of Labour Studies, in order to strengthen their knowledge of labour-related matters, clarify doubts on fundamental aspects of the employment relationship and contribute to a proper understanding and application of labour legislation.

These training activities represent concrete support for the principle of tripartism and gave rise to the institutional initiative *Diálogo que Produce* (Dialogue that Gets Results), which

is a strategy aimed at strengthening labour relations in the productive sector through training processes for both employers and workers. The project promotes social dialogue, understanding of labour legislation and the peaceful settlement of disputes.

In the area of occupational safety and health, since June 2025, the National Council for Occupational Safety and Health, which is a tripartite body, has developed various activities aimed at strengthening its institutional functioning, consolidating the participation of the social partners and moving forward with the development of national instruments in this area, with the technical assistance of the ILO.

The Council has made progress with the interinstitutional coordination and the development of a National Occupational Safety and Health Profile. During this period, briefings and plenary sessions were held to present progress in the consultation process on the Profile, tripartite communication mechanisms were strengthened, and regulatory, statistical and prevention-related issues were discussed in various productive sectors. The Council is working on the National Occupational Safety and Health Profile as an evidence-based technical tool to guide public policy on the matter.

In the education sector, ongoing dialogue was maintained with teachers' organizations through working groups for the development of the new regulations of the Teachers' Union Training Fund, the organization of elections for teachers' representatives to the board of the Self-Funded Early Retirement Plan, and the analysis of legislative initiatives aimed at enhancing the employment stability of teachers, including mechanisms for the competitive appointment of teachers who have held temporary or interim positions.

It is also important to emphasize the sustained work of the National Government, through the Ministry of Education, as, between April and July 2025, in response to the work stoppages in certain educational institutions by some teachers' unions, the Government consistently maintained an institutional approach that was open, proactive and focused on preserving channels of communication with teachers' organizations. Throughout, the Ministry of Education remained committed to social dialogue, understanding and consensus-based solutions, with the aim of ensuring the continuity of the education service and the protection of the right to education of students.

As a result of these institutional efforts, on 11 July 2025, during a meeting with teachers' organizations, a declaration of principles regarding education and the immediate and uninterrupted return to class was signed, which reflected the shared willingness of the parties to fully return to academic normality. This agreement led to the resumption of educational activities in those teaching institutions in which service disruptions persisted, enabling the restitution of the right to education of children and young people under conditions of continuity, stability and the protection of the best interests of the child.

The education system continued to strengthen social dialogue by holding six further meetings with teachers' organizations and their leaders, in which matters of educational and professional interest were addressed, to promote the continuity, openness and sustainability of institutional dialogue mechanisms.

The action taken reflects the importance that the Panamanian Government gives to social dialogue, the active participation of trade unions and the protection of the right to organize in the various sectors of the economy.

In exercise of the regulatory authority provided for by the Constitution, the executive authorities adopted Executive Decree No. 11 of 11 November 2025, which issues regulations under provisions contained in the Labour Code on the performance of essential public services.

The Decree does not establish new restrictions and does not modify the substantive content of the legislation in force, but sets out implementation criteria consistent with the principles of proportionality, reasonableness and the continuity of essential services.

The legality of the Decree is currently under review by the Supreme Court of Justice, following the filing of an administrative application to set it aside, which demonstrates that the matter has been subject to the judicial review of legality provided for in the Panamanian legal system, in strict observance of the principle of the separation of powers.

The Country has a robust legislative and institutional framework, grounded in the Constitution, the Labour Code, ratified international treaties and conventions and the applicable supplementary regulations, which guarantee freedom of association. This framework enables workers and trade unions to exercise their rights peacefully with protection from acts of violence, with a view to preserving public order, under the principles of proportionality and due process.

The Government of the Republic of Panama, through MITRADEL, reaffirms its regional leadership in the fields of social dialogue, institutional strengthening and the promotion of decent work. The fact that Panama is presiding pro tempore over the Council of Labour Ministers of Central America and the Dominican Republic, is soon to take the presidency of the Ibero-American Network of Labour Inspections, and will also preside over the Inter-American Conference of Ministers of Labour of the Organization of American States (OAS) for the period 2027–29, demonstrates recognition of the country's institutional capacity and sustained commitment to democratic labour governance.

This progress reflects the Government's constant commitment to consolidating balanced labour relations, promoting decent work, strengthening social dialogue as an essential tool of democratic governance and social peace, respecting freedom of association, employment creation, the effective protection of fundamental rights at work, and reaffirming its commitment to regional cooperation.

Discussion by the Committee

Chairperson – The second case this morning concerns the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Panama. We have 34 speakers on the list for the discussion. On this basis, the Officers have decided to reduce the maximum speaking time for delegates speaking in an individual capacity from five to three minutes. I invite the Government representative of Panama, the Extraordinary and Plenipotentiary Ambassador of the Permanent Mission of Panama to the Office of the United Nations in Geneva, to take the floor.

Government representative – We are appearing here respectfully, and in readiness to explain clearly and rigorously the matters that reflect the reality of the country, reaffirming our commitment to the principles of freedom of association and social dialogue as fundamental pillars of democracy and social justice. We thank the Committee for the opportunity given to us to provide updated information on the application of the Convention. Although the Committee of Experts had envisaged additional information for 2027, the Government of Panama will take this opportunity to address straightaway the comments made, provide clarifications on the matters raised and contribute, transparently and constructively, to the ILO supervisory system.

On this premise, we reaffirm that freedom of association and the protection of the right to organize are fundamental rights recognized and guaranteed by the Political Constitution in

Articles 40, 64, 68 and 76. The exercise of these rights, as for every fundamental right, must respect the legal framework which guarantees their coexistence with other rights, the conservation of social peace and public order.

In accordance with these principles, and the international labour standards ratified by the country, the Ministry of Labour and Employment Development (MITRADEL) is guided in its institutional action by the promotion of full compliance with freedom of association, in conformity with legal security and the general interest.

In accordance with section 1 of the Labour Code, relations between capital and labour are regulated on the basis of the principles of social justice, which ensures State protection for workers, while sections 334, 379 et seq. prohibit interference or discrimination, in recognition of the right to organize as a motor of development and social peace supplemented by specific and reinforced trade union protection against dismissal, harassment and reprisals.

We conceive of social dialogue as a public policy that promotes the independent and free participation of trade unions and employers' organizations in the peaceful settlement of any controversy, which has made it possible to consolidate a climate of stability that has promoted decent work and a balanced climate for production, in line with Sustainable Development Goals 8 and 16 on decent work, economic growth and the strengthening of solid institutions

The Ministry is characterized by the Government's commitment to social justice and the strengthening of the pillars of tripartite dialogue. We adopt strategic measures to promote decent and freely chosen employment and we are consolidating an institutional framework in which freedom of association is respected as an essential element of labour stability and the well-being of the productive sector.

This is illustrated by:

- the mediation by MITRADEL, following the change of employer, in the context of the ruling declaring unconstitutional the contract for the concession of the ports, which was crucial in maintaining labour continuity and stability and respect for the rights of workers.
- the mediation by MITRADEL in response to the expiry of the concession of the enterprise responsible for waste management in the City of Panama, which contributed to guaranteeing the total payment of employment benefits and the protection of the acquired rights of workers, thereby maintaining social peace.
- the historic consensus achieved in the National Minimum Wage Board, which is a tripartite institution, which had a direct impact on 27 per cent of employees in the private sector, with priority being given to the protection of existing jobs and enterprise sustainability.

The effectiveness of State social and labour policy is reflected in specific figures bearing witness to the high level of representation of workers. The Ministerial register contained records in April of: 477 unions and associations, 55 federations, five central organizations and seven confederations, making a total of 546 active organizations, with particular reference to 22 organizations in the construction sector, of which we would emphasize the recent approval of a new trade union. These figures are a reflection of the exercise of freedom of association in Panama and the protection of the right to organize, and they confirm the effectiveness of the legal framework in Panama for the protection and promotion of collective rights.

Within these figures, specific results covering the period between July 2024 and March 2026 indicate that 177 collective agreements and accords were registered, covering over 69,000 workers, which may be further summarized as 145 collective agreements for 66,368 workers. Of these, 20 were concluded through conciliation and 125 through direct negotiation.

Some 32 collective accords were registered covering over 2,300 workers. Over the same period, 123 sets of claims were processed, over 35 collective agreements and over 40 accords for alleged violations of labour legislation, as well as 38 accords in various negotiations, with the disputes being resolved without even a single strike being recorded, nor the referral of issues to the courts. At the same time, the labour market maintained its dynamism in 2025, with an increase in recruitment of 11 per cent at the national level, with a total of 30,700 new contracts in comparison with 2024.

During the first quarter of 2026, over 84,000 labour contracts were recorded, representing an increase of 25 per cent in comparison with the same period of 2025. Panama attained the highest figure for persons under formal contracts in private enterprises, with 892,567 workers, breaking a 12-year cycle (2012–24) during which the creation of formal employment was principally by the State.

Between July 2024 and February 2026, the Ministry strengthened its operational capacity through the performance of over 24,000 labour inspections, covering over 600,000 workers, and ensuring the protection of freedom of association and the labour rights of workers. This protective action was also carried out by the tripartite National Occupational Safety and Health Council which, since June 2025 and with the technical support of the ILO, focussed its efforts in the second half of the year with, among other action, the approval of the National Occupational Safety and Health Profile as a technical basis to guide the respective public policy.

This initiative of dialogue and enforcement also covered the education sector, through ongoing dialogue with teachers' organizations, which led, among other significant action in 2025, to the conclusion by the Government and 20 teachers' organizations of the Declaration of Principles on Education and the Immediate and Uninterrupted Return to School, which reflected the shared willingness of the parties to re-establish normal academic life in light of the indefinite stoppage by teachers this year, with the recommencement of educational activities and the reinstatement of union leaders.

With regard to social security, a broad process of dialogue with employers, workers, teachers and other social actors was promoted and carried through with a view to the adoption of measures intended to address the financial and actuarial crisis of the system, and particularly the invalidity, old-age and survivors' scheme, and to improving the sustainability of pensions and health services, which led to the adoption of Act No. 462 of 2025 reforming the Basic Act on the Social Security Fund.

Nevertheless, the action and policies adopted by the Government in the exercise of social dialogue encountered challenges.

On 12 February 2025, a group of workers engaged in the construction of the new children's hospital blocked one of the main streets in the capital city. When the national police arrived to re-establish freedom of movement, the demonstrators attacked the police with stones, metal objects, blocks, bricks and any heavy object that came into their hands. They occupied the construction site, where the attacks against the police continued, with objects used in the building being thrown from its highest floors, causing material damage and injuries to passers-by and the police. People were also retained against their will. For these acts, 83 persons were charged by a judge of guarantees, who required them to report twice a month as a precautionary measure. The case is currently at the formal investigation stage and is being dealt with by the judiciary, with strict respect for due process.

In line with the indications provided by the Government to the Committee on Freedom of Association (CFA), in the case of disturbances of the peace, damage to property or interference

with third persons, the authorities have to intervene in a proportional manner to maintain public order, protect the life, dignity and property of citizens, in accordance with the law, which protects the right to peaceful assembly subject to respect of the rights of others. This approach is in accordance with Article 4 of the Constitution, on compliance with international law, and is in line with Article 20 of the Universal Declaration of Human Rights and Articles 13 and 15 of the American Convention on Human Rights, both of which defend freedom of expression, assembly and peaceful association, and recognize that their lawful exercise shall coexist with the essential legal limitations to guarantee the general well-being and safety of citizens.

The judicial system operates under unfettered respect for fundamental rights and constitutional and judicial safeguards. Claiming that any criminal charges are tantamount to trade union persecution is prejudicial to judicial independence and misrepresents the constitutional function of the State to investigate potential unlawful conduct.

On the other hand, the issue of the closure of the bank accounts of the SUNTRACS under the previous administration has already been raised with the CFA. In view of this situation, the current administration created direct channels of communication with the union from the very beginning. Acting as a facilitator within its legal competence, MITRADEL intervened actively in support of the organization for the opening of a new bank account in the National Bank of Panama, as a result of which its transactions were reactivated and it received its union dues so that it could continue operating.

Public and private banks operate under a national and international regulatory framework that is not within the competence of the MITRADEL. The Government does not have the power to order the opening or closure of bank accounts, nor to determine the rules applicable to banks in the management of their operations. Such decisions are taken by the institutions that are under the control of the Panama Banks Supervisory Authority, an independent body responsible for ensuring compliance with the applicable rules.

On the basis of recent data, the Supervisory Authority dealt with four administrative proceedings related to the complaints made by SUNTRACS against two State banks and two private banks concerning the closure of its accounts, in accordance with due process and the applicable legislation.

The Supervisory Authority indicates that no decision has been issued preventing the reopening of the accounts and that applications for their reactivation are included in the proceedings with which it is currently dealing. It adds that it does not have the competence to intervene in commercial decisions by banks or to apply judicial control mechanisms to trade union deposits. The opening, maintenance and closure of financial products is governed by freedom of contract and compliance with the rules on due diligence, risk management and the prevention of money laundering, which are applicable to all clients. Its competence is limited to ensuring that banks act in accordance with the applicable regulatory framework.

While the administrative procedures were being resolved, MITRADEL, with a view to providing an alternative in support of the union, issued Decision No. DM-063-2025 approving the procedure for the delivery and receipt of trade union dues in the MITRADEL conciliation fund, which is covered by Decision No. 67 of 2015, under the terms of which the MITRADEL conciliation fund may receive and issue cheques and cash deposited by enterprises or private individuals in relation to employment, legal costs, trade union dues and other items.

In the event that an enterprise is unable to pay the amount due in accordance with the provisions agreed in the collective agreement, it may deposit it with the Ministry by means of

a guaranteed cheque with supporting documentation, with the sums being at the immediate disposal of the person authorized by the union.

The Decision referred to above was called for in an application for the protection of constitutional guarantees, for which the ruling was issued by the Supreme Court of Justice in July 2025, providing that in the present case, the action requested did not have any potential to prejudice the fundamental rights referred to in the application, on which grounds the Court found that no orders or measures had been adopted against the applicant in violation of fundamental rights, nor were there aspects of damage which required immediate compensation or a substantive ruling by the Court.

In light of the above, we categorically deny any accusation of economic strangulation arising out of the option offered by the Ministry to allow the delivery of union dues in cases in which employers are unable to pay them directly to the labour organization.

The information provided shows that the Government has maintained an attitude of strict respect for freedom of association and the independence of the organizations concerned, which shows that the real force driving the dialogue mechanisms is not their imposition by the State, but the desire of the social partners to reach agreement. The absence of agreement resulted in the paralysis of consultation mechanisms due to factors outside the control of the public authorities and prior to the present administration taking office, including the tripartite committees and the Higher Labour Council.

The historic inter-union conflict between the National Council of Organized Workers (CONATO) and the National Confederation of United Independent Unions (CONUSI), in the context of which the participation of one was conditional upon the absence of the other, prevented the effective operation of the tripartite committees, which held their last formal meeting in February 2020, when the updating of information by the unions remained pending. The country cannot remain stalled by the fact that these committees are not active, especially when the Government is keeping the doors open for dialogue.

The Bill to establish the Higher Labour Council was submitted to the National Assembly and, after being approved in its first reading, was then rejected and referred to a subcommittee for consultations to be held between the social partners and studies to be carried out. The Deputies and trade union representatives emphasized the importance of analysing the Bill in detail and agreed on the need for a broader consultation mechanism.

The leadership of the Republic of Panama in the areas under discussion is recognized through regional strategies such as:

- the *pro tempore* presidency of the Council of Labour Ministers of Central America and the Dominican Republic;
- the forthcoming presidency of the Ibero-American Network of Labour Inspections; and
- the forthcoming presidency of the Inter-American Conference of Ministers of Labour of the OAS.

These important landmarks of recognition confirm that Panama remains an international reference in the development of harmonious labour relations and reaffirm the commitment of the State to tripartism, decent work and fundamental rights.

The country considers that freedom of association and the dignity of workers are not aspirations, but rather guarantees consolidated by a constitutional framework that complies with the law, promotes dialogue and guarantees social peace. The commitment of the

Government of the Republic of Panama is to the nation as a whole, with the focus on ensuring the human development of the whole of the population, respect for the national legal framework and the improvement of the quality of life of Panamanian citizens and foreign nationals who live in the country. We trust that the ILO supervisory mechanisms will focus on facts and evidence. It is essential for them to focus on the needs of all Members. Only in this way, under conditions of balance and impartiality, can their legitimacy, objectivity and credibility be ensured.

Worker members – We thank the Government of Panama for the information provided.

We are taking as an objective basis the latest report of the Committee of Experts. We have not only come here to provide a list of failures of compliance and violations of the Convention, but we are here to seek solutions based on the conviction that the international community, in a coordinated and tripartite manner, is bound to collaborate in ensuring the real application of international labour standards and fundamental rights in each corner of the world for all women and men workers in countries, whether or not they hold the same views. Fundamental labour rights and social justice must therefore cover all the workers of Panama, which is only possible through real social dialogue.

With a view to indicating the extent of the need to re-establish institutional bridges, it is vital to go over the essential elements set out in the report of the Committee of Experts.

The independent trade union movement is facing a plan of economic strangulation intended to force it into extinction or disappearance in flagrant violation of Article 3 of the Convention.

Under explicit political instructions, the public and private financial system has systematically blocked, closed and frozen bank accounts belonging to representative organizations in the industrial sector, confiscating the resources constituted through the voluntary contributions of their members. This economic strangulation is supplemented by a legal war plan.

The Office of the Public Prosecutor has ordered hostile raids to be carried out on the private homes of the highest officers of certain independent central trade union organizations in violation of their privacy at home under the pretext of alleged anonymous denunciations by “individuals” and criminal charges with the inevitable consequences at the personal and institutional levels for trade union structures.

In this discussion, the real situation experienced today by these trade union leaders will be described as the victims of practices that do not guarantee the exercise of freedom of association for certain democratically elected trade union leaders.

The reports indicate that some of the principal figures of the trade union movement are currently, or have been confined in maximum security institutions together with common criminals, are under house arrest with strict electronic monitoring, or in enforced political exile with the refusal to provide the corresponding safe conduct, which is the usual practice in such cases.

The report of the Committee of Experts recalls that the peaceful exercise of trade union rights should not give rise to arrests or imprisonment and that the intervention of the police should be in proportion to the threat to public order which it seeks to control. The report of the Committee of Experts sets out in detail the State policy against key sectors of production and employment. In the education sector, following peaceful protests and collective defensive action, the authorities once again had recourse to administrative measures, such as

“abandonment of their posts”, to dismiss and deny their wages on a massive scale to almost 300 teachers without prior legal justification and in violation of certain guarantees of due process.

In the banana sector, the ITUC Global Rights Index on trade union and human rights describes how the declaration of a state of emergency in reaction to collective action led to violent police repression, including unjustified detentions, with the result that the employer resorted to the mass dismissal of over 6,000 workers, with the secretary general of the organization being charged and imprisoned for his role in the conflict.

In its report, the Committee of Experts regrets the absence of progress in the reactivation of the tripartite committees and reiterates the importance of the continued functioning of the committees for the application of the Convention, especially in the current context of collective labour relations in the country.

The Committee of Experts urges the Government, in consultation with the social partners and with ILO technical support, to take measures to reactivate the tripartite committees in the near future and to seek a prompt solution in relation to the representativeness of the various trade union organizations.

The report describes how the Government has undermined institutional consultation mechanisms.

Tripartism must be real and effective and a prompt solution must therefore be found, as indicated by the Committee of Experts, to the issue of the representativeness of the various trade union organizations

We are in the presence of a situation which arose during the negotiations in the Wages Board, where it was decided to formally suspend the plenary session, which was reactivated a few minutes later in another room behind closed doors, with one of the confederations being left outside when dealing with the essential subject of wage adjustments.

This process of exclusion can be repeated, and we are seeing it repeated, in strategic technical consultation mechanisms on production in violation of the rules on representativeness set out in the national legislation.

It is very important to recall that, in 2012, ILO missions visited the country for the establishment of two dialogue committees in Panama, one on complaints and another on legislative matters.

The role of the ILO together with the social partners resulted in genuine progress at that time in compliance with the Convention.

These historical precedents are relevant today, in the current discussion, because Panama recognized and took the political decision to tread a path under the guidance of this Committee, and our Group hopes that it can do so once again with ILO assistance.

We insist on the need for genuine democratic and transparent social dialogue. But for this social dialogue to be successful, Panama needs to build internal and external bridges.

I do not wish to end without expressing the concern of the Workers’ group at the exclusion by Panama of certain independent and majority trade unions from formal accreditation, for which reason an appeal on credentials was made to the competent bodies of the Conference and, while we are aware that this is a tool offered by the ILO and is a procedure that we are able to use, the purpose is for delegations to be inclusive. That is the wish of this group, namely that trade union representation is inclusive.

We urge the Government of Panama to comply with the requirements set out in the report of the Committee of Experts. We wish to be firm about this and all the interventions by our group have a common denominator, a call for dialogue. And for this reason, the Workers' group calls on this Committee to adopt firm and clear conclusions with strict time-limits for compliance.

Employer members – The Employer members take note of the information provided by the Government of Panama concerning the application of the Convention, which is one of the ILO's fundamental Conventions and was ratified by Panama in 1958. We have before us a case that has been followed up by the ILO supervisory bodies for several decades. And this Committee has examined the case on nine occasions since 1989. Since the year 2000, the Committee of Experts has made 15 observations, most recently in 2018, 2022 and 2025. This lengthy process shows that important challenges remain to ensure the full application of the Convention.

The Employer members reiterate their firm conviction that the Convention transcends its role as a pillar of ILO standard-setting, and is the cornerstone that guarantees the existence of strong, independent and representative organizations of employers and workers, which are an irreplaceable requirement for genuine and effective social dialogue, as noted by the Workers.

We first wish to refer to the comments made by the Committee of Experts in relation to the various allegations concerning the situation of SUNTRACS. We note the comments made by the national and international trade unions concerning complaints relating to alleged restrictions on the exercise of trade union activities, the detention of trade union leaders, the criminalization of trade union activities and measures affecting the financial operation of the organization.

We also note that these matters are being examined, as already noted, by the CFA in the context of Case No. 3456, and we will not therefore comment further on these issues.

On the other hand, we note that the Committee of Experts has requested additional information on the allegations of the existence of a policy of the persecution and criminalization of trade unionism in Panama and that it recalled that the peaceful exercise of trade union rights should not give rise to arrests or imprisonment. In this regard, the Employers' group trusts that the action taken by the public authorities will be in full respect, as indicated by the Minister of Labour, for the principles of freedom of association, due process and the rule of law, which include the recognition of the rights of other citizens, and the fundamental guarantees set out in the Convention, in full collaboration with the supervisory bodies of the ILO, with the provision of all the necessary information. We call on the Government to be very punctual in the provision of information so that these matters can be examined appropriately.

A second aspect that merits particular attention concerns tripartite social dialogue. We echo the emphasis placed by the Committee of Experts for several years on the importance of the so-called Compliance Committee and the Committee for the Rapid Handling of Complaints relating to Freedom of Association and Collective Bargaining, established through the Panama tripartite agreement of 2012 with ILO technical support.

These bodies were designed precisely as mechanisms to facilitate the application of this Convention and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and to strengthen the institutions dealing with collective controversies. It appears that these

bodies have not been able to fully resume their functions since 2020 due to disagreements relating to issues of trade union representation.

The Employer members consider that the reactivation of these mechanisms could make a significant contribution to building confidence between the social partners and improving the industrial relations climate in the country.

Similarly, we share the concern expressed by the Committee of Experts with regard to the lack of specific progress in the creation of the Higher Labour Council. We recall that the establishment of this body is one of the commitments made in the context of the memorandum of understanding signed in 2016 and that for years it has been considered by the supervisory bodies as a key instrument for the institutionalization of tripartite social dialogue.

From the viewpoint of the Employers, we can recognize objectively the efforts made by the Government in submitting the Bill for the creation of the Council on 31 January 2024, which regrettably was rejected by the National Assembly. We now understand, from the Government's explanations, that it has been postponed and referred to another parliamentary body for further examination. In light of this situation, we are bound to emphasize that social dialogue in the country fortunately does not appear to be in an absolute void. We note that other dialogue mechanisms exist and are in operation, such as the Labour Foundation (FUNTRAB), which by law is composed of employers' organizations and trade unions. We consider that the FUNTRAB needs to be used as valid transitional social dialogue mechanism. At the same time, we strongly encourage the Government to intensify its efforts, in consultation with the social partners, to overcome existing obstacles and make progress in the definitive consolidation of the Higher Labour Council.

With regard to legislative issues, we note that several of the matters raised by the Committee of Experts are still pending. We note the creation of the Presidential Secretariat for the Reorganization of the State and Constitutional Matters (SEPRESAC) and the expectations expressed by the Government concerning various reform processes.

The Employer members consider that the necessary legislative reforms need to be undertaken through a genuinely tripartite process, with the effective participation of the representative organizations of employers and workers and with the technical support of the ILO, where necessary. We reiterate that sustainable reforms are those that are developed through dialogue, consultation and social consensus.

With reference to the legislative issues referred to in the report, considering part of their content, we also wish to indicate that:

The Employers note the recent advisory opinion of the International Court of Justice on the interpretation of the right to strike in the framework of the Convention. The Employers' group notes with respect this advisory opinion, which does not imply any determination on the precise content, scope or conditions for the exercise of that right. At its next session in November, the Governing Body will have the opportunity to examine closely the opinion and the follow-up measures, in full respect for the different views and the diversity of national legal and industrial relations systems. In this light, the Employers' group will not address the comments of the Committee of Experts on the aspects of the right to strike that arise in this case.

With reference to the application of the Convention in practice, the Committee of Experts has expressed concern at the excessive time taken by certain administrative procedures for the granting of legal personality to trade unions. Nevertheless, we also note some progress.

In this regard, we recall that the appropriate recognition of legal personality is an important element in the effective exercise of freedom of association. We therefore encourage the Government to adopt measures to make these procedures more flexible, guarantee their transparency and provide detailed information on the number of applications received, those approved and those rejected.

Legal security, administrative transparency and institutional predictability are essential elements in building trust in labour institutions.

We note with the same interest the comments made concerning the compensatory guarantees applicable in relation to the Panama Canal.

To conclude these initial remarks, the Employer members consider that this case brings to light three principal challenges: (i) the need to strengthen and revitalize social dialogue institutions, including the reactivation of the tripartite committees and progress in the creation of the Higher Labour Council, are of great importance; (ii) the importance of making progress in the adaptation of national legislation; and (iii) the need to guarantee the application in practice of the Convention as a means of ensuring the full and effective exercise of the rights recognized for freedom of association. We therefore encourage the Government of Panama to continue collaborating closely with the most representative organizations of employers and workers and with the Office. We also request it to provide full and updated information on the measures adopted in response to the comments of the Committee of Experts. It is very important for the Government to provide us with more detailed information so that this matter can be analysed in detail taking into account the issues raised today. We trust that, through social dialogue, institutional respect, tripartite cooperation and commitment to the fundamental principles of the ILO, Panama will be able to make effective progress in the full application of the Convention.

Worker member, Panama – I am speaking on behalf of CONATO, established in 1973, an organization which is therefore over 53 years old and is the most representative trade union in the country, comprising nine trade union central organizations and ten federations. We would like to point out that freedom of association and social dialogue do exist in Panama and continue to be fundamental pillars for labour stability and the democratic development of our country.

Specific evidence of this is provided by the registration of over 100 collective agreements, negotiated in recent years through bargaining processes between workers and employers. Behind each of these agreements was a labour dispute to which a solution was found through dialogue, mutual respect and the willingness to reach agreement. In other words, there are over 100 examples of collective bargaining being the right way to ensure social peace and avoid unnecessary confrontations. These collective agreements have been negotiated by over 100 trade unions which have legitimately exercised their right of representation in defence of their members' interests. As a result of these efforts, over 100,000 workers have benefited from improved working, economic and social conditions. These results demonstrate that, when freedom of association is respected and social dialogue strengthened, it is possible to build consensus to improve industrial relations, thereby fostering a climate of trust between workers, employers and the Government.

As a trade union movement, we recognise that there are still significant challenges that we must face. However, we must also highlight the progress made and continue to promote dialogue mechanisms that allow us to find sustainable solutions to potential difficulties in the world of work.

Experience in Panama teaches us that freedom of association and the right to organize should not be seen as an obstacle to development, but as a progressive tool for social justice and economic stability. Where there is dialogue, there is the possibility of reaching agreements, and where there is agreement, democracy and industrial peace are strengthened. We therefore call for the continued strengthening of freedom of association, respect for workers' fundamental rights and for social dialogue mechanisms, as essential instruments for achieving fairer, more inclusive and equitable societies.

Long live freedom of association, long live social dialogue, and long live the solidarity of workers across the world.

Employer member, Panama – In the Republic of Panama, the rule of law prevails, under which we are all subject to the Constitution and the law. This is fundamental to the exercise of our rights and guarantees, particularly freedom of association and the right to organize. In accordance with Article 17 of the Constitution, the national authorities are established to protect the life, honour and property of nationals and foreigners. This entails an obligation to protect everyone, whether or not they are unionized. Moreover, Article 19 of the Constitution provides that there shall be no immunities or privileges or, in other words, that we are all equally subject to the Constitution and the law.

In this regard in Panama, the constitutional principle of the separation of powers is fully in force, guaranteeing that public authority is exercised through the legislative, executive and judicial authorities, which act within limited spheres and separately. This implies that each branch of the State has its specific functions and none may interfere in the functions of the others. This principle is fundamental to legal certainty and the exercise of citizens' rights, including freedom of association and the right to organize.

Furthermore, the constitutional guarantees include:

- The guarantee of due process, whereby no one may be tried except by a competent authority in accordance with legal procedures (article 32);
- Nobody may be deprived of their freedom except by virtue of a written order by the competent authority, and nobody may be detained for more than 24 hours without being brought before a competent authority (judge of guarantees) (article 21); and
- Every individual who is detained, except in the cases and in the manner prescribed by the Constitution and the law, has the right and the guarantee to be released at their own request or that of any other person, through an application for habeas corpus, which may even be preventive and subject to summary proceedings (article 23).

All these constitutional principles and guarantees are complied with in Panama. The legal proceedings against certain trade union leaders had their origin in a criminal complaint filed on 7 November 2023 by workers who were members of the same union, alleging common and financial offences. Similarly, investigations were conducted into financial crimes, money laundering and unjustified enrichment, leading to arrest warrants being issued against some leaders.

Given my serious nature, I cannot proclaim anyone's guilt or innocence, as this is the responsibility of the judiciary in accordance with the law. However, what I can assure you is that we are all subject to the Constitution and the law, and that in all proceedings the presumption of innocence and the right to defence are guaranteed.

Those charged in these cases have exercised their right to defence, and all guarantees of due process have been applied to them, to the extent that, in some cases, the evidence in the

case file has led to the modification of certain precautionary measures, from preventive detention in custody to house arrest and subsequently to periodic reporting to the competent authority.

Furthermore, Panama operates an international banking centre subject to national and international rules with strict compliance standards applicable to all. Consequently, the closure of the trade union's bank accounts was due to bank risk prevention policies and criminal investigations. The closure of a trade union's accounts does not therefore constitute a violation of the principle of freedom of association, but is a strictly legal matter. We emphasize that this case does not involve a violation of the Convention, but concerns the application of the Constitution and the law in a State governed by the rule of law, where the separation of powers, equality before the law and due process prevail, because freedom of association does not imply impunity.

I would like to refer briefly to the issue of the tripartite committee of 2012, as this tripartite committee ceased to be effective due to an inter-union conflict between CONATO and CONUSI. We employers duly attended this committee. I can assure you of this because I represented the National Council of Private Enterprise (CONEP), and we would go to the meetings, but the meetings did not take place because one of the workers' representatives did not attend. However, there have been other dialogue mechanisms. In the context of the pandemic, a series of dialogue forums were held which bore fruit and resulted in the drafting of regulations that allowed the country to continue functioning.

Panama is a country that respects social dialogue. Panama is a country where trade union freedoms are guaranteed.

On the issue of the minimum wage, I was part of that committee. We did our work properly and an agreement was reached, and that is important. It was the inter-union conflicts that derailed the tripartite committee. However, we know that it definitely needs to be reformulated and made to function properly.

Social dialogue certainly took place during the pandemic, regarding the minimum wage, and in many other contexts. The Higher Labour Council also suffered from the same problem, namely disagreement between trade union confederations, but the country has always shown willingness and has historically been a model of social dialogue.

Government member, Cyprus– I am speaking on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, as well as the EFTA country **Norway**, member of the European Economic Area, align themselves with this statement.

The European Union 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards.

We recall that Panama has ratified Convention No. 87. We express our serious concern at the latest observation of the Committee of Experts concerning the application of this fundamental Convention.

We note the allegations referred to by the Committee of Experts concerning serious violations of the rights of SUNTRACS and its leaders. We also note that these matters are being examined by the CFA. We further note with concern the allegations of persecution and

criminalization of trade unionism in Panama, including reports that protests held between April and July 2025 were met with excessive use of force and arbitrary arrests.

We recall in line with the Committee of Experts that the peaceful exercise of trade union rights should not give rise to arrests or imprisonment and that police intervention must be proportionate to the threat to public order. We regret the lack of progress in reactivating the tripartite committees established under the Panama tripartite agreement of 2012. We urge the Government in consultation with the social partners and with ILO technical support to take the necessary steps to reactivate these committees in the near future and to seek a prompt solution regarding the representativeness of the trade union organizations concerned.

We also note the absence of progress in establishing the Higher Labour Council. We call on the Government to strengthen and institutionalize tripartite social dialogue and to take measures in consultation with the social partners to overcome the obstacles encountered in the adoption of the relevant bill.

We take note of the additional written and oral information submitted by the Government, including references to collective agreements registered, labour inspections carried out, dialogue with teachers' organizations and Executive Decree No. 11 of November 2025 on essential public services.

We encourage the Government to ensure that these measures respond effectively to the concerns raised by the Committee of Experts and are implemented in full conformity with the Convention.

We are concerned that a number of legislative provisions continue to raise issues of conformity with the Convention. These include restrictions on the establishment of workers' organizations in public institutions, excessive membership requirements for the establishment of employers and workers' organizations and the denial to certain categories of public servants of the right to establish unions.

We further note the Committee of Experts' concerns regarding restrictions on the right of organizations to elect their representatives in full freedom, including the nationality requirement to serve on the executive board of a trade union, as well as provisions interfering with the activities of workers and employers' organizations.

We regret that long-standing restrictions on the right to strike remain unresolved including the prohibition on federations and confederations calling strikes, restrictions on strikes concerning government economic and social policies, automatic police intervention in strikes, compulsory arbitration in certain transport disputes, and excessive minimum service requirements in the transport sector.

We urge the Government of Panama to take concrete and immediate measures in genuine consultation with the social partners to bring the law and practice into full conformity with the Convention.

We call on the Government to cooperate fully with the ILO supervisory bodies, provide detailed information on all the measures taken, and to avail itself of ILO technical assistance.

The European Union and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of fundamental labour standards.

Government member, Chile – I have the honour of speaking on behalf of **Argentina, Chile, Cuba, Ecuador, Paraguay, Peru** and the **Dominican Republic**. We appreciate the

information provided by the Government of Panama and note the comments made by the Committee of Experts.

We wish to highlight that Panama has a long tradition of cooperation with the ILO and a historic commitment to the principles of social dialogue, decent work and the strengthening of labour institutions. It has ratified 81 Conventions, including all of the governance Conventions and most of the fundamental Conventions.

The group notes that the Committee of Experts has, on several occasions, recognized the importance of the social dialogue mechanisms established in the country and the forums for consultation between the Government and the social partners. In this regard, we encourage the Republic of Panama to continue its efforts, in consultation with workers' and employers' organizations, to continue strengthening the institutionalization of tripartite social dialogue.

We also note the efforts of the national authorities to promote collective bargaining, freedom of association, the strengthening of labour inspection mechanisms, strategies to generate employment, the promotion of mediation and conciliation processes, and the opening of channels for dialogue with representative workers' and employers' organizations.

We further note that some of the allegations made by the trade union organizations are currently being examined by the CFA. We have confidence in the objective and technical analysis carried out by the CFA of the matters submitted for its consideration, within the framework of the procedures established by the ILO, as it is the appropriate supervisory body to carry out such an examination.

Finally, we welcome the Government of Panama's commitment to strengthening national capacities through ILO technical assistance, within the context of social dialogue.

Worker member, Spain – I am also speaking on behalf of the workers' groups of the Nordic countries and France. The case of Panama in relation to the Convention is a matter of deep concern for the workers, due to the rapid and considerable deterioration of freedom of association in an exceptionally short period. The recently published ITUC Global Rights Index ranks Panama among the ten countries in the world where workers' rights are at highest risk, placing it in the category of countries where rights are not guaranteed. The events documented in the report accurately illustrate both the nature and the severity of this deterioration.

Firstly, it is important to highlight the direct attack against the majority trade unions. The Government has actively sought the dissolution of SUNTRACS, simultaneously issuing 17 search and arrest warrants at the homes of its leaders and their families with the sole aim of intimidating and destabilizing the organization. These constant episodes of the criminalization of trade union activity and interference by the authorities in the internal affairs of trade unions constitute direct violations of Article 3 of the Convention.

Secondly, I would like to refer to the institutional violence directed at workers in the banana sector. Between April and June 2025, the Government responded to lawful protests by banana sector workers by declaring a state of emergency, the implementation of which was condemned by the Office of the Defender of the People itself, which recorded 104 cases of police abuse, including torture of detainees and 92 arbitrary detentions.

Subsequently, mass dismissals were carried out of thousands of workers, followed by the imprisonment of the secretary general of the banana sector union, Francisco Smith. Following his release, he was publicly threatened by the President of Panama.

Government repression has even extended to the international trade union movement. In February 2026, just three months ago, a member of the secretariat of the Trade Union Confederation of the Americas (TUCA) was detained and removed from the country as he was preparing to participate in legitimate trade union activities, including a meeting with the ILO Director for Central America. This event raises genuine concerns about the Government's willingness to cooperate in good faith with the ILO if its actions result in interference in the activities of an ILO mission.

This is a case of a deliberate, coordinated and ongoing strategy that combines the coercive action by the State, judicial repression and the systematic voiding of the guarantees established in agreements, aimed at dissolving the independent trade union movement and even limiting civil society's capacity to protest.

In view of the obvious severity of this case, we trust that the conclusions adopted by the Committee will offer an effective opportunity set out clear limits for the Government of Panama and re-establish the conditions to return to the path of genuine social dialogue and full respect for freedom of association.

Government member, Paraguay – Paraguay welcomes the information presented by the Government of Panama on the application of the Convention. We note the constitutional and legal provisions described by Panama for the protection of freedom of association, and the institutional mechanisms aimed at guaranteeing the exercise of the rights of workers' and employers' organizations within the framework of social dialogue and tripartism.

We welcome the results relating to collective bargaining, as well as the social consultation and conciliation mechanisms for labour disputes in various sectors.

Similarly, noting that Paraguay is facing the same challenge, we emphasize the action carried out by MITRADEL in the field of labour inspection and the promotion of freedom of association, as well as the efforts to maintain job stability and continuity of employment.

The Government of Panama has promoted the strengthening of tripartite social dialogue, including joint training for workers and employers, which we also highlight, and the action taken in the fields of occupational safety and health with ILO technical support.

Finally, although challenges remain, as in all countries, Paraguay considers it important for the Committee to take into account the progress reported and the measures adopted by Panama to strengthen the protection of freedom of association.

Employer member, Costa Rica – When we discuss the right to freedom of association, we must reflect on the conditions necessary for that right to be exercised effectively and responsibly in a democratic society. While we know that freedom of association is a fundamental right, like all other fundamental rights it must be exercised in tandem with all the equally legitimate duties, promoting dialogue mechanisms that allow differences to be addressed peacefully and fairly, and in line with each country's legislation.

In the case before us, it is important to emphasize that a significant proportion of the protests and demonstrations that have taken place in the Republic of Panama were related to disagreements concerning broad public policy and legislative initiatives aimed at the general public, and it is in precisely such circumstances that social dialogue as a tool takes on particular importance. It must be seen as a mechanism through which differences can be transformed into agreements and social tension into jointly built solutions.

When governments, workers and employers have effective institutional mechanisms to express their positions, listen to each other and seek common ground, both democracy and freedom of association are strengthened.

In contrast, when demonstrations lead to acts of violence, prolonged blockages of communication channels or situations that hinder the access of the population to health and education services, work or essential goods, the impact transcends labour relations and affects society as a whole.

The protection of freedom of association and respect for the rights of third parties are not incompatible objectives. They both form part of the principles that underpin democratic coexistence based on mutual respect and the rule of law.

We therefore believe that strengthening social dialogue and tripartite consultation mechanisms is one of the most important tools for preventing conflict, building trust and promoting lasting solutions that benefit workers, employers and society as a whole.

Worker member, Mexico – I am speaking on behalf of the workers of Mexico and the TUCA. With regard to the examination of the case of Panama in relation to the Convention, we wish to draw the Committee's attention to a situation linked directly to the concerns expressed by the Committee of Experts with regard to trade union autonomy and independence.

As was established in the objections submitted to the Credentials Committee, there are serious doubts regarding the composition of the workers' delegation accredited by the Government of Panama for this Conference.

The CONUSI, the Confederation of Workers of the Republic of Panama (CTRP) and the Trade Union Convergence (CS) maintain that the historically most representative organizations have been displaced by administrative action, including the recognition of congresses, assemblies and leaders whose legitimacy they dispute, giving rise to trade union representation that does not reflect the true will of the Panamanian labour movement.

This complaint merits particular attention because the Convention protects the right of workers' organizations to freely elect their representatives and carry out their activities without interference by the public authorities. When the authenticity of representatives is questioned, it is not only a dispute over credentials, it is an issue that is closely related to freedom of association.

It is not by chance that section 1066 of the Panamanian Labour Code grants CONATO, made up of trade union confederations and central organizations, the responsibility of drawing up the shortlist of worker delegates to this Conference. Moreover, article 3 of the ILO Constitution requires non-governmental representatives to be nominated in agreement with the most representative organizations as an institutional expression of the principles enshrined in the Convention.

When workers' representation is not based on their most representative organizations and questions arise regarding possible interference in the composition of their leadership and spokespersons, trust in social dialogue and in the genuine tripartism that characterizes this Organization is weakened.

We therefore respectfully request this Committee to emphasize that the full application of the Convention requires ensuring that trade union organizations can freely elect their representatives and participate in national and international social dialogue mechanisms through genuinely representative organizations, free from any interference by the public authorities.

Government member, Argentina – The delegation of the Argentine Republic thanks the Government of Panama for the information submitted and takes note of the comments made by the Committee of Experts on the application of the Convention. We note that Panama has a constitutional and institutional framework that recognizes freedom of association and the right of association, as well as jurisdictional and administrative mechanisms intended to guarantee protection for labour and trade union rights.

We also emphasize the importance of respecting the functioning of the institutions and supervisory mechanisms established both by national legislation and the ILO supervisory system. In this regard, we note that some of the issues raised by the trade unions are under examination by the CFA, the competent specialized body for the objective technical analysis of the situations brought to its attention.

We also appreciate the willingness demonstrated by Panama to continue promoting dialogue mechanisms and strengthening the institutional framework for the management of industrial relations.

At the same time, we welcome the strategies adopted for the supervision of compliance with labour legislation through the inspection system, and also those linked to employment creation and labour market entry in a context of economic growth, investment promotion and the generation of new formal employment opportunities.

We encourage the Republic of Panama to continue its constructive dialogue with the social partners, the ILO and other relevant actors in order to continue `promoting freedom of association and strengthening its social dialogue institutions.

Employer member, Peru – We consider it essential to place this case in its proper context. First of all, we must be clear: not every measure taken by the State in relation to trade unions constitutes, in itself, a violation of freedom of association, particularly when such measures form part of investigations into alleged financial irregularities, corruption or breaches of the law. In such situations, it is appropriate to recognize the right and duty of the State to take action.

It is unacceptable for the legitimate monitoring of legality, including checks on the origin and use of funds, to be automatically classified as an undue restriction on freedom of association. In any State governed by the rule of law, all organizations, including trade unions, are subject to standards of transparency, accountability and regulatory compliance.

We agree that such action must respect the principles of legality, due process and proportionality, but we emphasize that this analysis must be carried out on a case-by-case basis, avoiding generalizations.

Beyond these considerations, we must emphasize that the real problem identified in this case is of a structural nature: the weakness of social dialogue in Panama, generated essentially by intra-union disputes.

Without effective social dialogue, there can be no sustainable reforms or lasting solutions.

In conclusion, we would like to be clear on three points:

- Firstly, compliance with legislation and financial controls is fully compatible with trade union freedom and must not be confused with a violation thereof.
- Secondly, all state action must respect due process and proportionality, but without limiting the State’s legitimate oversight capacity.

- Thirdly, there is an urgent need to re-establish institutional social dialogue as a precondition for any progress.

The Employers reiterate that a balanced system of industrial relations requires both respect for rights and compliance with obligations by all parties.

Worker member, Brazil – I am speaking on behalf of the Single Confederation of Workers (CUT) of Brazil. In relation to the examination of the case of Panama under the Convention, we must denounce to this Committee a structural perversion that renders the founding principles of this Organization meaningless: the complete distortion of social dialogue and the breakdown of genuine tripartism, transforming it into an institutional farce.

The Government of Panama has implemented a deliberate policy of undermining social dialogue by fabricating and sponsoring artificial trade union representation. The Minister of Labour herself has publicly acknowledged in the local media that her administration set about reviving inoperative minority structures with the supposed aim of guaranteeing genuine freedom of association. In practice, however, the Government has only succeeded in flooding the stage with pro-employer unions, using them as institutional shock troops to confront, dilute and displace the country's legitimate, independent and majority trade union organizations.

This "false tripartism" has dire and immediate consequences for the living conditions of the working class in Panama. The most scandalous example of this strategy of exclusion occurred in the Wage Board negotiations, where an adjustment to the minimum wage was agreed behind the workers' backs and with disregard for technical representativeness criteria.

This pattern of bureaucratic exclusion and the distortion of representativeness is being systematically repeated in other strategic forums, such as the National Technical Committee for the Revitalization of the Construction Sector. There, the Government has deliberately excluded the sector's majority trade union, in order to hand over the monopoly of dialogue to docile minorities lacking any real worker base. What the Government of Panama is presenting to this Conference as an exercise in consensus is, in reality, a disguised State monologue, a corporate charade in which MITRADEL handpicks its own trade union representatives to legitimize regressive policies and give a false appearance of social peace.

Genuine tripartism requires the independence and autonomy of the social partners. When the State intervenes in organizations, validates clandestine assemblies to install loyalist leaders and uses the bureaucratic apparatus to stifle independent voices, freedom of association is extinguished and Article 3 of the Convention is directly violated.

We call on this Committee to strongly condemn the pretence of dialogue in Panama, to note in its conclusions this serious practice of institutional manipulation and demand that the Government immediately ceases its control over these bogus unions, restoring legitimate negotiation mechanisms with genuine representative organizations democratically elected by rank-and-file workers.

Employer member, Chile – The Republic of Panama has been characterized by the development of high standards of social dialogue and respect for freedom of association and the right to organize, as fully demonstrated by the number of existing federations, confederations and trade unions, all of which comply with the applicable regulations.

In Panama, the Tripartite Committee for Social Dialogue was established. This comprises CONEP for the employers; for the trade unions, representatives of CONATO, which groups together the largest number of trade union federations, confederations and unions in the

country, and of CONUSI; and MITRADEL for the Government. This Tripartite Committee was highly effective in addressing the issues presented to it by the trade unions, although we must point out that it was these very same organizations that refused to address the issues raised by the employers.

It should also be noted that a condition for the Tripartite Committee to meet is that all parties must attend. However, due to inter-union differences and disputes, the CONUSI representatives refused to attend, thereby preventing it from meeting, which undermined this social dialogue mechanism, which is a fundamental part of freedom of association.

It seems illogical for a violation of the principle of freedom of association to be claimed by those who were, in fact, responsible for the closure of such an important social dialogue mechanism and who, furthermore, contributed to preventing the establishment of the Higher Labour Council in Panama.

Worker member, Bolivarian Republic of Venezuela – I am speaking on behalf of the workers of the Bolivarian Republic of Venezuela and the TUCA. We are compelled to draw attention, with utmost seriousness, to one of the most blatant instances of state interference in recent times, that is, the institutional assault and takeover of CONATO. This constitutes a direct violation of Article 3 of the Convention, which strictly prohibits the public authorities from engaging in any interference that would limit the right of workers' and employers' organizations to freely elect their representatives and organize their administration.

In order for the Committee to evaluate the gravity of this action, it is important to point out that CONATO is the leading and most significant forum for consultation, unity and coordination among the main trade union federations and confederations in the Republic of Panama. Recognized within the national legal framework under section 1066 of the Labour Code, CONATO serves as a key advisory body within the country's social and labour model. Together with CONUSI, it has the important legal responsibility of establishing the joint trade union committee responsible for drafting the rules for the nomination of workers' representatives to international forums such as this Conference, and with ensuring the participation of workers in the various state bodies.

The events reflect a perfectly coordinated modus operandi between minority factions and MITRADEL. On 9 October 2025, an assembly was allegedly held in secret, thus violating the internal statutes and procedures of the Labour Code. Just five days later, MITRADEL, acting with a speed that is never usually demonstrated when independent trade unions carry out their procedures, validated the election of a spurious executive committee through state certification, fraudulently ousting CONATO's legitimate leadership. This forced replacement excluded trade unions and federations affiliated to the ITUC and TUCA. Through this government intervention, CONATO was deliberately transformed, and ceased to be a legitimate representative body and voice critical of official measures.

Trade union independence and the right to determine their organization are essential pillars of the ILO. We call on this Committee to strongly condemn the interference by the Panamanian Government in the internal affairs of the trade union federations and to request the immediate restoration of the rule of law and respect for the leadership legitimately elected by the workers.

Employer member, Guatemala – We have noted the information provided by the Government of Panama and consider it important to distinguish between matters relating to the exercise of the freedom of association and those falling within the scope of financial supervision, regulatory compliance and the investigation of acts potentially constituting

criminal offences. This distinction is crucial to preserve the integrity and credibility of the ILO supervisory bodies.

The Government has indicated that the actions under review stem from supervision and monitoring processes conducted by the competent authorities regarding a cooperative organization subject to specific legal obligations on compliance, transparency and the prevention of money laundering.

Furthermore, it has been indicated that the decisions taken by the national authorities are based on findings arising from these supervisory processes and that any potential criminal proceedings relate to the investigation of conduct criminalized by the national legislation.

It is therefore the responsibility of the competent institutions to establish the facts, determine responsibilities and ensure respect for all applicable procedural safeguards.

The existence of investigations or legal proceedings relating to alleged economic or financial offences does not constitute in itself a violation of freedom of association or the right to organize.

The principles of freedom of association do not provide immunity from the application of the law where there are indications of conduct that the competent authorities are required to investigate in accordance with national legislation and the international commitments assumed by States.

Similarly, international systems for the prevention of money laundering and other financial offences require States to act with due diligence, irrespective of the nature of the organizations involved or the persons under investigation, and with full respect for due process, the presumption of innocence, the right to defence and judicial independence.

We therefore consider that this Committee should carefully examine the elements of the case and avoid automatically equating criminal or financial proceedings with restrictions on freedom of association, particularly when the measures in question are based on procedures carried out by the competent authorities in the legitimate exercise of their lawful authority.

Government member, Honduras – Honduras welcomes the efforts made by Panama in fulfilment of its international obligations and trusts that the Panamanian authorities will continue to strengthen their institutional capacities to move forward with the effective application of international labour standards.

We are aware of the progress achieved and recognize that labour challenges require ongoing and sustained efforts. In this regard, we welcome the willingness demonstrated by the Government of Panama to continue to cooperate with the ILO and to keep dialogue mechanisms with the social partners open in accordance with the principles of tripartism. Honduras encourages the parties involved to sit down to dialogue with the aim of reaching consensus that will enable the differences that have led to this situation to be resolved in a prompt and satisfactory manner. We therefore respectfully urge the Office to support all efforts in this regard. Finally, Honduras considers that it is important for this Committee to take into account the progress reported, as well as the measures adopted and the institutional mechanisms in place, to foster and ensure tripartite social dialogue in the Republic of Panama.

Worker member, Chile – On behalf of the Workers' delegation of Chile and the TUCA, we wish to address this Committee, and also to express our deep concern. The case of Panama, examined under the Convention, cannot be treated as an ordinary administrative dispute. The report of the Committee of Experts refers to serious allegations concerning the criminalization

of trade union activity, the detention of leaders and the economic strangulation of SUNTRACS. This alone requires a clear response from the Committee.

We know that it is for national courts to hear legal cases. However, we also know that the Convention prevents criminal law, precautionary measures, public stigmatization and administrative restrictions from being used to neutralize a trade union organization. When the senior leaders of a trade union are simultaneously facing imprisonment, house arrest, electronic tagging, exile, diplomatic asylum and financial constraints on their operations, these are not isolated incidents: we are witnessing a pattern of anti-union intimidation.

We are particularly concerned at the situation of: Mr Jaime Caballero, who was detained for months in La Mega Joya and who remains under house arrest and electronic monitoring; Mr Ariel Rodríguez Mitre, who is currently being detained; Mr Genaro López; Mr Saúl Méndez; and Secretary of Defence, Mr Erasmo Cerrud Pinzón, who is staying at a diplomatic mission while awaiting safe passage.

The message that these measures may convey to the world of work is extremely serious: anyone who organizes, protests or defends rights may end up being treated as a domestic enemy. This message is incompatible with a climate that promotes freedom of association, and which is fully democratic.

We therefore call on this Committee to urge the Government of Panama to adopt, in a prompt and verifiable manner, all measures that will effectively lead to the release of those trade union leaders who are currently detained in connection with protests or the exercise of the right to protest, and to replace, without delay, all precautionary measures that are incompatible with the Convention.

Lastly, we request the Government to accept ILO technical assistance and to initiate, as a matter of urgency, genuine tripartite dialogue, with the participation of the representative organizations, and we emphasize, representative, to restore effective safeguards for freedom of association and the independence of workers' organizations.

Employer member, Brazil – I think it is important to say at the start of my statement that Panama is a country which has been characterized over the years by a deep respect for tripartism and freedom of association. Throughout its history, it has developed numerous dialogue mechanisms which have proven effective and, consequently, efficient.

It can be said that the Tripartite Committee for Social Dialogue was a prime example of this; it functioned effectively, addressing the grievances raised by the workers. However, it ceased to function because of a dispute and disagreement between the two groups of workers in the Committee, who prevented its operation, since it was either one group or the other that blocked the possibility of meeting.

I therefore firmly believe that there is no validity in a complaint against the Panamanian State for a violation of freedom of association based on events for which the complainant itself is responsible.

On the other hand, on the basis of statements and documentation provided by the Government of Panama, the issue of the detention of union leaders and members of SUNTRACS and CONUSI does not constitute persecution or a violation of the Convention, but rather a judicial matter involving alleged serious common crimes of an economic and financial nature, money laundering, and unjustified enrichment, and therefore it is not appropriate to use the ILO supervisory bodies to evade responsibility and avoid appearing before the ordinary courts.

All the citizens of the world are subject to the provisions of their countries' constitutions and laws regarding accountability for serious crimes, and nobody is excluded, including trade union leaders.

Employer member, Honduras – We have taken note of the information provided by the Government of Panama regarding the establishment and registration of trade unions in this country and their social dialogue.

We believe that the Committee of Experts did not provide details of all the aspects presented by each of the parties. However, all issues are related to the closure of the SUNTRACS R.L. Multiple Services Cooperative. This cooperative carries out activities under the supervision of the Panamanian Autonomous Cooperative Institute (IPACOOP), which carries out supervision using a risk-based approach for the prevention of money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction.

Inspection of the SUNTRACS cooperative produced repeated findings that reflect non-compliance with fundamental aspects of the compliance programme, resulting in the closure of this workers' cooperative through a decision revoking its legal status, and the referral to the oversight bodies and the Office of the Public Prosecutor of Panama for the corresponding criminal proceedings. These investigations do not violate freedom of association or collective bargaining. The entire basis of this matter was described by the Government of Panama in the responses to the complaint which we are considering today in this Committee. We therefore do not consider it feasible for an issue that falls under the jurisdiction of the criminal courts regarding acts of corruption and misappropriation of members' funds to be considered a violation of freedom of association and the right to organize.

The Committee and other ILO bodies should not therefore be misled by an issue that is not a typical labour matter, since those who committed the offences are certain members who managed members' funds, and this does not constitute a threat to freedom of association.

Worker member, Guatemala – I am speaking on behalf of the workers of Guatemala and the TUCA. In examining the case of Panama in relation to the Convention, the Workers' group cannot merely focus on technical provisions. We have a moral duty to give a face, a voice and a sense of the pain to the human and trade union tragedy that is bleeding the province of Bocas del Toro dry. What has occurred on the banana plantations is not a mere administrative disagreement; it is a flagrant and heart-wrenching violation of human life and dignity.

20 June 2025 will be remembered as a day of mourning and infamy for the international labour movement. Under the shadow of a brutal state of emergency, with constitutional guarantees suspended and communications cut off to ensure impunity for abuse, the police forces unleashed a ferocious hunt against striking workers. Tear gas fired on a massive, merciless scale claimed the life of a small, defenceless girl who was barely 18 months old. State intolerance also claimed the life of comrade Roger Montezuma, a 24-year-old worker and father, murdered in a cowardly way by police firing at point-blank range. Behind the statistics that the Government seeks to disguise, there are dozens of injured workers, tortured bodies, and female workers who suffered intimate violation.

The relentless persecution of the trade union targeted its leadership. Comrade Francisco Smith, general secretary of the Union of Banana Sector and Allied Workers (SITRAIBANA), a man whose only "crime" was raising his voice to defend the livelihood and future of his class brothers, was treated as the worst of criminals. Mr Smith, along with comrade Gilberto Guerra, was snatched from his community and placed in preventive custody in the Mega Joya

maximum-security prison intended for highly dangerous criminals, in an explicit attempt to break his spirit and decapitate the workers' resistance.

Once the terror was complete, economic punishment followed. In an act of corporate vengeance backed by the State, the main banana enterprise carried out the mass dismissal of nearly 5,000 workers, plunging thousands of families working in the banana sector into hunger and poverty by illegally denying them compensation dating back decades. Under the guise of a "sharecropping" model, they have imposed the rule of fear: they use blacklists to prevent any leader from ever working again, impose junk contracts lasting barely three months, and force workers into the fields during aerial spraying, poisoning them with toxic agrochemicals without any protection. All this is happening while MITRADEL remains silent and disregards demands for justice.

Today, the plantations of Bocas del Toro reek of agrochemicals, but they also stink of fear and impunity. Collective agreements have been destroyed by the fire of repression. We urge this Committee not to be indifferent to the cries of the dispossessed in Panama. We demand the immediate and full release of those being persecuted, an end to blacklisting and full compensation for the families of the workers who have fallen in this just struggle.

Employer member, Mexico – We welcome the information provided by the Government of Panama on the application of the Convention. This case has been followed by the ILO's supervisory bodies for several years. We acknowledge the progress reported by the Government, while noting that structural challenges remain that must be addressed in order to ensure the full effectiveness of the principles enshrined in the Convention.

I would like to highlight three important points. Firstly, with regard to SUNTRACS and freedom of association, the observations of the Committee of Experts and national and international trade union organizations refer to alleged restrictions on trade union activity, arrests of leaders and the criminalization of trade union activities. It is important to note that these matters are being examined by the CFA, and we trust that the authorities will act in accordance with the principles of freedom of association, due process and the fundamental guarantees of the Convention, in addition to ensuring that justice is applied in accordance with the relevant legislation.

Second, with regard to tripartite social dialogue, the Committee of Experts highlighted the importance of the functioning of the Compliance Committee and the Committee for the Rapid Handling of Complaints relating to Freedom of Association and Collective Bargaining, established by the tripartite agreement in 2012. Nevertheless, these mechanisms have not been fully reactivated since 2020, due to disagreements over trade union representation. We encourage the Government to take measures aimed at reactivating these mechanisms that are essential for the strengthening of dialogue. Equally concerning is the absence of progress in the establishment of the Higher Labour Council, which was a commitment made in 2016.

We recognize that, according to the report, the Government submitted a Bill in this regard in 2024, which was not approved by the National Assembly. We consider it a priority that this commitment be resumed up as soon as possible by the Government in consultation with the productive sectors.

Third, in relation to the administrative registration procedures indicated in the report, we note that, while there is some progress, the Government needs to work more quickly and ensure the transparency of its action.

In conclusion, we acknowledge the efforts made by the Government of Panama. The consolidation of freedom of association requires efficient institutions, permanent social

dialogue mechanisms and real participation by the representative organizations of employers and workers. We encourage the Government of Panama to continue working, with ILO support, on the implementation of measures to overcome the challenges identified. We are convinced that social dialogue, respect for the rule of law and institutional strengthening constitute the best path for building stable, inclusive and sustainable labour relations.

Worker member, Paraguay – In the context of the case of the application of the Convention by Panama, we, the workers' group of Paraguay and the TUCA, express our deep concern at the strategy of financial strangulation and judicial persecution that Panama is imposing against the trade union movement. The real aim is not technical oversight, but the complete paralysis of the capacity of trade union organizations to carry out their legitimate programmes of action in defence of the working class.

This strategy of institutional demolition is being carried out in accordance with a clear policy by the executive authorities. The President of the Republic himself publicly announced at a press conference his explicit intention to use the State apparatus to shut down the workers' movement and reduce it to its "minimum expression". This public threat immediately resulted in punitive instructions being issued for the banking system and the Office of the Public Prosecutor.

This financial stranglehold has been manifested in the systematic closure and freezing of some 15 bank accounts across five financial institutions, including the State savings bank, *Caja de Ahorros*, and the National Bank of Panama, and has been forcibly extended to the private banking sector. By illegally depriving organizations of their own resources constituted through the voluntary contributions of their members, the Government is in flagrant violation of Article 3 of the Convention, which guarantees trade unions the inalienable right to organize their administration and activities without interference by the public authorities. A trade union without access to the banking system is, as shown in practice, a union that is prevented from pursuing its legal and operative existence.

But the State strategy goes beyond economic strangulation. It is seeking to intimidate the leaders psychologically and judicially. An alarming example of this institutional harassment is the violent raid that occurred at the home of the CONUSI general secretary. This intrusion into the privacy of his home was carried out under the direct orders of the Office of the Public Prosecutor, based loosely on an alleged anonymous complaint by an "individual", using abstract and speculative accusations of money laundering. This judicial montage is void of any real substance and unequivocally bears witness to the single intimidating aim of silencing critical voices and paralyzing collective action through fear.

The CFA, in its report on Case No. 3456, has already urgently requested Panama to adopt immediate measures in order to guarantee full access to trade union funds and ensure that any restrictions are based on an examination by an independent judicial body, free from the political influence of the Executive.

We demand that this Committee urges the Government of Panama to immediately cease this economic and judicial terrorism. It is unacceptable to use the criminal system and bank protection as tools of political punishment to quash freedom of association in our region.

Class solidarity has no borders. Without funds and without free leaders, there is no real freedom of association.

Worker member, Honduras – I am speaking on behalf of the workers of Honduras and the TUCA. In analysing the case of the application of the Convention by Panama, the Workers' group must draw to the attention of this Committee a mechanism of extremely serious

economic discrimination and strangulation: the political manipulation and misappropriation of education insurance funds.

These funds, originally established by law with the transparent aim of financing technical and vocational training and independent trade union training for Panamanian workers, has been completely misappropriated by MITRADEL. Instead of serving as an instrument for social development and the strengthening of labour culture, the authorities have converted it into a tool to openly exert political pressure and repress independent trade unionism.

Obstruction and pressure on legitimate organizations: MITRADEL uses bureaucratic obstacles and the unjustified withholding of educational insurance funds to financially strangle the majority independent unions and confederations that maintain a critical position vis-à-vis the executive authorities. Blocking access to these funds is intended to paralyze union education and weaken the training of union officers.

Arbitrary funding of front unions: while genuine workers' representatives are being stifled, MITRADEL is distributing these resources at its discretion to sustain, subsidize and financially bolster minority and artificial union structures created under its specific official protection. The money contributed by the working class is used to fund decentralized pro-employer organizations, seeking to give them a false appearance of solvency and representativeness.

Use of financial accounting for prosecution and defamation: the financial accountability process has been turned into a legal scam by MITRADEL. It arbitrarily alters the accounting procedures after expenses have been paid, and applies retroactive criteria that are impossible to predict. In addition, the State carries out systematic and overlapping audits which, with the exclusive objective of intimidation, refuse to approve accounts, thereby using these administrative procedures to fuel hate campaigns and media accusations, and to initiate judicial prosecution against leaders.

The manipulation of the education insurance fund is a major piece in the machinery of fake tripartism that prevails in Panama. Not only are leaders being criminally prosecuted and their bank accounts frozen, but union education is made contingent on subservience to the Government that is in office. This constitutes a flagrant violation of Article 3 of the Convention, which enshrines the right of trade unions to organize their activities without interference by the public authorities.

We call on the Government of Panama to be transparent in the allocation of education insurance funds, cease the use of blackmail and prosecution, and guarantee that these resources are distributed in accordance with strict criteria of mathematical representativeness, respecting trade union autonomy.

Worker member, Zimbabwe – I am taking the floor on behalf of the African Regional Organization of the International Trade Union Confederation (ITUC-Africa) to convey the collective voice, steadfast solidarity and unequivocal support of the workers of Africa for our brothers and sisters in the Republic of Panama, in the context of the Committee of Experts' examination of compliance with the provisions of the Convention.

As has been set out explicitly, technically, and unequivocally in the latest report of the Committee of Experts, Panama is experiencing a situation of manifest and structural violation of the right to freedom of association. The evidence of the financial strangulation, the criminalization of leadership and the imposition of sham delegations before this Conference constitutes a pattern of conduct that undermines universal international labour standards principles.

The trade union organizations in our region know all too well, from our own history, what it means to suffer persecution of social organizations and violence against activists who defend the rights of ordinary workers. The ITUC's own 2026 Global Rights Index objectively documents that Africa maintains an average score of 3.91, reflecting that in virtually all of our 55 countries, the right to strike and collective bargaining face daily attacks. We share the experience of facing police brutality, arbitrary arrests and administrative blockades used by governments for the sole purpose of silencing trade union dissent.

Precisely because of this harsh reality shared across the Global South, we understand perfectly well that geographical distance does not diminish the urgency of a collective response. As the ITUC has classified Panama as a Category 5 country and ranks it among the ten worst countries in the world for workers, such a finding constitutes a grave indictment for the State's compliance with internationally recognized labour rights, and strikes at the very foundation of freedom of association, collective bargaining and social justice that the global labour movement is duty-bound to defend. A violation of trade union autonomy in the Americas is, in essence, an attack on the rights of the working class across the globe.

This House's monitoring mechanisms cannot be reduced to merely bureaucratic observers of the authoritarian drift of States; the mechanisms must act as a real and immediate protective shield for trade union leaders defending human rights on plantations, in workshops and on construction sites.

For these reasons, on behalf of the African Workers' group, we request that this Committee, through its conclusions, serve as a definitive and effective vehicle by demanding that the Panamanian Government immediately cease anti-union practices and the criminal prosecution of independent leaders. The full solidarity of the workers of Africa goes out to our comrades in Panama.

Worker member, Argentina – The Argentine confederations affiliated with the TUCA have a pressing need to defend in Panama the fundamental principles and rights at work, including freedom of association and the right to organize established in the Convention and within the scope set out by the ILO supervisory bodies.

Freedom of association is a fundamental tool for strengthening human rights and achieving social justice. In that sense, we wish to express our profound concern, in line with that of the Committee of Experts, with regard to the application of the Convention, which has been ratified by Panama and obliges it to guarantee freedom of association and non-interference in the internal affairs of trade unions. Once again, however, Panama has been included on the list of cases at this Conference due to systematic violations of the Convention.

The comments of the Committee of Experts note serious complaints of repression, persecution, detention, trade union criminalization and the systematic obstruction of public sector trade unions from engaging in collective bargaining.

Our confederations firmly support the complaints made by CONUSI, CTRP and CS, and we stand in solidarity with SUNTRACS, whose members and leaders are facing the criminalization of their legitimate activity, arbitrary detention and the economic strangulation of their organization.

Moreover, no progress has been made in aligning the national legislation with the key provisions of the Convention. Violations persist of Article 2, which guarantees the right to establish organizations, and Article 3, on the free election of their representatives.

It is of particular concern that the Labour Code continues to permit the automatic intervention of the police in cases of "collective action" and prohibits federations from undertaking such action, in violation of the guarantees of the Convention.

We also stand in solidarity with education workers who have been victims of State repression of their collective action, and with the 294 teachers and trade union leaders who have been suspended and replaced as a disciplinary measure.

Finally, we denounce before this Committee the arbitrary detention and subsequent deportation of a member of the TUCA secretariat and a member of this Committee at Tocumen Airport while he was travelling to Panama as part of an ILO mission. We call for the urgent deployment of all national resources and mechanisms to reverse this situation.

In conclusion, the persistent violations by the Government of Panama of the rights and guarantees provided for by the Convention not only demonstrate that it lacks the political will to adapt its practices and internal legislation, but also reveal an active and systematic strategy intended to obstruct the free exercise of freedom of association and deprive organizations of the essential means to undertake their collective action and programmes.

Worker member, Italy – As part of the examination of the case of Panama in relation to the Convention, the Italian workers' delegation denounces to this Committee a policy of persecution that is silent but deadly: the coordinated use of MITRADEL, together with the State bureaucratic machinery, as a weapon of punishment to paralyse the independent labour movement. These administrative obstacles are in violation of Articles 2, 3 and 8 of the Convention. They are not isolated errors, but constitute the systematic bureaucratic strangulation of all the country's productive sectors and the intentional harming of the most representative organizations. We are denouncing concrete facts.

With regard to SUNTRACS and CONUSI, the MITRADEL is refusing to register the new democratically elected leaders. This omission is used as an excuse by the State and employers to sabotage collective bargaining, exclude legitimate leaders and withhold the trade union dues of CTRP and CS members. The Ministry is arbitrarily withholding and delaying trade union certification. Without this document, which is obligatory in Panama, independent confederations are prohibited from submitting claims or lists of demands and from having access to conciliation. This amounts to denying them legal existence.

With regard to the teaching sector, the Ministry of Education, without any prior legal basis, broadly applied the charge of abandonment of their posts to dismiss 298 teachers and deprive them of their salaries, with the sole objective of weakening their trade union following a legitimate strike. In the banana sector, in relation to the Trade Union of Workers in the Banana and Agriculture Industries and Related Enterprises (SITRAIBANA) and the Industrial Trade Union of Independent Banana Producer Workers (SITRAPBI), MITRADEL is continuing to deliberately refrain from taking bureaucratic action by refusing to appoint labour judges. As a result, 5,000 workers remain without a decision on their compensation claims, protecting the impunity of tenancy labour schemes. In the public sector, the registration of new trade unions has been completely paused. Requirements not provided for by law are imposed, and the minimum membership of 40 workers is maintained, while pro-employer or "yellow" trade unions proliferate openly. The aggression goes even further. Membership lists have been tampered with to fraudulently transfer members to organizations close to the Government, and the illegal practice persists of unilaterally rejecting trade unions' lists of demands.

The Panamanian Labour Code prohibits this. Rejecting lists of demands is the exclusive right of workers. This administrative rejection by the Government lifts, de facto, trade union

immunity, exposes leaders to dismissal and allows bogus collective agreements to be imposed with compliant minorities. The Convention is clear: the public authorities shall refrain from any interference that restricts trade union rights or impedes the lawful exercise thereof.

We therefore call on this Committee to require the Government of Panama to bring an immediate end to this bureaucratic harassment and restore, as a matter of urgency, institutional guarantees for all independent trade unions in the country.

Observer, International Trade Union Confederation (ITUC) – I am speaking before this Committee with the absolute legitimacy granted to me by the workers of my country, but also with deep indignation at being the Secretary-General of CONUSI Panama, an organization affiliated to the TUCA and ITUC, but deprived of my legal right to officially represent the working class at this International Labour Conference.

I am Panamanian, I am a trade union leader and, if freedom of association was respected, it should be me, together with my colleagues from the CTRP and CS, who would be formally occupying the seat of the Workers' delegation in this forum.

Instead, the Government has undertaken a crude manoeuvre to exclude us and silence our voices in Geneva, imposing artificial representation of compliant minorities under official supervision, in direct violation of Article 3 of the Convention. This exclusion on the international stage closely reflects the human hunt and ferocious legal war that we are suffering within our borders, the only objective of which is to permanently decapitate the leadership of the country's majority organizations.

Criminal persecution and state brutality against the most senior leaders of CONUSI and SUNTRACS are clearly evident in four distressing individual cases:

- Saúl Méndez: the SUNTRACS Secretary-General has been forced into political exile to protect his life and liberty in the face of judicial harassment and direct threats from the executive authorities.
- Erasmo Cerrud: the SUNTRACS Secretary of Defence has spent 11 agonizing months locked in the Nicaraguan Embassy in Panama, trapped in a diplomatic prison, because the Government, in violation of international treaties, illegally refuses to grant him safe conduct to leave the country.
- Genaro López: a historic leader aged 71 years and former presidential candidate, who was unjustly sent to a maximum-security prison, where he remains today, forced to wear an electronic ankle tag, with severely deteriorating health and subject to restrictions.
- Jaime Caballero: a leader in the construction sector who suffered 10 months' illegal confinement in the "La Mega Joya" prison together with highly dangerous criminals where he was subjected to degrading treatment, he today survives with an electronic ankle tag and under house arrest.

This kidnapping of our leaders is exacerbated by planned economic strangulation, with the closure of 17 bank accounts belonging to SUNTRACS and the illegal refusal by MITRADEL to register our legitimate executive boards.

The ITUC Global Rights Index 2026 is right to place Panama fifth among the ten worst countries in the world for workers.

The sobering message that the Panamanian State is sending to society is terrifying: "If we are capable of locking up a former presidential candidate in a maximum-security prison, if we

force secretaries-general into exile and raid their homes, imagine what will happen to you, an ordinary worker, if you take to the streets in protest".

Observer, Building and Woodworkers' International (BWI) – I am speaking on behalf of Building and Woodworkers' International and our affiliate SUNTRACS. This case includes concerns of a systematic attack on the largest and most representative construction union in Panama, a trade union that has spent 54 years representing workers and contributing to the development of the construction sector in Panama. The Committee of Experts has already expressed concern regarding the criminalization of trade union activity, the detention of union leaders and the financial asphyxiation of SUNTRACS and the deterioration of meaningful social dialogue. The CFA has repeatedly examined Case No. 3456 and issued two interim reports, yet the Government has failed to implement the Committee's recommendation. The Government has been told what to do and has chosen not to do it.

Instead, these concerns remain unresolved, and the situation has continued to deteriorate. Specifically, the case concerns how on 12 February 2025, approximately 600 construction workers protesting Act No. 462 were confronted by more than 500 members of the security forces and 83 workers were subsequently criminally charged. Criminal proceedings have been initiated against virtually the entire senior leadership of SUNTRACS, including Saúl Méndez, Jaime Caballero, Genaro López, Erasmo Cerrud, Abdiel Betancourt, José Palacios, Ariel Rodríguez and Yamir Córdoba. At the same time, SUNTRACS has faced severe restrictions on its financial operations. Its cooperative has been dissolved and proceedings continue seeking the dissolution of the union.

In January 2026, SUNTRACS, the most representative union organizing more than 80,000 workers was excluded from sectoral collective bargaining. In April 2026, SUNTRACS and CONUSI were excluded from the newly established dialogue mechanism for the construction sector. This is not a series of isolated incidents. It is a pattern aimed at eliminating an independent trade union. This case is no longer simply about violations of the Convention. It is also about compliance with the ILO supervisory system itself. The credibility of that system depends on Governments engaging constructively with the CFA recommendations and taking meaningful steps towards their implementation. The BWI therefore calls upon the Government of Panama to immediately implement all outstanding CFA recommendations, guarantee unrestricted access to SUNTRACS' funds and banking operations and proceedings targeting workers and trade unions leaders, guarantee the safe return of all trade union leaders and activists currently in exile or benefiting from asylum with full guarantees against prosecution and retaliation, ensure the immediate release of detained trade unionists and end any deprivation of liberty and restore SUNTRACS ability to operate freely recognizing its democratically elected leadership, restore genuine social dialogue and cease all actions seeking its dissolution. The workers of Panama deserve better. The Convention demands better.

Government representative – On behalf of the Republic of Panama, and exercising its right of reply, we wish to describe the actual legal and institutional situation in the country. Recently, attempts have been made to put an idea before the international community that blurs the nature of our State of law, suggesting the existence of an alleged systematic persecution and criminalization of trade union activities. Faced with these claims, the State of Panama responds on the basis of the rigorous nature of its laws and its history of respect for democratic freedoms.

Panama is a consolidated democracy in which the principle of the separation of powers is applied strictly. When a citizen, a leader or an organization is brought before the courts, this

occurs within the framework of ordinary judicial procedures in the presence of evidence of presumed common crimes. Mixing up facing judicial procedures with political persecution has no legal basis, and is prejudicial to the very notion of equality before the law, which is a principle according to which no one is above the law of the country.

Those who are brought to trial before the courts of Panama enjoy full constitutional guarantees. Those who opt to leave the country have done so through their own will when faced with individual criminal procedures, most of which are related to alleged financial irregularities or disputes concerning assets that have nothing to do with legitimate trade union activities.

The rule of law is weakened when attempts are made to use the trade union structure as a shield of impunity to evade ordinary justice. Freedom of association and labour protections were created to balance productive relations and dignify work, not to provide immunity for those who have committed punishable offences.

Panama comes before you as a State that engages in dialogue, which tolerates criticism, respects peaceful protest and honours each of the international treaties to which it has subscribed. Our record shows that social and labour issues are resolved through negotiation and before labour tribunals, in which trade unions participate actively every day. However, we cannot allow the human rights argument to be used to undermine the legitimacy of the democratic institutions that have been developed with so much effort.

The prolonged crisis in the banana sector in the province of Bocas del Toro in 2025 was the direct consequence of the call made by the banana industry union. As a result, over 4,000 workers from the Chiquita and Ilara Holding enterprises embarked upon a general strike for 39 days under the banner of their disagreement with the Act on the Social Security Fund, blocking strategic roads, mobility and the food supply chain, and consequently affecting third parties.

Between May and June 2025, the protests turned into disturbances when demonstrators with covered faces and arms obstructed roads in up to 43 points in a simultaneous blockade. The authorities were obliged to intervene to re-establish public order and guarantee essential services, under the strictest human rights standards.

The Government channelled the crisis through dialogue, setting up a High-Level Commission. In the Commission, the Minister of Labour and Employment Development put forward specific proposals together with the banana workers, leading to the adoption of Act No. 471 of 2025, which established a special regime for workers and independent producers in the sector, recognizing traditional benefits, such as early retirement, in accordance with ILO principles.

It should be emphasized that the strike was found to be unlawful by the labour tribunals, on the grounds that it was called without being in compliance with the requirements set out in the Labour Code. The prolonged work stoppage caused financial damage which resulted in the closure of the enterprise and the dismissal of workers.

The Government’s reaction was immediate. In August 2025, a memorandum of understanding was concluded with the enterprise guaranteeing the investment of US$30 million to reactivate production, with a view to recommencing exports in December of that year.

On the ground, additional programmes were implemented, including productivity, such as the Enterprise Space, through the Micro-, Small and Medium-Sized Enterprise Authority

(AMPYME) and MITRADEL, offering real alternatives of self-employment and economic dynamism for families in the province.

The results of this public policy have been real. We exceeded expectations for recruitment with over 5,700 new jobs in banana production, which reaffirms the model of sustainable and safe agricultural reactivation in accordance with the highest international standards, with assessments already being carried out for the expansion of this successful model of protection to other agricultural sectors in the country.

With reference to the Multiple Cooperative Service Cooperative SUNTRACS R.L., the Independent Cooperative Institute of Panama, exercising its inspection powers and as a supervisory body for the prevention of money laundering, decided upon the cancellation of its legal personality in May 2025.

This technical penalty was the results of audits and risk assessments carried out since 2017, which revealed critical deficiencies and serious and reiterated violations, which had not been remedied despite the schedule set out over two years. These included: (i) failure to comply with the legislation on money laundering, failure to provide reports to the Financial Analysis Unit on suspicious operations and cash transactions; (ii) the misuse of the cooperative as a financial intermediary for the SUNTRACS union through credits in their millions for the benefit of third parties, and not its members, as well as the prohibited acceptance of profit-making associations; and (iii) the implementation of massive transactions in cash without the appropriate controls required by the law on compliance and due diligence.

After the exhaustion of the administrative procedures for review and appeal, the dissolution was approved in July 2025 and the liquidation process set in motion.

We also wish to refer to the denunciation by 412 victims seeking justice in the case of Red Frog Beach, of whom 316 have already submitted complaints. The criminal case is against SUNTRACS, its cooperative and various leaders on the grounds of alleged irregularities in the management of assets related to the payment of over US$7 million for work recognized by the labour tribunals.

The criminal investigation commenced in 2022 and, in relation to the persons concerned, I am bound to indicate that charges were brought against them for crimes against financial assets, economic rules, collective security, public trust and against the administration of justice.

Of the persons investigated the general secretary of SUNTRACS, after jumping over the perimeter fence, entered the Embassy of the Plurinational State of Bolivia in the early morning of 21 May 2025 requesting political asylum. The Government provided him with a safe conduct, but he was no longer protected by the international provisions and safeguards relating to asylum as he voluntarily left Bolivian territory in July that year.

Arrest warrants are currently still pending against him and another leader who sought refuge in the Embassy of Nicaragua, while a third leader is free but covered by a periodic reporting requirement. The investigation is continuing.

With regard to the issue of the bank accounts, the Office of the Public Prosecutor launched a criminal investigation on the basis of the information referred to it by the Financial Analysis Unit relating to alleged financial crimes and money laundering. The investigation includes the action of various members of the executive committee of SUNTRACS.

According to the information provided by the competent authorities, the investigations have their origin in the detection of bank transfers and financial transactions considered to be

unusual and the management of funds, in relation to which the investigation is looking into possible inconsistencies with the income reported and the financial operations recorded. Similarly, information has been obtained that the organization opened cryptocurrency accounts in other jurisdictions, which is not in accordance with the provisions of the Labour Code, which contains specific provisions on the management of the assets of social organizations.

Within the framework of the investigation, the Office of the Public Prosecutor has carried out searches intended to verify the origin and destination of funds, including elements related to transfers from trade unions and the use of the resources in relation to the trade union training programme financed by the Education Insurance Fund amounting to over USD 2 million, provided by the Ministry of Labour over a specific period.

The national Government reiterates that the investigations that are being carried out are of a strictly criminal and financial nature, and bear no relation to the exercise of freedom of association, or legitimate trade union representation activities recognized by the national legislation, the present Convention and Convention No. 98.

The action taken is exclusively related to the exercise of the constitutional and legal functions of the competent authorities, is subject to the supervision of the corresponding judicial authorities, and is being carried out strictly in accordance with due process. The persons under investigation therefore benefit fully from the presumption of innocence and access to the judicial remedies envisaged by law, even though the acts under investigation are criminalized by national law and the international instruments ratified by the Republic of Panama in relation to measures to combat organized crime and money laundering.

The State has duly provided the CFA with all the information required on these cases, in strict compliance with its international obligations and the laws in force, and will continue to provide whatever information is necessary with the corresponding evidence.

The supervision of the Education Insurance Fund is also a legitimate exercise in auditing, As the administrator of the Fund, MITRADEL requires social organizations to provide transparent reports on its use, and in many cases the documents provided have made it possible to verify the continuity of payments.

These measures ensure that trade union independence coexists with the principles of legality and transparency, in line with the good practices promoted by the ILO.

Moreover, 13 new trade unions have been included in the tripartite Trade Union Education Commission, thereby extending training opportunities and strengthening inclusion and access to training courses financed out of public funds.

In light of the above, in addition to other acts carried out over time, and following rigorous technical and legal analysis, in accordance with the provisions of the Constitution and the applicable laws, on 17 July 2025, the Minister of Labour and Employment Development, in exercise of her judicial powers and the power conferred upon her by section 392(2) of the Labour Code, made a formal application to the judiciary for the dissolution of the SUNTRACS trade union on the grounds that it had clearly and constantly deviated from the purposes of social organizations as set out in the applicable labour legislation.

Up to now, several hearings have been held within the context of the procedure and the ruling on the case is under consideration by the judiciary, which is the competent authority in accordance with the law, in compliance with the principles of due process and the full exercise of the right of defence of the parties.

The application submitted by the MITRADEL is in accordance with the institutional duty of the State to ensure the enforcement of the law, the protection of the general interests of the working class and the maintenance of the lawful nature and purpose of trade unions.

In light of the challenges of 2026, the Government has continued working on the strengthening of social dialogue, as illustrated by: (i) the conclusion of the collective agreement in the construction sector for the period 2026–29, and for the first time the agreement between the Panamanian Chamber of Construction and the workers included the participation of seven of the 22 trade unions in the sector, which marks historic progress in terms of plurality which ensures the continuity of the benefits acquired and the new wage adjustments, thereby ensuring social peace in a strategic economic sector; and (ii) in relation to social inclusion, the launching of the "Juan Albañil" programme, as a result of the alliance between MITRADEL and the Savings Bank, represents a landmark in financial justice, as it facilitates the access to mortgages of construction workers, which is a sector that has traditionally been excluded from the banking system due to the intermittent nature of their contracts; and (iii) similarly, through the Panamanian Institute of Labour Studies, a strategy of productive dialogue has been launched, through a joint training programme for employers and workers to reinforce the principle of tripartism, promote understanding of the legal framework, encourage social dialogue and focus on the peaceful resolution of disputes directly in the productive sector.

The executive authorities, in accordance with their constitutional power to issue regulations, issued a Decree in 2025 establishing regulations under the Labour Code in relation to strikes in the public sector. The Decree develops and specifies its scope, without going beyond the law, and determines the general list envisaged in section 486 with the objective of ensuring that the right to strike in public services is exercised in accordance with the criteria of proportionality, while at the same time guaranteeing the continuity of essential services in the general interest.

The Decree has been challenged in the Supreme Court of Justice through an administrative-contentious application for it to be struck down. In accordance with the principle of the separation of powers, the State of Panama is awaiting the decision.

It is fundamental to draw a distinction between the legitimate exercise of freedom of association, which is respected, protected and promoted by Panama, and certain specific acts which are under examination by the competent authorities, in full respect of the guarantees of due process and the separation of powers.

Panama has a long tradition of consultation and dialogue with the various actors in the world of work. Divergencies are a natural part of this process and offer a permanent challenge which has to be addressed on the basis of mutual respect and institutional strengthening.

We thank the Committee for the opportunity to describe this situation to the ILO. We thank the social partners for the comments made and we will provide further information in writing.

We consider that it is for the CFA to continue its independent analysis, in accordance with the procedures established by the ILO.

Finally, the Government of Panama reiterates its firm spirit of collaboration and constant dialogue with the ILO supervisory mechanisms. We receive their recommendations with respect and as an opportunity to strengthen our institutions, guaranteeing in a harmonious manner freedom of association and tripartism as essential pillars of social justice.

Employer members – We thank the Government representative for being present in the room and for the information provided.

Following this discussion, and taking into consideration the indications contained in the report of the Committee of Experts, which is what we are analysing here, we would like to encourage the Government of Panama to continue collaborating closely with the most representative organizations of employers and workers, and of course with the Office, on all the matters raised. In relation to certain matters pertaining to strikes, to which reference has been made in this part of the discussion, we wish to reiterate the position that we expressed in our first intervention concerning matters relating to anything regarding strikes. I do not want to repeat it, as I referred to it in my first intervention, but I ask you to bear it in mind with regard to your time and the work of the Committee.

We also wish to request the Government to provide full, updated and detailed information in response to the comments of the Committee of Experts, and we wish to reiterate the call encouraging the Government to take action once and for all to strengthen and revitalize tripartite dialogue mechanisms. This will require the reactivation of the tripartite committees and the creation of the Higher Labour Council, on the subject of which we have already said enough, and it is also reflected in the report of the Committee of Experts. It is also necessary for the Government to evaluate and, where appropriate, seek the means of improving the effect given to the Convention in practice. There are a series of elements in the report that it needs to take into consideration for this purpose, and in accordance with the discussions, and we trust that, through social dialogue and institutional respect, as well as tripartite cooperation and commitment to the ILO's fundamental principles, Panama will be able to make effective progress in the full application of the Convention. There are certain matters that go back a long way, on which action had already been taken to engage in a process of improvement, and we wish to encourage the Government to return to making progress in those areas.

I also agree with certain other speakers that, insofar as it is possible to recuperate the fabric of social dialogue, we will also be able to avoid many of the matters that have been raised and which could have been resolved through responsible dialogue. There are many other issues and facts that are more recent, which have been raised by the Committee of Experts, and on which greater knowledge is required, for which purpose it has requested further information. We therefore encourage the Government to comply with this request so that we have a solid basis for addressing the matter. You will certainly be called upon soon to report here once again on the progress that has been made and I hope that we will be able to acknowledge a situation of progress and improvement in relation to the matters examined today. I believe that there are sufficient elements to do so.

Worker members – We have listened with great attention to the intervention by the representative of the Government of Panama. We have noted similarities between some of the views expressed here on the report of the Committee of Experts, and clearly the need for tripartite action to ensure compliance with fundamental labour rights. In part of its intervention, the Government expressed support for the principles of social dialogue. Some employers have also reaffirmed that it is a conceptual tool of social dialogue and we have called for and based our views on social dialogue. There is accordingly agreement that we need social dialogue, but this dialogue must be with all the representative social partners.

We therefore re-emphasize that the exclusion of the three federations affiliated to the ITUC and the TUCA, namely CONUSI, CTRP and CS, from social dialogue mechanisms proves that social dialogue has not been consolidated.

For this reason, one of the issues that we raise is to call on the Committee in its conclusions to demand, request and require the commitment of the Government to issue a broad convocation which includes the Panamanian affiliates to the TUCA and the ITUC with the intervention of the ILO Office for Central America, with a view to ensuring that the dialogue is genuine, plural, effective and productive.

As the Government has said, it exercises very important responsibilities in terms of global governance, particularly at the regional level, and particularly the pro tempore presidency of the Council of Labour Ministers of Central America and the Dominican Republic and the forthcoming presidency of the Ibero-American Network of Labour Inspections, and more immediately, its membership of the troika of the Inter-American Conference of Ministers of Labour of the Organization of American States, of which it will have the presidency, and we hope that Panama will do honour to this leadership.

It is a role of great relevance and responsibility, since in addition to participating actively with the labour authorities in the region, this structure has two standing advisory bodies: for employers, the Business Technical Advisory Committee on Labour Matters, and for workers, the Trade Union Technical Advisory Council (COSATE).

The meeting culminates with a declaration and plan of action for the Americas which is a road map, the implementation of which will be led by Panama throughout the region, where it will be able to demonstrate the sustained commitment to democratic labour governance that is clearly expressed in the information that the Government provided to the Committee in writing.

A very good message to send to these forums would be compliance with the report of the Committee of Experts which clearly has the approval of the majority, although I would not dare to say the unanimous support, of the members of the Committee.

I am the president of the COSATE and I believe that it would offer Panama an excellent opportunity to build the internal and external bridges to which we referred in our opening remarks and to find solutions to the issues that have arisen, in genuine compliance with the Convention. With regard to the COSATE, it includes within its structure the secretariat of the TUCA, which is the trade union voice of the region and, as noted by the Government, both the TUCA and the COSATE have participated respectfully in all the activities in the region, sometimes in agreement, and in other cases without, because this is genuine social dialogue which goes hand in hand with the human right to freedom of expression. Accordingly, for the TUCA at the regional level and for the ITUC at the global level, it is essential to guarantee compliance with the Convention.

We wish to raise the matter in this context, and also call for a full and complete response by the Government, to find a solution on an urgent basis to the ban on the entry into the Republic of Panama of a TUCA trade union official. And we wish to recall the principle endorsed by the CFA that participation by trade unionists in international trade union meetings is a fundamental trade union right and governments should therefore abstain from any measures, such as withholding travel documents, that would prevent representatives of workers' organizations from exercising their mandate in full freedom and independence.

We have already noted and drawn attention to various areas of agreement during the discussions. We have also all commented on the pending matters, and this is an issue on which Panama needs to respond, and I am not going to describe further the economic strangulation of organizations, and not only SUNTRACS, the raids on private homes, the failure to guarantee the exercise of freedom of association for certain democratically elected trade union leaders.

We have already raised the issues of imprisonment, house arrest, forced exile, refusal to provide diplomatic safe conducts, as well as certain acts of repression of political protests. The whole issue of the elimination of the protection of workers, including removing their leadership, is all covered by the report.

The Convention does not apply exclusively in Panama to one trade union, and here we are referring to various dimensions, various Articles of the Convention and its effective application in Panama. With reference to the criminal proceedings, we need to be careful not to prejudice the outcome, but what we wish to say is that we are seeking guarantees of an independent judicial system that is not used as a tool for repression or to dismantle trade unions. We believe in the freedom of the judicial authorities. For this reason, as the Workers' group has already requested, including in relation to the cases of other countries in the Committee, it is the duty of the State to ensure the physical safety of workers in Panama and their leaders, and it is a relevant example to guarantee the participation of the trade union leaders of the Americas and of the world as a whole in all the activities in which Panama will be the leader or host, as well as at other times. As workers in the Americas, we are holding our congress in Panama, as well as the Inter-American Conference of Minsters of Labour, in which I have participated in the past and in which I hope to participate once again. We heard that the Employers raised the issue of the advisory opinion of the International Court of Justice on the right to strike. We wish to confirm the position of the Workers in this regard, which is already known in the Committee, and solely because the matter was raised by the spokesperson of the Employers, I feel obliged to reiterate that we are looking forward to this matter being discussed in the Governing Body in November this year following the clear opinion that has been issued.

I have many issues for inclusion in the conclusions, but what we are really calling for formally is that the conclusions of the Committee call on the Government of Panama to give effect to the comments of the Committee of Experts. Our group is also formally calling for a direct contacts mission to be appointed to determine and identify the ways forward that will allow us to achieve compliance with the concepts of the Convention. We wish to emphasize that there are matters that are still pending, but in particular that the Government of Panama, and in our case the Governments of the countries of the region represented by the TUCA, needs to ensure that dialogue is effective and that it takes place with workers and employers. The political decision lies with the Government.

Employer members – This is just to note, on a point of principle, and I have great personal and professional respect for the statements made by the spokesperson for the Workers, but it is out of context and inappropriate in this Committee to make reference to and use as grounds for inclusion in the conclusions a precedent set by the CFA. The discussions held in the CFA are taken into account in its criteria by this Committee in other cases, but depending on the context, the facts and circumstances, but it does not take an isolated paragraph as the basis for establishing criteria. It appears to me that the time will come for the discussion of the conclusions. Nor do I agree that there is consensus, which it would have been good not to mention, or that there is majority support for this.

I believe that the discussions were clear, and it is not necessary to discuss this further, but merely to say that I do not see either of these two matters, and the question of whether or not a person is permitted to enter the country does not lie within our competence. I do not wish to go further on this, but just to note that it should not be part of our discussions, nor clearly of our conclusions.

Worker members – In the first place, I was very pleased to conclude the case of Panama, and I took the example from the CFA because it is one of the recommendations and principles

that we apply. Secondly, I have no problem with continuing to discuss and read about these matters, but I found elements of agreement, which I was going to say in relation to Uruguay, but I will say it now: a little like the spokesperson for the Workers' group, who told us that at times we need to look not only for the violations, but also to find some positive results. It was for this reason that I made this reference. And I agree that I do not want to enter into a discussion either of charges that have given rise to criminal proceedings. However, I wish to call respectfully for the independence to be ensured of the judiciary, although I would also have opposed a discussion of all the details that gave rise to the cases, which I am not aware of and which lie within the competence of the judiciary. And therefore I believe that we will be able to agree on conclusions and that some issues can be used as precedents and support for the arguments made, but the most important conclusion is the compliance by the Government of Panama with the comments of the Committee of Experts, in relation to which we have found some agreement among the majority of speakers and in your intervention.

Chairperson – We will now close the discussion on this case. I thank the Government representative of Panama and all the speakers who participated in the discussion.

Conclusions of the Committee

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

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

- **ensure that all trade unionists can carry out their activities freely and independently, without intimidation, or retaliation;**
- **ensure in law and practice that the exercise of trade union rights does not give rise to arbitrary arrest, detention, persecution or undue financial or administrative pressure;**
- **take immediate steps, in full consultation with the most representative employers' and workers' organisations, to restore the effective functioning of the Compliance Committee and the Committee for the Rapid Handling of Complaints relating to Freedom of Association and Collective Bargaining;**
- **strengthen and institutionalize tripartite social dialogue, including through progress towards the establishment of the Higher Labour Council, in consultation with the most representative employers' and workers' organizations;**
- **undertake, without delay and in consultation with the most representative employers' and workers' organizations, the legislative reforms necessary to bring national legislation into full conformity with the Convention, including in relation to the nationality requirement for trade union executive boards;**
- **take concrete measures to ensure the effective application in law and practice of the rights guaranteed under the Convention, including through transparent and timely registration procedures for workers' organizations and effective dispute settlement mechanisms.**

The Committee invited the Government to avail itself of the ILO's technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations, and the results achieved, including in regard to the Panama Canal proceedings, by 1 September 2026.

Government representative – On behalf of the delegation of the Republic of Panama, I take note of the Committee's conclusions. The delegation of Panama notes the conclusions presented here with great respect for the mandate of the ILO supervisory bodies and we give thanks for the opportunity provided to explain the progress achieved in the implementation of the Convention.

We have provided specific information on the progress achieved in relation to freedom of association, the issue of the tripartite committees and the Higher Labour Council, and the situation concerning the cases that are currently being examined by the competent courts.

For Panama, the principal objective continues to be the creation of greater opportunities for our people. For that purpose, we have adopted policies designed to strengthen employability, attract investment and prepare our labour force for the requirements of the new economy, in the conviction that social peace is an indispensable prerequisite for growth, employment creation and sustainable development.

We reaffirm our commitment to constructive dialogue, institutional transparency and the strengthening of public policies to promote decent work and create real 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 legal framework, a disposition for agreement and respectful dialogue are fundamental pillars of progress towards genuinely inclusive and sustainable development.

Finally, the Government reiterates its firm spirit of collaboration and constant dialogue with the ILO supervisory mechanisms. We receive their recommendations with respect and they will be presented to our Government authorities as an opportunity to strengthen our institutions, reaffirming our commitment to respect for freedom of association and tripartism as the essential pillars of associative justice.

Papua New Guinea (ratification: 2000)

Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Discussion by the Committee

Chairperson – The third case we will turn to today concerns the application of the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by Papua New Guina. We have ten speakers on the list for this case. Exceptionally, the Officers of the Committee accepted that the Government representative, and the employers' and workers' representatives of Papua New Guinea participate in the discussion remotely, by Zoom. I understand that it is currently 1 a.m. in the country, so this Committee thanks all the representatives connected for providing their statements. I first invite the Government representative of Papula New Guinea, the Secretary of the Department of Labour and Industrial Relations, to take the floor.

Government representative – Since this is the first time that the Government of Papua New Guinea takes the floor before this respectful Committee, I would like to start my intervention by congratulating you, Madam Chair, on your appointment to lead this important ILO supervisory body. Likewise, allow me to congratulate this Committee on its 100th Anniversary. The role that this Committee has played in facilitating tripartite discussion

on international labour standards is invaluable and unique in the international system. I would also like to express our Government's sincere gratitude to the ILO for the continuous collaboration and comprehensive support in different critical areas to effectively complying with the international labour Conventions ratified by Papua New Guinea. I would also like to acknowledge the existing partnerships with the European Union and the Government of Australia that allow us to further enhance employment opportunities for all, while promoting respect for international labour standards and good labour governance.

Under the European Union's funded Support to Rural Entrepreneurship, Investment and Trade (STREIT) project, since 2020, the Government of Papua New Guinea has been able to improve the rural livelihoods of many communities living in the East and West Sepik Provinces of Papua New Guinea, enhancing sustainable production and inclusiveness of the cocoa, vanilla and fisheries' value chains. With the support of the ILO, the Government has been able to improve market access for women and men working as farmers and generate employment, including for women and youth, through transport infrastructure.

In 2025, Papua New Guinea concluded a partnership with the Government of Australia for the implementation of a three-year project, which has the overarching goal to strengthen labour market governance to support decent work, social justice, gender equality and inclusive economic growth. This project is built around three independent objectives. Firstly, to strengthen the labour administration systems by modernizing labour legislation in line with international labour standards and improving the capacity of labour institutions to enforce those laws. Secondly, to improve labour market information for evidence-based policy-making by addressing gaps in labour statistics. And thirdly, to strengthen social dialogue by creating an enabling environment for effective tripartite dialogue, including by enhancing the National Tripartite Consultative Council and strengthening the capacity of social partners.

Papua New Guinea is a country of over 10 million people (approximately 50 per cent of them are women), and the majority of them live in rural areas. Our country is also home to over 840 different languages, making it the most linguistically diverse country on earth.

Papua New Guinea has been a Member of the ILO since 1976 and has ratified 29 Conventions, including eight of the ten fundamental Conventions. One of the latest Conventions ratified in 2023 was the Violence and Harassment Convention, 2019 (No. 190), which in our country represents a big milestone to protect all workers, particularly women, against any action that could affect their physical and mental integrity. Our Government attaches special importance to social dialogue with the Papua New Guinea Trade Union Congress (PNGTUC) and the Employers Federation of Papua New Guinea (EFPNG), which has contributed to embarking our country on an ambitious process of reform of our labour laws and institutions, as I will mention during my intervention.

While Papua New Guinea has been facing enormous challenges in terms of resources and capacities, which has inevitably resulted in delays to complying with ILO reporting obligations, over recent years, our Government, with the support of the ILO, has been able to progressively bring up to date the submission of reports due to the Committee of Experts.

The Government takes due note of the observation and direct request adopted by the Committee of Experts in 2025 in relation to Conventions Nos 100 and 111. In relation to these comments, allow me to make the following points.

The Government of Papua New Guinea wishes to reiterate that it is fully committed to implementing the necessary labour reforms, including in relation to the 1978 Employment Act and the 1962 Industrial Relations Act, to ensure that they are aligned with ILO Conventions

ratified by our country and responsive to the current realities of our labour market. In this regard, the Government has agreed to prioritize reforms aimed at ensuring equality of opportunities for women and eliminating provisions that have been considered discriminatory under Conventions Nos 100 and 111, and at ensuring effective protection against violence and harassment. Other key areas of reform include protection against child labour and protection against unfair dismissal. These priorities also align with our Government's commitment under the United Nations Sustainable Development Cooperation Framework (UNSDCF) 2024–28 to enhance gender equality and the empowerment of women by supporting the development of new gender-responsive laws and policies and strengthening capacities of relevant government departments and ministries in gender-responsive planning, budgeting, monitoring and reporting.

In 2025 and 2026 the Government benefited from capacity-building on international labour standards, including on the fundamental ILO Conventions Nos 100 and 111, as well as Convention No. 190. We thank the ILO for allowing Papua New Guinea to receive, in 2025, a mission composed of ILO specialists from Geneva, Bangkok and Fiji, which helped the Government to better understand its obligations under ratified ILO Conventions. Following that mission, the Government agreed to work on the review of the Employment Act to address concerns expressed by the Committee of Experts under Conventions Nos 100, 111 and 190, including the recognition of the principle of equal pay for work of equal value and protection against violence and harassment, and against discrimination.

Papua New Guinea is also working with the ILO to develop a national wage policy, and the Government is committed to ensuring that the principle of equal pay for work of equal value is respected in that process. A landmark achievement was the approval of a significant increase in the national minimum wage. This outcome was supported by the ILO through targeted technical assistance and capacity-building provided to tripartite constituents and the Minimum Wages Board. The reform was developed through a transparent and inclusive process led by the Department of Labour and the re-established Minimum Wages Board, with active participation from employers, workers and Government representatives. Likewise, with the support of ILO Occupational Safety and Health specialists, the Government has developed a first draft of its National Occupational Safety and Health Policy. A final consultation on the revised draft policy is scheduled for 18 June 2026, after which the policy will be submitted to the National Executive Council (NEC) for approval.

The Government has agreed on the establishment of a Tripartite Law and Policy Reform Working Group. This mechanism will allow tripartite constituents to together identify and agree on areas of labour law reform, discuss proposed legislation and monitor progress. The Office of the State Solicitor will serve as the key legal advisor of this group, with participation from other relevant stakeholders as required. The Terms of Reference (TOR) for the Tripartite Working Group have been finalized and will be presented for endorsement by all tripartite constituents on 19 June 2026. Important pieces of legislation to be discussed within this Tripartite Working Group include the Employment Act, the Industrial Relations Bill, the Occupational Safety and Health Bill and the Workers' Compensations Bill. Once again, we thank the ILO for its support in setting up this important Tripartite Working Group.

In addition to the labour reform, the Government is key to modernizing its labour inspection system. With the support of the ILO, the Government is going to undertake an assessment of existing operational procedures and mechanisms considering the requirements of the Labour Inspection Convention, 1947 (No. 81), ratified by Papua New Guinea in 2023. Given that most of the labour force in Papua New Guinea is concentrated in rural areas, the Government will welcome the ILO's support and advice on how to ensure the presence and

effective functioning of labour inspection in critical sectors of the economy such as agriculture and mining.

The Government has also initiated work towards the development of its first labour force survey. This survey will provide an updated picture of the existing size and distribution of the labour market force, disaggregated by gender. This will facilitate informed policy-making aimed at strengthening decent work opportunities for women in Papua New Guinea. The ILO has supported the development of a comprehensive Labour Force Survey road map and provided technical assistance on survey methodology, international labour statistics standards, Computer-Assisted Personal Interviewing (CAPI) and survey instrument development. This support will help generate key labour market data aligned with international statistical standards.

In relation to the review of pieces of legislation that are not under the mandate of the Department of Labour and Industrial Relations, such as the Public Service (Management) Act and the Teaching Service Act, we are committed to engaging with the relevant government agencies to take steps in advancing the necessary reforms in a coordinated manner.

Therefore, given the aforementioned points, Papua New Guinea requests the continuation of ILO technical assistance for the labour reforms in our country. Let me finalize my intervention by reiterating the commitment of the Government of Papua New Guinea to respect international labour standards and the mandate of the ILO, and we welcome the advice provided by other members of this Committee.

Employer members – At the outset, the Employer members recall that Papua New Guinea ratified both Conventions in 2000. We also note that while the Committee of Experts has examined the application of these Conventions individually on several occasions, this is the first time that this case has been discussed by this Committee. We also appreciate the appropriate consideration of Conventions Nos 100 and 111 together, given their close connection in practice. We therefore welcome the opportunity to engage in a constructive and practical discussion on this.

The Employer members welcome the Papua New Guinea Government's ongoing labour law reform process, which includes indications that a number of priority labour laws have been identified for review, including the Industrial Relations Bill and the Employment Act of 1978. We note positively the Government's genuinely expressed intention to seek ILO technical assistance, as well as the support being provided through the current ILO cooperation projects. This is an important legal basis for progress as it shows that there is, in fact, a process under way and that the Government has taken the opportunity to address the concerns raised by the Committee of Experts in a coherent and structured manner. At the same time, from the Employer members' perspective, it is essential that labour law reforms be predictable, coherent and capable of being implemented in practice.

Enterprises, particularly small businesses, need legal certainty. They need to understand clearly what their obligations are, how these obligations are to be applied and what practical steps are expected from them. Reforms that are unclear, overlapping or difficult to interpret can create unintended compliance burdens, discouraging formalization, increasing uncertainty for enterprises and ultimately weaken job creation and effective protection. For this reason, the Employer members emphasize that the reform process should be grounded in meaningful tripartite consultation, supported by clear guidance and communication and designed in a way that is proportionate and adapted to national capacity and labour market realities.

Turning first to Convention No. 100, the Committee of Experts has raised concerns regarding the need for comprehensive protection against discrimination, including protection against both direct and indirect discrimination across the broad range of prohibited grounds. The Employer members take note of those concerns.

We also note the issue raised in relation to specific provisions in the public service, including provisions allowing posts to be advertised for male or female candidates in particular proportions and rules on family allowances that may treat female officials or teachers differently depending on their status as breadwinners. These issues point to the need for greater coherence across the legislative framework. For context, the Employer members observe that effective compliance with non-discrimination principles depends not only on the law itself but on how the law is applied in practice. Local employers will be guided by clear definitions of prohibited conduct and they need practical examples of what compliance requires.

They also need accessible mechanisms for guidance, prevention and dispute resolution. This is particularly important for smaller enterprises, which often do not have dedicated legal or human resource departments. Without practical support, even well-intentioned legislation may create uncertainty or inconsistent application. The Employer members, therefore, stress the importance of complementing legal reform with practical tools, awareness-raising and institutional support. Legal obligations must be understandable, operational and capable of being applied by enterprises in these real workplace settings.

Turning to Convention No. 111, the key issue remains the implementation of the principle of equal remuneration for men and women for work of equal value. The Committee of Experts has reiterated its request that the relevant labour legislation define remuneration comprehensively and reflect the principle of equal remuneration for work of equal value and not merely equal pay for the same or similar work. From the Employer members' perspective, this is one of the most technically complex aspects of this case. The concept of work of equal value goes beyond equal remuneration for identical jobs. It may require the comparison of different jobs on the basis of objective criteria such as skills, responsibility, effort and working conditions.

In practice, this could raise important questions for enterprises. How should jobs be evaluated in a consistent and objective manner? What methodologies should be used? How can they be applied in small enterprises with limited administrative capacity? And how can the system ensure fairness without creating excessive complexity?

These are not simply abstract questions, as they determine whether the principle will be applied effectively in practice. The Employer members, therefore, emphasize that implementation of this principle must be accompanied by practical and sector-relevant guidance. It should also be supported by capacity-building for enterprises, labour administration and other relevant institutions. Employers are committed to fair and equitable workplaces. But jurisdictions like this cannot be expected to implement complex legal concepts without the necessary tools, guidance and institutional support. This is especially so as the Committee of Experts has referred to broader structural changes including persistent gender inequalities in labour market participation, and empowerment and addressing these challenges requires a balanced and realistic approach.

Enterprises are key partners in promoting equality in the world of work, yet they naturally operate within these broader economic and social contexts. Measures to advance equality, therefore, go hand in hand with efforts to promote employment opportunities in the formal economy, encourage entrepreneurship and support business sustainability. In conclusion, the

Employer members welcome the ongoing engagement between the Government of Papua New Guinea and the ILO. I am also pleased to advise of Australian Government work to support the Papua New Guinea administration on matters directly affecting the following:

- The Australian Government is supporting a three-year $6.5 million project with the ILO and the Department of Labour and Industrial Relations to strengthen labour governance in Papua New Guinea. It includes reviewing and updating key labour legislation and improving labour data collection.
- Tripartism is a fundamental pillar of that project, and I am advised that it is supported by the Papua New Guinea Government as we have heard, the Employers' Federation of Papua New Guinea and the Papua New Guinea Trade Union Congress.
- This is a great example of a constructive capacity-building project designed to update core labour laws and provide an enduring foundation for sustainable compliance with international labour standards.

Finally, the Employer members' objective to have a legal and institutional framework that promotes equality, provides clarity to enterprises, protects workers effectively and supports sustainable economic activity is very clear. As employers, we will remain ready to support constructive, practical and tripartite efforts towards that objective. We consider that this case presents a real opportunity to achieve tangible progress through constructive, tripartite dialogue.

Worker members – This is the first time we have discussed the case of Papua New Guinea and its obligations under Conventions Nos 100 and 111. These two fundamental Conventions are essential elements of the ILO's normative framework. Together they enshrine the principles of equality of opportunity and treatment, prohibit discrimination in employment and occupation and require equal remuneration for men and women for work of equal value. Their effective application is indispensable to sustainable development and to elements intrinsic to the ILO's mandate, namely decent work and social justice.

And that application requires continuous effort as we repeated in the conclusions of the Committee of the General Survey in 2023 when we agreed upon the urgency of eliminating discrimination in employment and occupation. Papua New Guinea ratified both of the Conventions under discussion in 2000, and in doing so it undertook clear and binding obligations to give effect to their principles in law and in practice. Yet as documented by the Committee of Experts, serious concerns persist regarding compliance with both instruments. The Employment Act of 1978 remains outdated and fundamentally inconsistent with the Conventions, while the Industrial Relations Bill remains unenacted despite 20 years of discussion, depriving workers of protections that should have been guaranteed long ago. According to the United Nations Development Programme (UNDP), Papua New Guinea has some of the highest rates of gender inequality in the world.

Women and girls face significant barriers to accessing education. According to the United Nations Children's Fund (UNICEF), only 47 per cent of girls attend primary school and only 17 per cent of girls attend secondary school. Women are also far less likely to participate in the formal workforce than men. World Bank figures show only 20 per cent of women participating in the labour force compared to 75 per cent of men. The gulf between these numbers show how far we still are from gender equality in the country.

We recall that the principle of equal remuneration for work of equal value, according to the Convention, requires the establishment of objective mechanisms capable of both identifying and addressing gender-based wage disparities. In the case of Papua New Guinea,

the legal framework does not ensure the full application of the concept of work of equal value, particularly beyond situations involving identical or similar work. The absence of comprehensive job evaluation methods based on objective criteria such as required skills, responsibilities, effort and working conditions, significantly hampers the Convention's effective implementation. Furthermore, there is little reliable data enabling an assessment of wage differentials between women and men. Without such data it is impossible to measure progress or identify structural discrimination or design corrective policies.

We must stress that reliable data is an essential component of compliance with Convention No. 100 in practice. Turning to Convention No. 111, we are deeply troubled that discrimination in employment and occupation persists in law and practice, including on grounds covered by the Convention. For example, and as noted by the Experts, legislation still allows for job candidates to be appointed, promoted or transferred in particular proportions regarding gender and other categories. The Committee of Experts has underlined the need for a comprehensive and coherent legal framework which explicitly prohibits discrimination on all grounds listed in Article 1 of Convention No. 111 and provides effective remedies. In Papua New Guinea, gaps remain in ensuring that anti-discrimination protections are clearly articulated, enforceable and accessible to all workers.

Equally troubling is the limited effectiveness of enforcement mechanisms. Weak enforcement renders rights illusory, particularly for workers in vulnerable situations. These shortcomings have real, tangible consequences for workers in Papua New Guinea, particularly for women and for those facing multiple and intersecting forms of discrimination. Gender-based wage inequality entrenches poverty, limits economic autonomy and reinforces structural disadvantages. Discrimination in access to employment, training, promotion and remuneration undermines workers' dignity and violates the very essence of the ILO's mandate.

We recall that formal equality is not sufficient. What is required is substantive equality, achieved through proactive measures, effective enforcement and genuine social dialogue. We, therefore, fully align ourselves with the observations and requests of the Committee of Experts. In particular, we stress the need for the Government of Papua New Guinea to bring, without further delay, its legislation fully into line with these Conventions explicitly incorporating the principle of equal remuneration for work of equal value and comprehensive prohibitions on discrimination by revising the Industrial Relations Bill and the Employment Act and to engage in meaningful consultation with the social partners in line with the ILO's tripartite principles to design and implement these reforms.

The heart of this case is simple. Papua New Guinea's commitments must translate into concrete results for workers. The issues raised by the Committee of Experts have remained unresolved for far too long with the first observations on this case dating back 15 years and more. Both Conventions Nos 100 and 111 are part of the fundamental principles and rights at work and are essential to achieving social justice. We, therefore, look forward to hearing from the Government today on the specific measures it intends to take within a clear and realistic time frame in the interests of equality, dignity and social justice for all workers in Papua New Guinea.

Employer member, Papua New Guinea – I speak on behalf of the Employers' Federation of Papua New Guinea (EFPNG), who is recognized as the most representative group for the employers in my country. The Federation recognizes the Papua New Guinea Government's ratification of both Convention No. 100 on equal enumeration and Convention No. 111 on discrimination and had looked forward to the work that would be undertaken to change our laws and policies. A lot of work on reviewing the Employment Act and a number of labour laws

was done between 2010 and 2018. However, the work on the Employment Act was not endorsed by the Government and therefore our Employment Act remains unchanged.

The law remains the same with no change. The business sector is the backbone of the country's economic development. We pay our taxes to Government. We provide employment and job security for the workforce in Papua New Guinea. Businesses continue to operate within the laws that exist in the country.

Companies who are owned by multinational corporations bring into the country good workplace practices which are written into their respective company policies and applied. Matters like discrimination and harassment are addressed through policy at the workplace. Admittedly, not all companies have these policies and we recognize these gaps. We also place on record that an employer cannot stigmatize or discriminate a worker based on his or her HIV or AIDS status under the HIV/AIDS Management Prevention Act of 2004. This Act offers protection to this vulnerable worker at the workplace.

Maternity leave provisions in the private sector comprise unpaid leave for female workers. The Federation has actively engaged with the Department of Justice who led a campaign to establish paid maternity leave in the country. The public consultations were conducted in 2023 and 2024 and that report and its findings will be tabled in Parliament for endorsement. Should this endorsement occur, then women workers in the private sector will be automatically entitled to paid maternity leave. The current Employment Act does not provide for paid maternity leave.

The Federation, through a number of industry trade unions, has negotiated for paid maternity leave and these industrial agreements make provision for that. Again, these industrial agreements only cover members under the different trade or sector unions and the Federation. So, there is no universal coverage. If the Employment Act review proceeds, then this is one provision that must be amended immediately as it discriminates women in the private sector who are on unpaid maternity leave, whereas women in the public service and those under industrial agreements receive paid maternity leave. I state on record that we do have good employers who applied paid maternity leave for their female employees and carry that payment as a cost to their business.

In Papua New Guinea, women make up 50 per cent of the workforce. This is a testament to recognizing women at school and at the workplace. Women are breadwinners. A call for urgent action to amend our Employment Act is real.

I shall give some examples in relation to the current law. For example, it does not allow women to work after 6 p.m., nor does it allow for women to work underground in the mining sector. The reality is that we find women working in jobs after 6 p.m. in the hospitality and hotel industry. In the mining sector, we find women who are technical experts and/or supervisors in their field, working underground with male colleagues. Should these women be told that they cannot work in that occupation because of an old, outdated law that says that they cannot? We, the Federation, give our full commitment to the work the Government is doing to improve labour law, workplace practice and policy.

We are also informed of the Australia–Papua New Guinea bilateral arrangement which is in place to address labour law governance in the country. Under this bilateral arrangement, the Australian Government has provided funding support, and the ILO will provide its usual technical support and resources to this programme. This is a three-year programme and we are available and engaged in this process. The Federation reiterates its commitment to support our Government, ensuring that laws, policies and practices are reviewed and amended where

needed. The Conventions ratified are our guide and we must aspire for greater things for our future workforce and employers. There is work to be done. That concludes my statement.

Worker member, Papua New Guinea – Papua New Guinea ratified Conventions Nos 100 and 111 more than 25 years ago. Yet, despite these commitments, workers are still waiting for these fundamental rights to be fully reflected in national legislation and effectively enforced in practice in Papua New Guinea. I must express workers' deepest frustration and disappointment at the Government's continued failure to deliver labour law reform that has been promised for decades. The Committee of Experts has repeatedly identified the same shortcomings. Workers have repeatedly demanded action. Successive governments have repeatedly assured the Committee of Experts that reform was imminent. Yet after more than a quarter of a century, workers continue to face the same legal gaps, the same inadequate protections and the same unfulfilled promises by the Government of Papua New Guinea.

The situation under Convention No. 100 is particularly troubling. The Employment Act of 1978 remains outdated and fundamentally inconsistent with the Convention. It prohibits unequal pay only for the same work and fails entirely to recognize the core principle of equal renumeration for men and women for work of equal value. This is not a technical deficiency. It is a serious denial of rights.

The absence of this principle has real and lasting consequences for working women throughout Papua New Guinea. Women continue to be concentrated in lower-paid occupations, remain under-represented in higher-paying sectors and face structural barriers that limit their economic opportunities in the country. Without legal recognition of equal renumeration for work of equal value, gender-based wage discrimination remains hidden, difficult to challenge and even more difficult to remedy. The Government has informed the ILO for many years that legislative reforms are under consideration. However, workers cannot be expected to live on promises.

Rights delayed for decades are rights denied today and in future. The Industrial Relations Bill has been discussed, revised, reviewed and referenced for many years. We have heard repeatedly that it will address these gaps in compliance with international labour standards, yet the Bill remains unenacted and workers continue to be deprived of protection that should have been guaranteed a long time ago. Therefore, the workers of Papua New Guinea, through the Papua New Guinea Trade Union Congress, are asking a simple and legitimate question. How many more years must workers wait for rights that were promised 25 years ago by the Government of Papua New Guinea?

At some point in time, repeated assurances can no longer be considered progress. The Government cannot continue presenting draft legislation as evidence of compliance with workers' demands and ILO commitments, while workers remain without actual legal protection. Workers measure progress not by consultations, discussion or draft texts. We measure progress by laws enacted, rights protected and remedies available in practice. The situation under Convention No. 111 is equally concerning.

Despite constitutional guarantees, Papua New Guinea still lacks comprehensive anti-discrimination legislation covering all aspects of employment and occupation. Workers continue to face discrimination without adequate legal protection and without effective remedies in place. There remains no comprehensive legal framework prohibiting discrimination in recruitment, hiring, promotion, training, renumeration, working conditions, career advancement or termination of employment. There remains no effective legislation framework capable of preventing workplace discrimination and ensuring accountability when violations occur. Sexual harassment continues to be inadequately regulated.

Outside of public service and in the private sector, many workers, particularly women, remain vulnerable and insufficiently protected. No worker should ever have to choose between earning a livelihood and enduring harassment in the workplace. Persons with disabilities continue to face significant barriers to employment and equal participation in the labour market. Workers living with HIV/AIDS continue to face stigma, prejudice and discrimination. Other vulnerable groups continue to lack comprehensive legal safeguards.

The absence of effective legislation sends a troubling message that equality remains an aspiration rather than an enforceable right in Papua New Guinea. We are also concerned by the persistent lack of data concerning wage inequality and workplace discrimination in Papua New Guinea. The Government frequently points to the limited number of complaints or court decisions. However, the absence of complaints must never be interpreted as absence of discrimination.

Workers often remain silent because they fear retaliation, dismissal, victimization, blacklisting or because they lack confidence that existing mechanisms will provide effective remedies. When women remain under-represented in formal employment, when occupation certification persists and when legal protections remain incomplete, it is impossible to conclude that equality has been achieved simply because violations are under-reported. Silence does not prove equality. More often it reflects fear, vulnerability and lack of confidence in enforcement mechanisms.

I wish to emphasize that the challenge before us is not lack of guidance. The Committee of Experts has repeatedly explained what measures are required in consultation with the workers' and employers' groups in Papua New Guinea and the Government of Papua New Guinea. What is missing is the political will to transform commitments into concrete legal protection for workers. Twenty-five years after ratification, workers should not still be hearing that the reforms are under consideration. The time for action is now.

The workers of Papua New Guinea, therefore, call upon the Government to: urgently amend the Employment Act to fully incorporate the principle of equal remuneration for men and women for work of equal value, in accordance with Convention No. 100; finalize and enact the Industrial Relations Bill without further delay and ensure its full conformity with international labour standards; adopt comprehensive anti-discrimination legislation covering all aspects of employment and occupation in accordance with Convention No. 111; strengthen enforcement mechanisms and access to effective remedies for victims of discrimination and unequal remuneration; collect and publish reliable data on wage inequality, discrimination and workplace harassment; and finally, engage genuinely and meaningfully in social dialogue with workers' organizations through the reform process.

The workers of Papua New Guinea are not asking for special treatment. We are asking for the implementation of commitments that the Government of Papua New Guinea voluntarily accepted more than 25 years ago. Ratification carries responsibilities that cannot remain on paper. Workers have waited long enough. The Government must now move beyond promises and deliver concrete results for the workers and people of Papua New Guinea.

Worker member, Australia – We recall that the ILO adopted Convention No. 100 in 1951, establishing the principle of equal pay for work of equal value, and Convention No. 111 in 1958 to promote equality of opportunity and treatment in employment and occupation. Together these instruments have been effective tools for many countries around the world to redress long-standing inequalities in the gender division of labour, advance women's economic inclusion and narrow gender pay gaps. It is commendable that Papua New Guinea ratified both

Conventions in 2000 signalling its commitment to addressing the history of marginalization of women.

However, significant structural barriers persist today. Deeply entrenched patriarchal norms and both explicit and implicit biases continue to sustain occupational segregation while the long-standing undervaluing of work performed predominantly by women remains unaddressed. These structural distortions are evident in labour market outcomes. Women are significantly under-represented in waged and salaried employment, and disproportionately concentrated in low paid and undervalued sectors. According to ILO-modelled estimates in 2025, only 14.5 per cent of women were engaged in waged and salaried employment compared to 27.6 per cent of men.

Even within the formal economy, women continue to face systemic constraints including workplace harassment, unequal remuneration and limited career progression indicating that formalization alone has not eliminated gender-based disparities. Against this backdrop the Government's prolonged failure to advance labour law reforms has weakened confidence in its stated commitment to equality and non-discrimination. The persistence of legislative provisions permitting gender specific job advertising and the discriminatory application of breadwinner concepts further institutionalized gender divisions of labour and fall short of international standards. Addressing these issues is both a rights imperative and an economic necessity: reducing gender-based inequities in pay and employment enhances labour market efficiency, strengthens productivity and supports sustainable growth. We therefore urge the Government to prioritize gender equality in the ongoing labour law reform process by ensuring that the Industrial Relations Bill and the revised Employment Act comprehensively prohibit direct and indirect discrimination on all relevant grounds including race, gender, religion and political opinion, and explicitly guarantee equal remuneration for work of equal value in full conformity with international standards.

Worker member, Philippines – The time has come to bring those promises safely to the shores of the nation of islands. I have the honour to speak on behalf of the workers' delegation of the Philippines. A popular song reminds us that no man is an island. Neither should any woman worker be left alone to confront discrimination, violence and inequality. We thank the Committee of Experts for its observations concerning the application of these two Conventions by Papua New Guinea.

The workers of the Philippines stand in solidarity with the workers of Papua New Guinea, particularly women workers who continue to face discrimination both in society and in the workplace. Significant gaps remain in the implementation of these two Conventions. Workers cannot live on promises alone. Equality delayed is equality denied. The situation of women remains particularly concerning according to the United Nations Development Programme (UNDP) Gender Inequality Index. Papua New Guinea ranks 151st out of 166 countries. More than two thirds of women are estimated to have experienced intimate partner violence, while cases of violence related to sorcery accusations disproportionately targeting women and girls continue to rise. Women are also under-represented in decision-making. Of the 118 members currently serving in Parliament, only three are women. The average Papua New Guinea woman receives only about four years of schooling and less than half participate in the labour force.

These figures reveal barriers that begin in the home, continue in education and follow women into the workplace. Against this backdrop, it is disappointing that important legislative reforms remain pending. The Committee of Experts recalls that the Government indicated that section 8 of the proposed Industrial Relations Bill would prohibit direct and indirect discrimination on grounds protected under these two Conventions, and that discriminatory

provisions of existing legislation would be reviewed. Yet these reforms remain unfinished. The Industrial Relations Bill appears to have been waiting in Parliament longer than many workers have been waiting for equal treatment.

We are likewise concerned by provisions identified by the Committee of Experts that permit gender-based distinction in appointment, promotions and transfers in the public service, as well as provisions requiring women workers to prove they are the family bread winners before they are entitled to benefits and allowances. Equality should not depend on marital status, nor should women have to prove their eligibility for rights already enjoyed by men. We are also deeply concerned by reports of sexual harassment highlighted by the Papua New Guinea Trade Union Congress (PNGTUC). Sexual harassment is not merely workplace misconduct. It is a form of discrimination and violence that undermines dignity, equality, safety and decent work.

We therefore call upon the Government to ensure prompt investigations, effective sanctions against perpetrators and meaningful remedies and protection for victims. In solidarity with our sisters and brothers in Papua New Guinea, we respectfully urge the Government to, first, finalize and enact the Industrial Relations Bill without further delay. Second, adopt comprehensive anti-discrimination legislation covering all aspects of employment and occupation. Third, repeal or amend laws and practices that directly or indirectly discriminate against women. Fourth, strengthen measures to prevent and remedy workplace sexual harassment and gender-based violence. And, lastly, promote the full participation of women in education, employment, trade unions, public service and political life.

Government representative – In response to the concerns and remarks made by the members of the Committee, I would like to provide the following points. First of all, the Government takes note of all the comments provided and, as a responsible Government, Papua New Guinea reaffirms its commitment to upholding the fundamental principles as prescribed in Conventions Nos 100 and 111. The Government welcomes the positive comments by the Employer spokesperson, in particular on the law reforms to address issues raised in Conventions Nos 111 and 100, and is committed to taking those comments onboard. The reforms will be tripartite, to give impetus to the position of all parties in the process from the start to the end.

The provisions of equal pay for work of equal value will be taken into full consideration, as highlighted by the Committee of Experts in the reform process of the Employment Act. We acknowledge and thank the Australian Government for the labour governance project, designed to update our core labour laws in accordance with international labour standards. We also acknowledge the concerns of the workers at the outdated labour laws and disparities between men and women with regard to wages, employment and other sectors. However, these are areas that the labour law reform process will address. Let me reaffirm to this Committee that the Employment Act and the Industrial Relations Bill are the principal pieces of legislation that will be addressed through the reforms in the coming months.

Again, let me reassure this Committee, as well as the Workers and Employers, that while there are issues and challenges in our workplaces, we remain firmly committed to the reform process. These reforms are aimed at improving workplace practices, enhancing conditions of work, and promoting better employment outcomes for all stakeholders. Papua New Guinea will provide further updates on the progress made relating to the concerns raised in its next reporting period to the ILO.

Worker members – Fellow Committee members, we thank all the participants in this discussion on the application by Papua New Guinea of Convention Nos 100 and 111. The exchanges held in this Committee have once again demonstrated the fundamental importance of these two Conventions which are central to the ILO's mandate and to the realization of equality and social justice in the world of work. They have also confirmed that, despite long-standing engagement by the supervisory bodies, serious and persistent shortcomings remain in both law and practice.

The discussion has been firmly grounded in the comments of the Committee of Experts. Those comments are clear and consistent, and have been stated time and time again over successive reporting cycles. With respect to Convention No. 100, the Committee of Experts has emphasized repeatedly that Papua New Guinea has not yet ensured the full and effective application of the principle of equal remuneration for work of equal value. The continued absence of comprehensive legal provisions explicitly reflecting this principle, together with the lack of objective job evaluation mechanisms based on neutral criteria, continues to weaken the Convention's impact in practice. For as long as the concept of work of equal value is not fully embedded in legislation and operationalized through concrete tools, structural wage inequalities, particularly those affecting women, can be neither identified properly nor remedied effectively.

Equally, we underlined the concern regarding the insufficient availability of reliable and disaggregated wage data. Without such data it is not possible to assess the existence or extent of gender-based pay gaps nor to evaluate progress over time. Transparency and data collection are indispensable elements of effective supervision and policy-making. Their continued absence represents a serious obstacle to the implementation of Convention No. 100 and undermines efforts to achieve substantive equality in remuneration. The discussion has confirmed, with regard to Convention No. 111, that discrimination in employment and occupation remains insufficiently addressed. Weaknesses persist in enforcement mechanisms and in access to effective remedies.

Where protections are incomplete or poorly enforced, workers are left without real recourse to remedy, and discriminatory practices are allowed to continue unabated. For those workers who already face structural disadvantages and who are least able to defend their rights, this can be seriously harmful. We listened carefully to the information provided by the Government during this Committee's discussion, and we thank it. We acknowledge the expressions of intent and the references to ongoing or planned measures. However, this Committee must be crystal clear that general assurances are no substitute for concrete and measurable action.

The fact that the same concerns continue to be raised year after year indicates that the measures taken to date have not been sufficient to bring about meaningful change. This suggests a structural implementation gap that requires determined, sustained and coordinated efforts to ensure change. The conclusions adopted by this Committee must therefore accurately reflect the seriousness and persistence of the issues identified. Equality and non-discrimination are not optional policy objectives. They are binding obligations voluntarily assumed by Papua New Guinea upon ratification of Conventions Nos 100 and 111.

These obligations require not only formal legal alignment but also effective implementation in practice, supported by enforcement, monitoring and genuine social dialogue. Therefore, we call upon the Papua New Guinea Government to without delay:

- take all necessary steps in consultation with the most representative workers' and employers' organizations to bring laws into line with the requirements of Conventions Nos 100 and 111 and ensure their enforcement;
- ensure that both the Industrial Relations Bill and the revision of the Employment Act of 1978 contain a definition of remuneration that includes the ordinary, basic or minimum wage or salary and any additional emoluments, and provide for equal remuneration for men and women for work of equal value in conformity with the Convention;
- take the necessary measures to review or amend the Public Services Management Act, General Order No. 20, as well as section 137 of the Teaching Services Act, to bring them into conformity with the Convention;
- make provisions to collect the data necessary to assess and address disparities in pay for work of equal value;
- provide detailed information on concrete measures taken to give effect to the Conventions and to comply fully with all its reporting obligations under the ILO Constitution;
- call upon and make full use of the technical assistance offered by the ILO.

Our wide experience in this Committee leads us to believe firmly that genuine political will from governments, combined with effective use of ILO technical assistance and constructive engagement with the social partners, leads to tangible and sustainable progress. Therefore, our collective determination is required to ensure that ratified Conventions are fully respected in law and in practice, and to thereby help to guarantee the rights, equality and dignity of workers in Papua New Guinea.

Employer members – The Employer members thank the Papua New Guinea Government for its clear and detailed responses and all the speakers for their genuine interventions. The discussion has confirmed that this case is not only about legal alignment with Conventions Nos 100 and 111 but is also about ensuring that the relevant principles are implemented effectively, coherently and in a manner that works in practice. From the Employer members' perspective, this case primarily concerns legislative clarity and modernization rather than systemic compliance failures. The ongoing reform process and engagement with the ILO are therefore important opportunities to ensure legal certainty, consistency and balanced interpretation and form a constructive basis for progress here.

We note the legislative gaps identified by the Committee of Experts, including the need for comprehensive protection against discrimination, the review of the provisions that may have discriminatory effects and the incorporation of the principle of equal remuneration for men and women for work of equal value. We also note the statement of the Government today to address these matters through labour law reform and cooperation with the ILO. Progress should be achieved in a way that is clear and predictable. It must also be supported by practical guidance and institutional capacity.

With that, the Employer members wish to highlight their priorities going forward: first, that the Government should undertake tripartite consultation as it sincerely indicated that it would, earlier on with the most representative employers' and workers' organizations. The country's reform process will be effective and sustainable if employers' and workers' organizations are fully involved in both the development and implementation of legislative changes. Second, that the Government accompany legislative reform with legislation guidance, tools and awareness- raising that enable enterprises to understand and comply with their obligations. Third, that the ILO continues its role of providing the Government and others

with technical assistance, capacity-building and facilitation of true dialogue. To meet these priorities, the Employer members recommend that the Papua New Guinea Government continue in its advancement of labour law reform, in consultation with the social partners who have expressed their support for change and involvement in this discussion today; ensure that anti-discrimination provisions are clear, comprehensive and consistent across legislation; amend provisions that may have discriminatory effects, including in the public service and which the Government spokesman has valuably indicated today are outdated laws; incorporate the principle of equal remuneration for men and women for work of equal value in a manner supported by practical guidance and tools; and continue to work closely with the ILO to ensure effective and sustainable implementation.

In closing, the Employer members reiterate their readiness to support constructive and tripartite efforts aimed at achieving tangible and sustainable progress in the application of these fundamental Conventions.

Conclusions of the Committee

The Committee took note of the written information available and the discussion that followed.

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

- **advance the ongoing labour law reform process, in consultation with the most representative employers' and workers' organizations, with a view to ensuring that national legislation provides comprehensive and coherent protection against discrimination in employment and occupation, including by reviewing or amending provisions with discriminatory effects;**
- **ensure that the principle of equal remuneration for men and women for work of equal value is clearly reflected in legislation and supported by practical guidance, including a comprehensive definition of remuneration, in order to facilitate effective and predictable implementation in practice.**

The Committee requested the Government to continue to avail itself of ILO technical assistance and capacity-building to effectively implement the Committee's recommendations, and to provide information to the Committee of Experts by 1 September 2026 on the measures taken and the results achieved.

Government representative – Recalling the work of the Committee, wherein Papua New Guinea appeared before it through Zoom to present its case on the issues raised by the Committee of Experts on Conventions Nos 100 and 111, the Government of Papua New Guinea at the outset would like to acknowledge and take note of the conclusions reached, which relate to the following:

- to advance the ongoing labour law reform process, in consultation with the employers' and workers' organizations, with a view to ensuring that national legislation provides comprehensive and coherent protection against discrimination in employment and occupation, including by reviewing or amending provisions with discriminatory effects;
- to ensure that the principle of equal remuneration for men and women for work of equal value is clearly reflected in legislation and supported by practical guidance, including a comprehensive definition of remuneration, in order to facilitate effective and predictable implementation in practice.

The Government of Papua New Guinea would like to further acknowledge the opportunity that is offered by the Committee for ILO technical assistance and capacity-building to effectively implement the Committee's recommendations.

The Government of Papua New Guinea acknowledges the thorough, firm and fair appraisal of those concerns, which largely relate to issues around the processes and practices of employment, wage disparities and segregation, workplace practices and, in particular harassment and violence, all of which are explicitly expressed in the Committee of Experts' requests to the Government for both Conventions Nos 100 and 111.

In upholding the fundamental principles and rights at work, especially in the context of discrimination and equality at work, the Government reaffirms its commitment to ensure that these issues are addressed in legislation, policy, systems and processes in due course.

The Government further reaffirms its commitment that the principle of equal remuneration for men and women for work of equal value, as reinforced by the Committee of Experts in its direct request on Convention No. 100, will be closely assessed in the upcoming labour law review of the Employment Act in order to address the gender pay gaps and other anomalies. This will also cover any systemic and administrative changes that are required to implement this principle in national law and practice.

In addition, the Government undertakes to revisit the National Employment Policy with a view to strengthening it so as to ensure and promote equality of opportunity and treatment in employment and occupation on all the grounds enumerated in Convention No. 111, which underpins the provisions of the National Constitution and the national legal frameworks on the principles of equality, justice and fairness.

Through all these processes, the Government reaffirms its position of tripartite engagement, which forms the basis of all constructive and positive dialogue going forward. The Government values the contributions, commitment and effort of the workers and employers, and reassures the ILO that that status quo remains.

The Government will be calling on the ILO Office for Pacific Island Countries in Suva, Fiji and the ILO Regional Office for Asia and the Pacific in Bangkok, Thailand, for the technical assistance that we will require to address the issues and concerns raised by the Committee.

Finally, the Government undertakes to provide information to the Committee of Experts by 1 September 2026 on the measures taken and the results achieved in relation to Conventions Nos 100 and 111.

Philippines (ratification: 1953)

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

Written information provided by the Government

A. Assumption of jurisdiction

The Government recognizes that strike is an essential and legitimate means through which workers may further and defend their interests. However, the Government notes that the issue of assumption of jurisdiction is being raised in the context of the workers' right to strike, which has been submitted to the International Court of Justice for an advisory opinion. Hence, prudence dictates the need for restraint in scrutinizing matters related thereto.

The Government submits that the power of the Secretary of Labor and Employment (SOLE) to assume jurisdiction over labour disputes in an industry indispensable to the national interest pursuant to article 278(g) of the Labor Code is an extraordinary mechanism aimed at preserving industrial peace by maintaining the status quo and preventing the parties to a dispute from committing acts that may further aggravate the situation. The Supreme Court has long held that the right to strike, while constitutionally protected, is not absolute, and that the SOLE's authority to assume jurisdiction does not interfere with trade union rights, but rather is a reasonable exercise of the State's police power to promote the public good.

In practice, the exercise of this power remains the exception rather than the rule, as the Government continues to promote voluntary modes of settling labour disputes. From June 2022 to the present, the SOLE assumed jurisdiction over 12 out of 28 cases based on petitions for assumption involving a tyre manufacturer, a pharmaceuticals company, electric cooperatives, an educational institution and a telecommunications company, as well as one government-owned and controlled corporation and a multinational beverage company. In addition, the SOLE exercised the authority motu proprio in eight cases in the following industries: hotel, motorcycle parts manufacturing, electricity, electronics manufacturing, tollway operations, and education.

As these figures demonstrate, the exercise of the power to assume jurisdiction is not automatic but guided by the imperatives of preserving employment and protecting public welfare. The SOLE has consistently exercised the power sparingly and prudently, taking into account the circumstances of each case, the nature and extent of the dispute, its potential impact on the public and the workers, the status of conciliation and mediation efforts, and the overall labour relations environment.

For instance, while the education sector is not expressly included in the list of industries indispensable to the national interest, the SOLE assumed jurisdiction upon a determination that an impending strike would not only disrupt the school's operations and affect the workers' livelihoods, but would also, more importantly, unduly prejudice the students and impede the completion of their academic requirements.

Similarly, in a case involving a bargaining deadlock in the hotel industry, the union and the management declared their respective intentions to stage a strike and implement a lockout. In assuming jurisdiction, the SOLE took into consideration that the threatened lockout would displace more than 300 employees, including 137 union members, thereby aggravating the dispute. The SOLE likewise recognized the broader economic impact of the dispute, particularly considering the vital role of the tourism industry in the country's economic recovery after the pandemic.

In assuming jurisdiction over a dispute between a multinational beverage company and its three unions, the SOLE cited case law recognizing the exercise of jurisdiction involving the same company and noted that work stoppage would prejudice 6,000 businesses, which would have repercussions not only for the company but also for government revenues, considering the company's substantial tax contributions amounting to nearly 19 billion Philippine pesos in 2023.

The labour sector likewise recognizes the broader socio-economic impact of a labour dispute as there have been instances where the unions themselves petitioned for assumption of jurisdiction in industries not traditionally considered indispensable to the national interest, such as a bus transport company and exporters of Cavendish bananas. In requesting the National Conciliation and Mediation Board to facilitate the settlement of a dispute involving a banana exporter, the workers' group cited the possible impact on government revenue, GDP,

and the livelihoods of communities and workers. The Secretary did not ultimately assume jurisdiction over these cases due to the settlement reached by the parties.

Bills filed in the previous Congress seeking to limit this power to essential services were not enacted. Three bills on the same subject matter, including one proposing the total repeal of this power, are presently pending with the House Committee on Labor and Employment.

The Executive, as a co-equal branch of government, fully respects the Legislature's prerogative to determine whether to retain, refine or limit the existing framework. This is especially so since the sector has their representatives in Congress, particularly through the Trade Union Congress of the Philippines (TUCP) Party-list and the Kamanggagawa Party-list.

B. Certification as sole and exclusive bargaining agent (SEBA)

On 9 February 2026, the former Fifth Division of the Court of Appeals issued an Entry of Judgment in the case *San Miguel Integrated Logistics Services, Inc. (SMILSI) v. Department of Labor and Employment (DOLE), et al*. (CA-G.R. SP No. 184711). As such, its 29 May 2025 decision, which the Government reported to the ILO, declaring invalid the rule on SEBA certification under DOLE Department Order No. 40-J, series of 2022 (DO40-J), became final and executory.

To recall, the Court explained in its decision that article 269 of the Labor Code mandates the conduct of a certification election in unorganized establishments regardless of the number of legitimate labour organizations (LLOs) present in the establishment. By allowing the recognition of a SEBA in an unorganized establishment without a certification election where only one LLO operates, DO40-J was held invalid for being contrary to law.

In compliance with the court's decision, on 29 April 2026, the DOLE issued Labor Advisory No. 7, series of 2026, immediately and permanently discontinuing the implementation of DO40-J. The Advisory nonetheless emphasizes that LLOs which had attained SEBA status as of 1 August 2025 shall continue to be recognized as such, unless they subsequently lose their SEBA status in a valid certification election or upon an order by a competent authority. Collective bargaining agreements (CBAs) entered into by LLOs that were issued SEBA certification prior to 1 August 2025 shall also remain valid.

The court's decision, however, should not be construed as diminishing or impairing collective bargaining rights. It merely reaffirms the statutory mechanism prescribed by law for the determination of the bargaining agent.

First, article 269 of the Labor Code mandates the Mediator-Arbiter to automatically order the conduct of a certification election in an unorganized establishment upon the filing of a petition. Second, section 19, Rule VIII of DO40, as amended, expressly states that this Order is not subject to appeal. Third, the safeguards recognized by the Committee continue to apply under the certification election process. The certification election is supervised by the DOLE and carried out independently. The exclusive bargaining agent is determined by secret ballot and majority vote of the employees in the bargaining unit, while the employers are precluded from opposing the petition pursuant to the bystander rule. The minority unions may also request a new election after the lapse of the period provided by law. Ultimately, the fundamental principle of ensuring the free and genuine selection of the bargaining agent in an unorganized establishment remains fully respected both in practice and in law.

C. Collective bargaining in the electricity sector

The concerns raised by the workers' group in the electricity sector involve an issuance by the National Electrification Administration (NEA), Memorandum Circular No. 2014-003 which

the Court of Appeals and the Supreme Court ruled to be valid and not unconstitutional. In 2023, it was superseded by Memorandum Circular No. 2023-052. As clearly pointed out by the Philippine judicial authorities in their decisions, the NEA issuance does not stifle the right to collective bargaining.

The NEA issuance was prompted by legitimate regulatory and policy considerations, particularly the adverse consequences of certain monetary concessions under CBAs on the financial and operational viability of several electric cooperatives. In this regard, the Government emphasizes that, as a developing State, the Philippines has a substantial and legitimate interest in ensuring essential electric service to the public through the continued implementation of rural electrification programmes. Such an objective requires the maintenance of stable, efficient, and financially viable operations of electric cooperatives, especially those serving rural and geographically isolated communities. In other words, and considering the courts' rulings, the issuance was adopted in good faith to provide a mechanism for the exchange of views among concerned stakeholders so that social and economic considerations may be taken into account in the bargaining process, especially as the industry involved here is imbued with public interest and regulated by the State. The Government, therefore, requests the Committee to consider that the issuance of MC 2014-003 and MC 2023-052 was not attended by malice and wilful intent to circumvent the principles of collective bargaining.

In any case, the DOLE has facilitated dialogues between the NEA and the workers' group, represented by the National Union of Workers in the Power Industry (POWER-SENTRO) which raised the matter before the ILO. As reported to the Committee, a series of dialogues and joint capacity-building activities were conducted in 2024 and 2025.

In addition to those reported in September 2025, the DOLE, NEA, and POWER-SENTRO held further dialogues on 1 October 2025, during which the NEA announced the suspension of Memorandum Circular No. 2023-052. This was formalized through Memorandum No. 2025-50 dated 16 October 2025, which took effect upon its filing with the Office of the National Administrative Register on 23 October 2025.

In March and April 2026, the DOLE, through the Bureau of Labor Relations (BLR), also convened two bilateral meetings with POWER-SENTRO for the review of a draft manual on collective bargaining. The manual seeks to address concerns arising from varying interpretations and practices on the ground by providing a bargaining framework in the power sector that is based on the Constitution, the Labor Code, and relevant ILO Conventions. As agreed with the workers' groups, the manual will be finalized in consultation with them prior to its presentation to the regulatory agencies.

Another significant matter discussed during bilateral meetings was the proposal to establish a National Tripartite Council for Electric Cooperatives (NTCEC). Pursuant to Republic Act No. 10395 (Tripartism Law) and its Implementing Rules and Regulations, the proposal requires consultation with the concerned stakeholders and the concurrence of the National Tripartite Industrial Peace Council (NTIPC), as the main tripartite consultative body on labour and employment issues. The matter was raised during the NTIPC meeting on 7 April 2026, during which the NTIPC agreed to convene a special session with representatives from the NEA, workers' groups, and other regulatory bodies to further discuss the proposal.

At the same NTIPC meeting, the social partners moved to adopt a resolution calling for the total revocation of Memorandum Circular No. 2023-052. The resolution has been approved in principle and is now being routed for signature. In the meantime, the issuance remains suspended.

In view of the ongoing good-faith efforts and constructive engagements initiated by the Government, the Government finds the possible inclusion of this matter for further scrutiny to be unnecessary and inconsistent with the progress made to date.

The Government recalls the primacy that the ILO and its supervisory bodies accord to the voluntary and amicable settlement of issues within the domestic framework. The issuance has been suspended, and the bargaining framework under the Labor Code continues to govern. Representatives from both electric cooperatives and workers' groups have been capacitated on conciliation and collective bargaining, equipping them with tools, skills and techniques that emphasize respect for workers' rights while ensuring the stable and uninterrupted delivery of electric services to the public. Meanwhile, there are also ongoing discussions to establish a national tripartite council and to formulate a manual on collective bargaining for the electricity sector.

With these manifestations, it is the Government's humble submission that an examination of this matter before the Committee may prejudice the ongoing discussions and undermine the momentum toward an amicable resolution at the national level. The Government respectfully requests the Committee to defer further consideration of this issue while the concerned stakeholders continue their efforts to address it through sustained dialogue and consultation.

Discussion by the Committee

Chairperson – The fourth case today deals with the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by the Philippines. For the discussion of this case we have 21 registered speakers. In light of this, the Officers of the Committee have decided to reduce the maximum time for individual speakers from five to three minutes.

I now invite the Government representative of the Philippines, the Assistant Secretary of the Department of Labor and Employment, to take the floor.

Government representative – The Government appreciates the opportunity to provide information and clarification on the country's implementation of the Convention. On behalf of our Minister, Francis N. Tolentino, we extend our warmest felicitations to the Committee on the occasion of its centenary anniversary. The Committee's work has indeed significantly contributed to the realization of the mandates of the ILO's entire supervisory mechanism.

Let me start by emphasizing that the right to collective bargaining is protected in the Philippine jurisdiction both in law and in practice. Our Constitution and the Labor Code guarantee this right. Under the Labor Code, collective bargaining rests on a clear and enforceable legal framework. The law sets out the bargaining procedures, defines the duty to bargain in good faith, provides remedies for violations, and treats as unfair labour practice the refusal or failure by either party to bargain collectively. This also include the flagrant or malicious refusal to comply with the economic provisions of a collective bargaining agreement.

Precisely because Philippine laws give concrete effect to the guarantees under the Convention, the Philippines regrets its inclusion in the present examination. The issues raised do not reflect an arbitrary denial or restriction of the right to collective bargaining, nor do they show a failure to engage with the social partners. On the contrary, these matters are already being addressed through existing administrative, legal and tripartite processes.

Our interventions today will be guided by the report of the Committee of Experts, particularly its observations regarding the alleged interference in collective bargaining in the electricity sector, the scope and content of collective bargaining in contracting arrangements

and in the informal economy, and the determination of bargaining representative status. We consider these issues central to a balanced and constructive examination and hope they will help focus the discussion on the matters most relevant to the case before us.

On collective bargaining in the electricity sector, while we take note of the issues raised by Worker members, these have already been, and continue to be, addressed through dialogue, consultation and capacity-building initiatives. As we have emphasized in our response to the Committee submitted on 14 May 2026, the Department of Labor and Employment (DOLE) has been facilitating dialogues and organizing capacity-building activities for both the management and union representatives in electric cooperatives aimed at supporting constructive labour-management relations.

This demonstrates that the Government has actively engaged the issue through existing institutional mechanisms. In particular, we pursued a constructive and balanced approach through sustained dialogue with the concerned workers' groups, including the National Union of Workers in the Power Industry-Sentro ng mga Nagkakaisa at Progresibong Manggagawa (POWER-SENTRO). These discussions have yielded concrete results. On 16 October 2025, the National Electrification Administration (NEA) suspended the application of Memorandum Circular No. 2023-052 – the administrative issuance at issue in the present case. Its suspension halted the application of the questioned measure and created room for continued dialogue on a bargaining framework that protects workers' rights while safeguarding the public interest in electric cooperatives.

While the Government recognizes that implementation gaps remain, particularly due to varying interpretations on the ground, we have taken further measures to address these gaps. These measures include ongoing discussions on a draft manual for a collective bargaining framework in the electricity sector, the proposed creation of a national tripartite council for electric cooperatives and the resolution of the National Tripartite Industrial Peace Council (NTIPC) calling for the total revocation of Memorandum Circular No. 2023-052.

Taken together, these developments show that the matter is being actively addressed through legal, administrative and tripartite mechanisms, and that the Government has provided substantive responses and taken concrete follow-through action. In this regard, the Government recalls that under the Committee's working methods, the criteria for the selection of individual cases include, among others, 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; and the urgency of a specific situation.

The Government respectfully reiterates that this matter does not show an arbitrary denial of collective bargaining rights or a refusal to comply with the Convention. Rather, the issuance was prompted by the need to address past collective bargaining practices that had adversely affected the financial and operational viability of several electric cooperatives. Nor can it be argued that the Government has persistently failed or lacked the will to resolve the issue. On the contrary, the continuing engagement among the social partners demonstrates that the matter is being addressed through dialogue in good faith, and within the appropriate institutional processes. We respectfully submit that the best path forward is to allow these discussions to continue, anchored in mutual trust and constructive engagement.

With respect to collective bargaining in the informal economy, the Government submits that the challenge is not the absence of legal avenues for organization and representation, but the need to further develop mechanisms suited to the realities of informal work. Under Philippine laws, they may form workers' associations, represent their members and negotiate with appropriate authorities for their mutual aid and protection. The Philippine Institute for

Labor Studies is undertaking a study on how these workers' associations may be strengthened in the context of representation and negotiation. The Government would welcome ILO technical assistance in this regard.

On the issue raised regarding the impact of contracting and subcontracting arrangements on collective bargaining rights, the Government respectfully submits that the issue is not the mere existence of such arrangements, but whether adequate safeguards are in place to protect workers' rights. In the Philippines, these arrangements are regulated, and workers covered by them are afforded the right to organize and to bargain collectively with their direct employers. We further wish to inform the Committee that the rules governing contracting and subcontracting are currently under review, with the participation of the social partners and with full regard to fundamental principles and rights at work.

On the issue of collective bargaining status, in our submission dated 14 May 2026, the Government informed the Committee that the Court of Appeals' decision invalidating DOLE Department Order No. 40-J, series of 2022 (DO 40-J), had become final. This rule previously allowed the certification of a sole and exclusive bargaining agent even without a certification election, where only one union exists in an unorganized establishment. As a co-equal branch of Government, the judiciary's ruling must be respected by the DOLE.

The Government notes the concerns raised by the labour sector on the possible impact of this ruling on the determination of representation status in unorganized establishments. The Government recognizes that certification election is an important and democratic process for determining the sole and exclusive bargaining agent. At the same time, the process should remain prompt and should not cause unnecessary delay, especially where only one labour organization exists in the establishment. The Department will therefore continue to monitor the situation and act on petitions for certification election in accordance with article 269 of the Labor Code and its implementing rules. The Government reiterates that safeguards are in place to ensure that the process remains prompt, fair and objective, consistent with the Convention. This matter has already been discussed with the social partners and the Government remains of the view that continued dialogue within the tripartite framework provides the appropriate way forward.

Given the foregoing submissions, the Philippines regrets its inclusion in the present examination, particularly in light of the clarifications and the concrete measures undertaken provided in its 14 May 2026 response.

The Government has consistently engaged the ILO supervisory process and the social partners in good faith. Following the Committee's examinations in 2019, 2023 and 2024 concerning the country's application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Government worked with the social partners and the Office to translate the Committee's observations into concrete action.

This is also true in this case. The Philippine Government appears before the Committee with full respect for the ILO supervisory mechanism and with a clear commitment to address genuine issues arising from the application of the Convention. In this spirit, the Government respectfully hopes that the discussion will give due weight to the measures already undertaken, the institutional processes in place and the continuing engagement with the social partners.

The Philippines does not claim that all issues have been fully resolved. However, we respectfully emphasize that these concerns should be assessed in their full context, including

the country's legal framework, institutional mechanisms and the concrete actions undertaken through social dialogue.

As a final note, the Government recognizes the close relationship between the Convention and Convention No. 87. However, for the purposes of the present examination, we respectfully submit that the discussion should remain focused on the specific standards, issues, and factual context relevant to Convention No. 98.

The Government is prepared to engage constructively on all matters raised. At the same time, we believe that a fair and useful discussion requires a complete factual context and an accurate account of the measures undertaken, the remedies available and the actions still being pursued.

Worker members – This is the first time that our Committee reviews the application of the Convention by the Philippines. However, the Committee is already familiar with the long-standing and systematic issues concerning the right to organize and collectively bargain in the country, notably through its repeated examination of Convention No. 87. The Worker members note persistent gaps between the requirements of Convention No. 98 and both the legal framework and practice in the Philippines. Despite repeated comments by the Committee of Experts over several years, the issues identified remain largely unresolved and continue to affect a broad range of workers across sectors.

At the outset, we recall that Article 4 of the Convention requires measures to encourage and promote voluntary negotiation between employers' and workers' organizations with a view to regulating terms and conditions of employment through collective agreements. This requires an enabling legal and institutional framework that allows all workers covered by the Convention to effectively exercise collective bargaining rights in practice. In this regard, we are deeply concerned that a significant number of categories of workers continue to be excluded from the right to collective bargaining, namely prison staff, fire service personnel, self-employed workers, temporary and part-time workers, outsourced and contract workers, non-resident and migrant workers, agriculture and domestic workers. These exclusions are incompatible with the requirements of the Convention which covers all workers in the private sector regardless of their employment or residency status and guarantees the right to collective bargaining to all public servants not engaged in the administration of the State. Worker members note that several legislative reforms concerning the right of these workers to organize have remained pending in Congress for years.

Therefore, in line with the comments of the Committee of Experts, we call on the Government to amend its legislation without delay to ensure that all workers covered by the Convention can effectively enjoy and exercise their right to collective bargaining. With regard to certification procedures for trade unions in unorganized establishments, we take note of the Court of Appeals' ruling declaring the DOLE department order beyond scope and invalid. We also note the Government's indication that the DOLE has discontinued the order while maintaining the status of unions already recognized as sole and exclusive bargaining agents and preserving the validity of collective agreements concluded under the previous framework. The Government further indicates that certification elections will not apply under article 269 of the Labor Code. This development is concerning.

The procedure provided by the Labor Code is deeply flawed as, in practice, it enables employer interference in certification elections. The Worker members wish to stress the need for the Government to adopt and implement a certification procedure that ensures that trade unions are not subjected to unnecessary delays, administrative barriers, undue interference by employers or procedural uncertainty that could undermine their ability to secure

recognition as bargaining agents. With regard to Executive Order No. 180 and the 2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize, the Worker members remain deeply concerned that collective bargaining in the public sector is limited to matters not fixed by law and explicitly excludes compensation. According to the Government, wage-related matters are excluded due to national practice and jurisprudence while alternative consultation mechanisms exist.

The Worker members recall that public servants not engaged in the administration of the State must be able to negotiate wages, benefits, allowance and working time. Mere consultation is not sufficient to meet the requirements of the Convention. Genuine collective bargaining must include the possibility of negotiating core terms and conditions of employment, including remuneration. We therefore echo the request of the Committee of Experts that the Government take concrete steps in consultation with the social partners to enable meaningful collective bargaining on compensation and related matters in the public sector.

Furthermore, the situation in the electricity sector raises serious concerns. The Committee of Experts has highlighted severe restrictions on the scope and content of collective bargaining resulting from the involvement of multi-stakeholder consultative bodies in the review and negotiation of collective bargaining agreements. In the lead-up to this discussion, the Government supplied additional information indicating that the social partners in the NTIPC agreed to revoke the regulation establishing multi-stakeholder involvement. According to the Government, the regulations are suspended pending the signature of a resolution, and the bargaining framework under the Labor Code continues to govern. The Government also indicates that discussions are ongoing towards the establishment of a national tripartite council for electric cooperatives. While we acknowledge these developments, we remain concerned that uncertainty persists regarding the framework governing collective bargaining in the electricity sector.

The Worker members recall that collective bargaining can only function effectively where workers' and employers' organizations are able to negotiate freely. It is therefore essential that any new institutional framework complies with the requirements of the Convention and guarantees the autonomy of the bargaining parties. More broadly, we are concerned that the Labor Code continues to allow the Government to impose compulsory arbitration in an overly broad range of sectors in a manner that undermines free and voluntary collective bargaining. We recall that in the cases where the parties do not reach agreement through collective bargaining, recourse to compulsory arbitration is permissible only in the context of strictly defined essential services. Finally, while we take note of the reported increase in the number of registered collective bargaining agreements, we remain concerned that overall collective bargaining coverage remains extremely low compared to the size of the workforce.

This indicates that structural barriers continue to limit the full development and utilization of collective bargaining as envisaged by the Convention. The Worker members consider that the issues raised by the Committee of Experts are not isolated or technical in nature. They reflect broader structural challenges affecting both the scope and autonomy of collective bargaining in the country. The Worker members therefore request the Government to engage fully and constructively with the social partners and to undertake the reforms necessary to bring law and practice into conformity with the Convention.

Employer members – We note and welcome the information shared by the Government of the Philippines. The information demonstrates the Government's intention to address concerns raised in connection with its application of the Convention, including in various

identified sectors. We wish to encourage the Philippines to continue taking steps to investigate, respond and/or remediate the issues regarding the implementation of the Convention through its national laws and practice. The Convention is a fundamental Convention which the Philippines ratified in 1953.

This is the first time that the Committee is examining the implementation of the Convention by the Philippines. We note that the Committee of Experts has made 13 observations in this case since 1999 with the latest being in 2025. We also note that this case comes on the heels of multiple cases and observations involving the Philippines relating to Convention No. 87 which included serious concerns of trade union violence and extrajudicial killings. However, our focus will remain on Convention No. 98, which is the case at hand. Employer members note and welcome the progress made in the Philippines since the High-Level Tripartite Mission which took place in 2023 particularly with respect to the elaboration of the tripartite road map and review of the guidelines on the conduct of stakeholders.

We also welcome the continued collaboration between the Philippines, its social partners and the ILO which is important for this progress. However, noting progress and collaboration does not minimize the seriousness of the events that preceded this case. Turning now to the Committee of Experts' observations, we note that there are legislative exclusions of certain categories of workers from the right to collectively bargain including prison staff, fire service personnel, self-employed and temporary workers, outsourced or contract workers, non-resident workers and part-time workers. We also note the scope that public sector workers can collectively bargain over is limited to those matters not fixed by law and excludes compensation. The Committee of Experts also expressed concerns regarding Memorandum No. 2023-052 of the NEA, which requires the participation of multi-sectoral consultative panels in collective bargaining for electric cooperatives.

The Committee of Experts also requested the Government to provide information on, or clarification on, other specific aspects of collective bargaining and requested the Government to continue to take all the necessary legal and practical measures to promote the full development and utilization of collective bargaining under the Convention and to provide applicable statistics. The Committee of Experts noted the ILO's continuous assistance to the Philippines through its decent work country programme, focused mainly on issues raised under Convention No. 87 and expressed through the tripartite road map on freedom of association adopted by the NTIPC and the related ILO High-Level Tripartite Mission in January 2023. We welcome this. Employer members wish to stress again their commitment to the full expression of the Convention in both law and practice. Our sincere hope is that these proceedings can facilitate meaningful development in the Philippines on these critical issues.

In this regard, the Employer members wish to note the following: violence and coercion of any kind that inhibits workers' and employers' groups from expressing their rights and freedoms under the Convention cannot be tolerated. Noting the Committee of Experts' concern regarding the exclusion of certain categories of workers from the right to collectively bargain, we recall that Article 4 of the Convention provides that "measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation 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." In this regard, it is our view that access to this right depends on whether workers have an employment relationship which is determined under national law and practice. Accordingly, we respectfully disagree that this

right extends to genuine self-employed workers or any workers not in an employment relationship.

With regard to certain public sector workers not fully enjoying their rights under the Convention, we note that Article 6 provides that "this Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way." The Employer members believe that the determination of whether certain public servants are engaged in the administration of State must be made on the facts of each case with due consideration of the applicable national laws and practice. To date, the collaboration between the Philippines, the social partners and the ILO has been fruitful and has led to meaningful developments. Of course, more can be done, including in finalizing the manual for collective bargaining in the electricity sector. We therefore encourage the Government to continue its collaboration with the ILO and to access technical assistance in order to harmonize its laws with the Convention.

This would address the concerns of the Committee of Experts about sectors like the electrical sector and the informal sector and whether exclusions of certain public sector workers from collective bargaining rights are consistent with the Convention. In conclusion, the Employer members call on the Government to meaningfully respond to the Committee of Experts' concerns and to continue its collaboration with the social partners and the ILO. It is the view of the Employer members that the Philippines can benefit from continued technical and other material assistance.

Worker member, Philippines – For the majority of Filipino workers, the promise of the Convention remains unfinished and frustratingly unfulfilled. The road to collective bargaining is long, winding and narrow, so narrow that obtaining the collective bargaining agreement often feels like passing through the eye of a needle. Collective bargaining remains tied to the employer–employee relationship, leaving millions of workers excluded through contractualization, subcontracting, platform work and other precarious arrangements. Nearly 18 million informal economy workers are excluded. For many public sector workers, collective bargaining remains more a promise than reality.

Nine years after ratifying the Labour Relations (Public Service) Convention, 1978 (No. 151), the Philippines has yet to enact an enabling law necessary for its full implementation. The journey begins with securing recognition as the sole and exclusive bargaining agent through a certification election, after a simpler route of majority signature recognition was recently nullified. It continues through certification disputes, bargaining delays, bargaining deadlocks, assumption of jurisdiction orders, litigation and, in some cases, the dismissal, intimidation, threats, harassment, red-tagging and even arrest of union leaders themselves. In some cases, the journey is not merely difficult: it is close to impossible.

Philippine jurisprudence itself shows how workers may spend years and sometimes more than a decade simply trying to secure recognition and representation rights. The union in a major broadcasting company waited approximately 13 years before the Supreme Court finally affirmed the right to proceed with a certification election. In a rope company and a multinational soft drinks company, workers likewise spent four and five years respectively litigating issues relating to certification and bargaining representation before they could move forward. The Convention is about collective bargaining. Yet for Filipino workers, the struggles begin with securing recognition as their bargaining representative.

The numbers tell the story. As of the first quarter of 2026, there were 20,843 registered unions but only 1,331 collective bargaining agreements (CBAs) and collective negotiation agreements (CNAs) covering 307,788 workers, just 1.4 per cent for the 31 million wage and

salary workers and less than 1 per cent of the country's total workforce. Organizing a trade union, dangerous and difficult as it already is, is no guarantee that workers would reap the benefits from a collective bargaining agreement. Laws, policies and practice continue to exclude millions from meaningful bargaining coverage. Collective bargaining is weakened not only by exclusion but also by excessive interventions in the bargaining process itself.

Governments should be referees, not substitute negotiators. Yet workers continue to face intervention by both the DOLE and other government agencies that affect the outcome of collective bargaining. One glaring example of overreach is the overuse and abuse of the Secretary of Labor and Employment under article 278 of the Labor Code to assume jurisdiction of actual collective industrial actions or brewing labour disputes as a result of CBA deadlock or unfair labour practice and union busting. Under the international labour standard, restrictions on collective individual action are generally justified only in essential services in the strict sense of the term – services whose interruption would endanger the life, personal safety or health of the population.

However, the scope of industries indispensable to the national interest in the Philippines has expanded beyond those limits. Assumption orders had been issued in hotel, education, electronics, manufacturing, telecommunications, beverage production, transportation and other sectors. As a result, bargaining disputes that should be settled at the negotiating table opened up at the Government's desk. Assumption of jurisdiction impedes union power and effectively neutralizes the right to collective industrial actions of workers and enables state forces and private security to use violence to disperse striking workers. In a dispute involving a multinational soft drinks company, collective bargaining reached a deadlock but before workers could fully exercise their bargaining leverage, an assumption of jurisdiction order intervened. The collective industrial action stopped. The dispute moved to compulsory proceedings and collective bargaining ceased to be voluntary. The Convention promotes collective bargaining. It does not contemplate collective bargaining being replaced by compulsory arbitration at the first sign of deadlock. A similar concern exists in the electric power sector.

Workers in electric cooperatives continue to face interference arising from actions of national electrification administrations. NEA Memorandum No. 23-052 and all related policies subjected collective bargaining agreements to layers of review and approval, restricted provisions involving wages and benefits and effectively inserted third party oversight into matters that should be determined through negotiations between workers and management. Trade unions reported delays in the conclusion of collective bargaining agreements and obstacles to freely negotiated settlement. Although the NEA administrator reportedly committed in 2025 to withdraw the questioned policies, they have only been suspended. As long as they remain in place, their chilling effect on collective bargaining persists.

Significantly, even the NTIPC approved in principle a resolution calling for the total revocation of Memorandum Circular No. 2023-052, recognizing its incompatibility with free and voluntary collective bargaining. Yet despite this recognition, the Government continues to ask the Committee to defer scrutiny while the disputed policy technically remains in force, albeit suspended.

The Committee should likewise examine article 279 of the Labor Code and its chilling effect on collective bargaining. The concern is not theoretical. A recent example is the dispute involving a multinational electronics company where union leaders were illegally dismissed around the time of CBA negotiations. The union launched collective industrial action due to these determinations and the non-implementation of previously penned provisions of the CBA,

and was issued assumption of jurisdiction. The union stood firm and it ended in victory for the workers. In a hotel chain, workers lost their jobs over a collective hair-grooming protest. In a local university, a delay of less than a day in returning to work cost union officers their employment and was considered as defiance of the assumption of jurisdiction.

The pattern is difficult to ignore: bargaining disputes, union leaders' dismissals, workers are told they have the right to organize, to bargain and to collective industrial action, but exercising those rights can cost them their jobs. Many will choose silence over participation. Moreover, the practice of red-tagging, threats, surveillance and illegal arrests and detention continues. There were 69 cases of red-tagging, threats and surveillance in 2025 alone according to the Workers' Rights Watch Report, victimizing 11,280 workers. There were seven cases of filing trumped-up charges, illegal arrests and detention, victimizing nine workers. There were at least six cases of union busting affecting 867 trade union leaders and key members and 11 cases of constructive or illegal dismissal affecting 377 workers who were organizing.

A right exercised under fear is not a right fully enjoyed. We respectfully call to: certify as urgent the passage of enabling law for Convention No. 151; align the Labor Code provisions on assumption of jurisdiction by certifying as urgent the passage of House Bill No. 90; repeal and substantially amend article 279 of the Labor Code to remove disproportionate penalties that shield collective bargaining; rescind all NEA policies that unduly interfere in collective bargaining in the electric power sector and ultimately review the NEA Charter; certify as urgent the security of tenure legislation in industrial relations reform measures that expand collective bargaining coverage; extend collective bargaining rights and protection to contractual, platform, informal economy, migrant, job order and contract of service workers; align laws, regulations and practices with the Convention and fully implement the recommendations of the ILO High-Level Tripartite Missions and ILO supervisory bodies; abolish and defund the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and redirect resources toward labour inspection, social dialogue and protection of freedom of association and collective bargaining. For some workers, the price of collective bargaining has been their employment. For others, it has been their freedom. For far too many trade unionists, it has been their lives.

Employer member, Philippines – I have the honour to speak on behalf of the Employers Confederation of the Philippines (ECOP), the recognized representative of Philippine employers in the ILO. We respectfully submit that the inclusion of the Philippines on the short list of cases under the Convention does not fully reflect the significant progress achieved by the Government and the social partners in recent years. The Philippines has not stood still. Employers, workers and the Government have invested substantial effort in responding to concerns raised by the ILO supervisory bodies. The record before the Committee demonstrates continued engagement, meaningful reforms, strengthened institutions and progress in the promotion of freedom of association and collective bargaining.

Allow me to highlight three developments that demonstrate the country's commitment to the principles embodied in the Convention. First, the Philippines has undertaken important institutional and policy reforms to strengthen the protection of workers' rights and improve accountability. A major development has been the strengthening of national mechanisms addressing allegations involving freedom of association and trade union rights. This effort was reinforced through Executive Order No. 23 which strengthened the Inter-agency Committee on Freedom of Association and the Protection of the Right to Organize. The mechanism enhances coordination among agencies responsible for labour, justice, law enforcement and

human rights matters and provides a structured process for addressing concerns and improving accountability.

The Government has likewise adopted the 2024 Rules and Regulations Governing the Exercise of the Right of Government Employees to Organize, modernizing procedures relating to collective negotiations, representation and dispute resolution in the public sector. The Government has also continued to engage constructively with the ILO supervisory system and has consistently provided information requested by the Committee of Experts regarding measures taken to address outstanding concerns. These actions demonstrate the willingness to strengthen institutions and improve compliance through practical reforms.

Second, these institutional reforms have been accompanied by a renewed commitment to social dialogue. Following the visit of the ILO High-Level Tripartite Mission in January 2023, an important process of engagement produced tangible results. One of the most significant outcomes was the Leaders' Forum statement jointly signed by employer and worker leaders. The statement reflected a shared commitment to promote freedom of association, strengthen social dialogue and address concerns through constructive engagement. The Leaders' Forum statement was complemented by the freedom of association road map developed through consultations among employers, workers and the Government together. These initiatives provide a practical framework for strengthening institutions and resolving concerns through dialogue rather than confrontation.

The NTIPC has likewise been revitalized providing an important venue through which employers, workers and the Government can discuss labour relations issues and develop consensus-based solutions. Another significant milestone was the high-level dialogue convened by the Presidential Executive Secretary involving senior Government officials, employer representatives and trade union leaders. This demonstrated commitment at the highest levels of the Government to strengthening confidence in the country's industrial relations system. Taken together, these initiatives represent a serious effort to rebuild trust, deepen dialogue and strengthen cooperation among the social partners.

Third, these reforms and dialogue mechanisms are producing measurable results. Philippine employers note that many allegations repeatedly cited in discussions concerning the Philippines relate to events that occurred several years ago. Since then, extensive information has been provided by the Government and significant efforts have been undertaken to address these concerns raised by the supervisory bodies. Progress in collective bargaining continues. As of June 2025, there were 1,278 registered CBAs covering more than 313,000 workers in the private sector with additional agreements covering workers in electric cooperatives, most notably the number of registered agreements increased by approximately 7.3 per cent compared with the previous year. These figures represent real workers benefiting from collective bargaining and real enterprises participating in social dialogue. They demonstrate that collective bargaining remains active and continues to expand. While challenges remain, particularly given the size of the informal economy and the prevalence of micro and small enterprises, the overall trajectory is moving in a positive direction.

When we review the evidence objectively, three achievements stand out. First, the strengthening of accountability and coordination mechanisms through Executive Order No. 23 and related reforms. Second, the development of a reform agenda through the Leaders' Forum statement, the freedom of association road map and the revitalization of the NTIPC. Third, the continued growth of collective bargaining coverage alongside sustained engagement with the ILO supervisory process. These are not characteristics of a country refusing to engage with international labour standards. Rather, they are the characteristics of a country actively

working to address concerns through dialogue, cooperation and institutional reform. For this reason, Philippine employers respectfully submit that the progress achieved by the Philippines merits recognition within the Committee's assessment. Continued encouragement of these efforts supported by technical assistance and constructive engagement will contribute more effectively to the realization of the Convention than a focus on past allegations alone.

We therefore respectfully request that the ILO continue providing technical assistance to support ongoing reforms. Technical cooperation, capacity-building and continued engagement with the social partners will do far more to advance freedom of association and collective bargaining than repeated scrutiny alone. We likewise encourage a constructive and evidence-based consideration of the issues before the Committee consistent with the principles of fairness, objectivity and due process. The Philippines has chosen engagement over confrontation, reform over complacency and dialogue over division. The Philippines does not seek exemption from scrutiny. It seeks recognition of progress and encouragement for continued reform and support for the constructive efforts already being undertaken by the Government, employers and workers alike. Philippine employers therefore respectfully urge the Committee to acknowledge the substantial progress achieved, encourage the continuation of ongoing reforms, support enhanced technical cooperation and reinforce the positive trajectory that is already under way. By supporting continued engagement and constructive tripartite action, the Committee can make its most meaningful contribution to further realization of freedom of association and collective bargaining in the Philippines.

Government member, Cyprus – I speak on behalf of the **European Union (EU) and its Member States**, the candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, as well as the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, which align themselves with this statement. First of all, we would like to express our solidarity to the people of the Philippines following the aftermath of the recent earthquake that hit southern Philippines. We are committed to the respect, protection and fulfilment of labour rights including the right to organize and to collective bargaining.

We promote universal ratification and effective implementation of fundamental ILO Conventions and support the ILO supervisory system in its crucial role of promoting and supervising the application of ratified standards. We recall that the Philippines ratified the Convention in 1953. We are concerned by the latest observation of the Committee of Experts regarding the application of this fundamental Convention. We note with concern the lack of detailed information provided by the Government on the allegations raised by the International Trade Union Confederation (ITUC) and the observations of the 2018 report of the Committee of Experts, which concern alleged union-busting practices, blacklisting and anti-union dismissals and suspensions in three companies. We recall the Committee of Experts' observations that despite measures taken by the Government, the latter needs to intensify its efforts to ensure that all workers covered by the Convention can effectively benefit from its guarantees including the right to collective bargaining.

We further call on the Government to engage in dialogue with the social partners to explore ways of operationalizing collective bargaining for self-employed workers and non-standard categories of workers including those working in the informal economy. We call on the Government to engage in consultations with the social partners concerned to explore ways that would allow all workers covered by the Convention, including public sector employees not engaged in the administration of the State, to negotiate their terms and conditions of employment. These should include negotiating wages, benefits, allowances and

working time. We ask the Government to take the necessary measures to that effect. We welcome the increase in the number of collective agreements concluded.

Nevertheless, we are concerned that the number of workers covered by these agreements continues to be extremely low compared to the overall size of the working population in the country. We therefore call on the Government to continue taking all necessary legal and practical measures to promote the full development and utilization of collective bargaining under the Convention. We will continue to follow the situation closely and remain committed to promoting the right to organize and to collective bargaining. In this regard, we invite the Government to avail itself of the technical assistance of the ILO.

Government member, Brunei Darussalam – I have the honour to deliver this statement on behalf of the **Association of Southeast Asian Nations (ASEAN)**. ASEAN recognizes that the Committee's work remains relevant in providing guidance to countries to ensure full respect for fundamental principles and rights at work. We note the Philippines' constructive and cooperative engagement with the ILO supervisory process, including timely submission of requested reports and information, particularly for the issues raised in the report of the Committee of Experts. On the issues addressed by the Committee of Experts, we note the concerns raised on the issue of collective bargaining in electric cooperatives and recognize the concrete actions taken by the Government to address the issue prior to this discussion. We recognize the importance of this sector to the Philippine economy and public interest. We, therefore, encourage the Government to continue engaging workers' and employers' organizations, as well as relevant regulatory agencies to work towards a workable solution that respects collective bargaining rights and public interest considerations, including the finalization of a manual on collective bargaining in electric cooperatives.

On assumption of jurisdiction, we note the diverse views and support continued discussions between the social partners and the Government in this regard. We also note the Philippines' clarification that within its labour relations system, this mechanism is used exceptionally and with due regard to the specific nature of the case and impact on national interest.

On determination of bargaining representatives, we welcome the Government's assurance that the recent ruling of the Court of Appeals will not diminish the right of workers to collective bargaining. We encourage the continued dialogue and consultation with the social partners to ensure that the process remains objective, impartial and supportive of workers' right to collective bargaining.

On issues related to the scope and content of collective bargaining, both in the informal economy and the public sector, we note that the Convention allows flexibility in its application consistent with national conditions. In this regard, we encourage the Government and the social partners to work together constructively towards a way forward that takes into account both collective bargaining rights and the country's socio-economic landscape.

We believe that the Government's commitment to social dialogue has resulted in tangible results. In the past, the Committee examined the Philippines' application of Convention No. 87. Since then, substantial progress has been made which the Committee of Experts also noted with interest in its report. ASEAN is confident that the Philippines, in consultation with the social partners, can achieve similar results in relation to Convention No. 98. Finally, we share the Government's view that the present discussion should focus on matters addressed by the Committee of Experts' report. This ensures a balanced discussion that is respectful of the time, mandate and resources of the Committee and remains consistent with the objective of the ILO supervisory mechanism.

Employer member, Malaysia – The Malaysian Employers Federation (MEF) wishes to recognize the efforts of the Government to promote collective bargaining while taking into account national circumstances, public interest considerations and the specific characteristics of regulated sectors. The Convention promotes voluntary collective bargaining and constructive social dialogue. At the same time, its implementation must be assessed within national legal and institutional frameworks, particularly in sectors that provide essential services to the public. In this regard, we take note of the Government's explanation concerning electric cooperatives. These entities are entrusted with ensuring reliable and affordable electricity services, particularly in rural and geographically isolated communities.

We understand that the measures adopted by the relevant authorities were intended to take into account social and economic considerations while safeguarding the operational and financial viability of these cooperatives and the continuity of electricity services. We also note that the Government has addressed the concerns raised through dialogue and consultation. The DOLE convened discussions involving the NEA, the trade union POWER-SENTRO and other stakeholders and the contested issuance has been suspended pending further consultations. This demonstrates a commitment to tripartism and the use of an established mechanism to address differences constructively. We further welcome the ongoing efforts to develop a collective bargaining manual for the power sector and the proposal to establish a national tripartite council for electric cooperatives. This initiative seeks to promote clarity, consistency and cooperation among the parties concerned and provide a framework for addressing issues through dialogue.

Taken together, these developments demonstrate that domestic institutions are functioning and that concerns raised by the social partners are being addressed through consultation and engagement. They also reflect a willingness to pursue practical solutions that balance the interests of workers, employers, regulators and the communities served by electric cooperatives. The MEF therefore encourages the Philippines to continue its engagement with workers' organizations and other stakeholders in the spirit of cooperation. We likewise encourage continued efforts to strengthen collective bargaining practices while recognizing the public interest, responsibility entrusted to electric cooperatives.

In this context, we encourage the Committee to adopt conclusions that support voluntary collective bargaining, recognize national conditions and allow ongoing domestic processes to continue producing practical and sustainable results consistent with the objectives of the Convention.

Worker member, Italy – I am speaking on behalf of the Italian Workers' delegates. We wish to express our serious concern at the persistent non-observance of the Convention by the Philippines.

Firstly, we wish to draw the Committee's attention to the continued misuse of the "admission of jurisdiction" mechanism. The power of admission of jurisdiction – a remnant of the authoritarian system of labour relations imposed during the Marcos dictatorship of the 1970s – grants the Executive Branch extraordinary powers to suspend strikes, order a return to work and, in practice, determine the outcome of labour disputes.

These powers have been repeatedly criticized by the ILO supervisory bodies as being incompatible with the principles of freedom of association and collective bargaining when applied beyond genuinely essential services.

In response to repeated observations by the ILO, the Aquino Government issued Department Order (DO) 40-H-13 of 2013, which expressly sought to delimit the scope of

industries considered indispensable to the national interest and to bring practices into line with international labour standards. This reform represented the Government's own acknowledgement that the unrestricted use of the power of admission of jurisdiction was problematic and required clear limits.

However, despite the department order being in force, the Department of Labor continues to invoke the admission of competence in sectors that clearly fall outside the strict definition set out in the order and in ILO jurisprudence.

The issue before the Committee is no longer merely one of non-compliance with the Convention; it is also a matter of the Government disregarding the very standards it adopted in response to previous criticisms by the ILO.

The Government acknowledges that these powers have been exercised across a wide range of sectors under the expansive and vague concept of national interest. This approach is incompatible with the established principles of the ILO, according to which restrictions on the right to industrial action must be limited to services whose disruption would endanger the life, personal safety or health of all or part of the population.

The consequences are far-reaching. When employers know that the State may intervene at any stage to suspend or neutralize the right to industrial action, the incentives for genuine collective bargaining are weakened, and negotiations cease to be free and voluntary, becoming instead dependent on administrative intervention.

We also note persistent concerns regarding trade union recognition procedures, restrictions affecting workers in electricity cooperatives, and the delayed application of Convention No. 151 in the public sector. These issues underscore the need for comprehensive reforms to strengthen collective bargaining rights in the Philippines.

We therefore urge the Committee to call upon the Government to put an end to the misuse of admission of jurisdiction, to faithfully implement Departmental Order 40-H-13, to strictly limit any intervention to genuinely essential services in accordance with ILO principles, and to undertake the necessary reforms to ensure full compliance with Conventions Nos 98 and 151.

Employer member, Indonesia – The Employers' Association of Indonesia (APINDO) wishes to emphasize the importance of the rule of law in the application of the Convention. Effective industrial relations systems depend not only on the recognition of rights but also on the institutions capable of interpreting, implementing and enforcing those rights in a predictable and lawful manner. In this regard, the information provided by the Government demonstrates that its legal and institutional mechanisms are functioning. Courts have reviewed measures affecting labour relations, competent authorities have complied with judicial decisions and the Government has taken steps to ensure that labour relations continue to operate within the framework established by law. We further note that in complying with the court's ruling, the Government took measures to preserve stability in existing or active bargaining relationships. This reflects an effort to uphold the rule of law while maintaining continuity and certainty for workers, employers and bargaining units. We also take note of the Government's clarification that the court's decision should not be interpreted as diminishing collective bargaining rights. Rather, it reaffirmed the process established under the Labor Code for determining the sole and exclusive bargaining agent through certification elections. Certification elections remain an important democratic mechanism in labour relations. Through this process, workers are able to choose their bargaining representative by secret ballot under the supervision of the DOLE, supported by safeguards intended to protect

workers' freedom of choice. These developments demonstrate that concerns arising within the labour relations system can be addressed through established legal and institutional processes. Indonesian employers therefore encourage the Committee to recognize these institutional responses and support continued implementation through social dialogue and lawful procedures.

With respect to the issue of assumption of jurisdiction, we note the Government's explanation that this is an exceptional mechanism intended to preserve industrial peace and prevent labour disputes from escalating in industries affecting the national interest.

We encourage the Committee to examine this matter carefully and within the proper scope of the Convention. It is important to recognize that the Government may, in exceptional circumstances, face the responsibility of balancing the protection of workers' rights with broader public interests and the need to maintain social and economic stability. In our view, conclusions should recognize both objectives: the promotion of collective bargaining and workers' rights, on the one hand, and the legitimate role of States in safeguarding industrial peace and public welfare in exceptional situations, on the other.

Worker member, France – In the Philippines, millions of workers are still unable to fully exercise their right to collective bargaining. Out of more than 50 million workers, only 307,788 are covered by collective agreements, representing barely 1 per cent of the workforce. For them, the agreement remains an unfulfilled promise.

I shall begin by referring to the exclusion of prison guards, prison staff and firefighters, who do not perform duties directly related to national security. These workers remain deprived of the right to organize and to bargain collectively, despite the ratification of Convention No. 151.

In theory, Ministerial Order No. 174 of 2017 stipulates that workers supplied by employment agencies or labour cooperatives are entitled to the same rights as workers directly employed by the user undertaking.

In practice, however, these rights often exist only on paper. Workers employed under subcontracting arrangements face precarious working conditions, short-term contracts and constant job insecurity. A worker who does not know whether they will still have a job the following month is unlikely to be able to negotiate better wages for the coming year. The problem is exacerbated by the growing use of bogus self-employment, particularly in the agriculture, food production, transport and delivery services sectors.

Given that the right to collective bargaining, as provided for by the Philippine legislation, is protected only for workers in formal employment relationships, workers in disguised employment are classified as self-employed contractors – simply because they own a motorbike, a bicycle or a vehicle. Yet their work is supervised, monitored and organized by the platform or company that employs them. It is the company that owns the algorithm, controls the routes, the customers, the ratings and, ultimately, the worker's livelihood. Despite a series of court rulings recognising the employee status of cycle couriers, labour legislation in the Philippines remains powerless in the face of the widespread practice of disguised employment in the rapidly expanding platform economy sector.

Finally, trade unions campaigning for the right to collective bargaining continue to be exposed to "red-tagging" – the practice of publicly linking trade unionists to subversive or insurgent groups. A right exercised in fear is not a right fully exercised.

Workers should not have to choose between keeping their jobs and asserting their rights. Collective bargaining cannot flourish where trade union leaders are dismissed, where bargaining units disappear overnight, where workers are portrayed as independent contractors, or where fear hangs over every attempt at unionization.

Employer member, Cambodia – The Cambodian Federation of Employers and Business Associations (CAMFEBA) supports a constructive and forward-looking approach in this case concerning the Philippines under the Convention. The discussion before the Committee highlights the practical challenges involved in extending collective bargaining opportunities to all workers. These include questions relating to public sector bargaining, non-standard forms of employment and workers in the informal economy. We note that the Committee of Experts has encouraged the Government to continue dialogue with the social partners, with the support of technical assistance from the Office, to explore practical ways of extending collective bargaining opportunities to workers in the informal economy and those in non-standard forms of employment.

We also note the Committee of Experts' encouragement for continued consultations on public sector bargaining. In reality, public administration often involves specific legal, constitutional and budgetary considerations. While these should not prevent meaningful dialogue, they may require solutions that take account of national circumstances and legal frameworks. In this regard, technical assistance can play an important role in helping governments and social partners identify practical approaches that advance the objectives of the Convention while remaining consistent with domestic law. We therefore encourage continued engagement among the Government, employers, workers and the Office.

The Committee of Experts has also considered allegations concerning anti-union discrimination, interference, harassment and violence. We fully agree that such allegations must be treated seriously and investigated promptly. Respect for the freedoms of association and collective bargaining requires an environment in which rights can be exercised free from intimidation and unlawful interference. At the same time, effective action depends on establishing the relevant facts and ensuring due process. Distinguishing between established violations, pending cases and allegations that remain under investigation is important for both accountability and fairness.

Where allegations involve threats, violence or other criminal acts, responses often require coordination among labour authorities, law enforcement agencies, prosecutors and other competent institutions. These issues extend beyond labour administration alone and require a coordinated approach. CAMFEBA therefore encourages the promotion of the Employers Confederation of the Philippines (ECOP), continued social dialogue, technical cooperation and institutional building as the most constructive means of advancing the objectives of the Convention. We believe that sustained engagement among the Government, workers, employers and the Office offers the best path toward practical solutions, strong labour relations and the effective implementation of the Convention.

Worker member, Indonesia – The Philippines has long recognized the right of Government employees to form and join unions. This is an important achievement and deserves recognition. However, the Convention is not only about the existence of unions. It is about promoting voluntary collective bargaining as a means of determining terms and conditions of employment.

In the Philippine public sector, significant challenges remain. Executive Order No. 180 recognizes the right to organize but limits collective negotiations to matters not otherwise fixed by law. As a result, key issues such as wages, allowances and many economic benefits

remain outside meaningful bargaining. The Committee of Experts has consistently emphasized that workers covered by the Convention should be able to negotiate terms and conditions of employment including wages, benefits, allowances and working time. This concern is particularly relevant given the composition of the public workforce.

Government data indicate that the public sector employs around 2.1 million workers, including approximately 920,000 job order and contract of service workers. These workers perform regular and essential public functions. They support local government services, hospitals, educational institutions, government programmes and administrative operations. Yet many remain excluded from a collective bargaining mechanism because they are not considered government employees for the purposes of public sector labour relations. This means that nearly 1 million workers who help deliver public services have no effective access to collective bargaining.

The Committee may also wish to consider the broad exclusion under Executive Order No. 180. While international labour standards recognize that public servants engaged in the administration of the State may be treated differently, this exception should remain limited. Teachers, nurses, university personnel, local government workers and other public employees who are not engaged in the administration of the State should not be deprived of meaningful collective bargaining rights.

The Philippines has made important progress in recognizing public sector unions and establishing collective negotiation mechanisms. These efforts deserve acknowledgement. However, the continued exclusion of a large segment of the public workforce and the limited scope of negotiable matters demonstrate that further reforms are necessary to fully realize the objectives of the Convention.

We therefore encourage the Government, in consultation with workers' and employers' organizations, to review existing laws and practices affecting collective bargaining in the public sector including the situation of job order and contract of service workers. A worker who delivers public services should not lose their right to a meaningful voice simply because the employer is the State.

Worker member, Belgium – I am speaking on behalf of the Belgian and Dutch workers and the workers of the Nordic countries. Any assessment of the situation in the Philippines in light of the Convention cannot ignore the enormous problem of contract work. The rapid expansion of contract work and other forms of precarious employment has, in effect, made collective bargaining inaccessible to millions of workers. For many of them, the right to collective bargaining exists in law, but vanishes at the factory gates.

Despite the scale of the problem, the Government does not provide comprehensive statistics on the extent and forms of contract work. An estimate dating from March 2026 suggests that between 60 and 70 per cent of the country's 31.3 million employees are on multi-party employment contracts. In some sectors, regular employment has become the exception. In fruit processing plants, for example, the ratio of regular workers to contract workers is said to have dropped from 1 to 4 in 2016 to around 1 to 14 today.

In principle, Order No. 174 of 2017 issued by the Department of Labor and Employment grants contract workers the same rights as regular workers, including the right to organize and to collective bargaining. In practice, however, workers are often forced to negotiate with recruitment agencies, cooperatives or intermediaries rather than with the main company that controls the workplace and benefits from their labour. Thus, the real decision-maker remains behind the scenes.

The widespread use of short-term, successive contracts creates insecurity and discourages workers from joining trade unions or asserting their rights. Workers who fear losing their jobs tomorrow are, quite rightly, reluctant to negotiate better conditions today.

This situation is all the more worrying given that the Labor Code already provides for a solution: article 106 expressly empowers the Minister of Labour to restrict or prohibit contract work in order to protect workers' rights. Unfortunately, however, this power remains largely underused.

Even when labour inspections conclude that workers are regular employees, their findings are not always upheld. In Palawan, for example, the DOLE regional authorities ruled that around 600 workers at a major engineering firm were regular employees. However, this decision was overturned on appeal by the Secretary's office. Similar reversals have been reported in the textile industry, affecting hundreds of workers. Such outcomes inevitably undermine confidence in labour inspection and enforcement mechanisms.

The Convention is not merely intended to enable workers to form trade unions. It aims to ensure that they have a legitimate negotiating partner, adequate security of employment and a legal framework that encourages collective bargaining.

Collective bargaining cannot thrive if workers are treated as temporary, disposable or invisible employees. A worker whose contract expires after a few months is unlikely to negotiate a better future; more often than not, they are negotiating simply to keep their job for the next day.

Worker member, Republic of Korea – Let me begin by repeating the figures. Out of an economically active population of 51.65 million, only 308,956 workers – less than 1 per cent – are covered by collective bargaining agreements (CBAs) or collective negotiation agreements (CNAs). This is the reality behind today's case. Under the Convention, the central obligation of the Government is to facilitate collective bargaining. Article 4 requires it to actively encourage and promote bargaining, not merely to permit it.

In its written information, the Government tells the Committee that the invalidation of Department Order (DO) 40-J, the procedure for certifying unions as the sole and exclusive bargaining agent (SEBA), changed nothing of substance, and that collective bargaining rights remain fully respected.

The procedure in question allowed a union that had already proven its majority, a single union organizing most of the workers in an establishment, to be recognized as the bargaining agent and to begin bargaining without delay. This was exactly the facilitation that Article 4 of the Convention requires. When an employer had it struck down in court, for not being expressly written into the statute, the Government had two proper responses: to defend the mechanism before the Supreme Court, or to legislate and fill the gap. It did neither. Instead, it discontinued DO 40-J for all workers. The Government abandoned its obligation under the Convention.

The Committee of Experts asked the Government to explain the practical impact of this change. Its written information does not answer. Let me answer, with two cases.

In the first, delivery workers at a platform company in the Cavite region had gathered majority signatures and sought recognition directly. When DO 40-J was struck down, their request became a full certification election. That delay is not harmless: workers are dismissed, reclassified or discouraged before bargaining can begin.

In the second, at another platform company, a union of riders had been certified as the bargaining agent. Yet the company dismissed its president and reclassified the riders as independent contractors. When the labour commission ordered 131 of them reinstated, the company refused to reinstate them or to bargain, claiming no bargaining unit remained. The certified unit was dismantled before bargaining ever began. This is the practical impact. The right to bargain collectively was recognized in form and defeated in fact.

In conclusion, the Korean workers urge the Government to continue to make an expedited process for certification available to unions not involved in the case decided by the Court of Appeals and to secure a legislative measure which allows for expedited certification of unions with clear majority status.

Worker member, Fiji – I can say that the examination of the Philippines under the Convention would be incomplete without addressing the continuing interference of the National Electrification Administration (NEA) in collective bargaining through NEA Memorandum Circular No. 2023-052, which subjected collective bargaining agreements to NEA review and approval. This effectively inserted a third party into what should be a bipartite process between workers and management.

For more than a decade, workers' organizations have raised concerns before the ILO regarding restrictions affecting approximately 20,000 workers in 120 electric cooperatives serving some 15 million member-consumer households. These concerns go to the very heart of the Convention: the promotion of free and voluntary collective bargaining.

The Committee of Experts has already observed that third-party intervention in collective bargaining substantially alters its bipartite character and is not conducive to voluntary collective bargaining. Yet the NEA continues to exert influence over labour relations in the sector.

The NEA exercises extensive control and authority over electric cooperatives. It is the registrar, bank, supervisor and regulator of electric cooperatives. The NEA, rather than the member-consumers of the cooperative, is fully empowered to disqualify, suspend, remove or replace directors and officers. Member-consumers, who should be the true owners of the cooperative, do not exercise meaningful control over operations, do not receive dividends and possess no true ownership rights beyond electing board members.

Revocation or suspension of NEA MC 2025-052 is not sufficient to address the lack of freedom of association and collective bargaining in electric cooperatives. Even if the Government says that it has currently suspended MC 2025-052, the practical effect is that, without provision for observing the Labor Code framework in CBAs, it will restore MC 2014-003, which has the same effect as MC 2025-052. As long as there is no NEA issuance on the claimed implementation of the Labor Code framework in electric cooperatives, violation of Article 4 of the Convention will persist, and CBAs in electric cooperatives will only be just for show.

We note that the tripartite has reportedly supported the total revocation of MC 2025-052. But we stress that the tripartite also pushed for the committed DOLE-NEA issuance on the full observance of freedom of association and collective bargaining in electric cooperatives.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – The Committee of Experts repeatedly emphasized that restrictions on industrial action in the name of the national interest must be limited to essential services in the strict sense of the term, namely services whose interruption will endanger the life, personal safety or health of the whole or part of the population.

We wish to address the growing pattern which has emerged whereby employers, particularly large multinational corporations, are able to secure administrative intervention from the DOLE through the Secretary of Labor and Employment's assumption of jurisdiction powers whenever collective bargaining negotiations reach a deadlock. The following case demonstrates how these powers are being used in practice.

On 26 September 2024, a very big company, which calls itself "the leading manufacturer and supplier of carbonated and non-alcoholic beverages", filed a petition of assumption of jurisdiction over two disputes at their transport operations premises in Greater Manila and South Luzon. Following prolonged collective bargaining negotiations and failed mediation, trade unions representing delivery and logistics workers sought to address discriminatory treatment in health, accident insurance and pension benefits.

Rather than engage in meaningful negotiations, the management of this company allowed bargaining to deadlock and, once workers voted in favour of industrial action in accordance with the law, petitioned the Secretary of Labor and Employment to assume jurisdiction over the dispute. As a result, the trade unions were prevented from exercising their collective power and were ultimately compelled to abandon their demands. In 2025, three additional trade unions representing workers of the same "world leading brown soda company" in Isabela and Bulacan experienced the same pattern.

The interventions of the Secretary of Labor and Employment were based on the employer's assertion that distribution of carbonated soft drinks was indispensable to the national interest. This classification effectively transformed an ordinary collective bargaining dispute into a matter of state intervention and deprived workers of the necessary leverage for genuine collective bargaining.

These cases reveal a structural problem. Employers have come to regard the assumption of jurisdiction as a predictable mechanism through which they can avoid the economic consequences of failed bargaining and they have diminished incentives to negotiate in good faith.

Collective bargaining cannot be considered voluntary where the State intervenes to suspend industrial action. We call on the Government to abandon this practice and reconstruct in practice the fundamental workers' rights under the Convention.

Observer, Public Services International (PSI) – First of all, we would like to emphasize that, by ratifying Convention No. 151, the Philippines has taken an important step towards granting collective bargaining rights to public sector workers. This deserves recognition.

However, problems still remain, and I would like to mention some of them. According to Executive Decree No. 180, only terms and conditions that are not fixed by law may be negotiated. Currently, wages, benefits, allowances, assignments and working hours are excluded from negotiations. These are not minor omissions; pay and working hours are undoubtedly the most important issues for workers, as they form the basis of any fair collective agreement, directly affecting their livelihood, job satisfaction and general well-being. Although the Government informed the Committee of Experts that it remains open to exploring alternative mechanisms to collective bargaining on pay, no consultations on this matter have yet taken place.

The same legislation continues to prevent firefighters, prison guards and subcontracted workers in the public sector from benefiting from collective bargaining. The jurisprudence of the ILO supervisory bodies clearly establishes that the duties of these categories of workers do not justify their exclusion from the application of the Convention.

The procedure for certifying the sole and exclusive bargaining agent (SEBA) remains a major obstacle. In addition to requiring an absolute majority to obtain this certification, the differing definitions of bargaining units across the various government structures represent another significant barrier for trade unions. For example, in the basic education sector, which employs more than 900,000 teachers, a regional office is considered an organizational unit. However, each region has between 20,000 and 95,000 state school teachers. Under current guidelines, a trade union requires the support of 10 per cent of the employees in that unit. For state school teachers, this translates into an exceptionally high threshold of between 2,000 and 9,000 members just to initiate negotiations.

Community health workers, mostly women on low incomes, are the backbone of primary healthcare in the Philippines. By the end of 2025, there were more than 270,000 of them working in the country's 26,000 health centres, providing essential services in remote and marginalized areas. Despite their indispensable role, Act No. 7883 classifies these workers as volunteers, denying them formal employment status, fixed wages and social protection; consequently, they are unable to bargain collectively. Their monthly allowances, which range from around US$6 to an average US$51, are well below the minimum wage. Furthermore, the majority receive no risk allowances, benefits or transport allowances, leaving them undervalued and vulnerable despite their contribution.

We therefore urge the Government to address these issues and ensure that both law and practice comply with the Convention.

Government representative – We respectfully request the Committee's indulgence to allow the Government to respond and clarify the matters raised, point-by-point.

The Government recognizes the close relationship between Conventions Nos 87 and 98. We also fully respect the rights of workers' organizations to raise concerns before the ILO supervisory bodies.

We note the following interventions referring to observations closely related to Convention No. 87, particularly the Workers' Rights Watch Report mentioning the recommendations of the ILO High-Level Tripartite Mission. This refers to the:

- alleged red-tagging, threats, and surveillance of union workers;
- alleged illegal detention and trumped-up charges against union workers;
- call for the abolition and defunding of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

These concerns relate to Convention No. 87. In September 2025, the Government submitted reports on the progress of these recommendations, including the implementation of the tripartite road map on freedom of association. As there is a tripartite understanding that the road map is a living document, the Government respectfully submits that the issues raised concerning Convention No. 87 can be addressed within this framework and through existing tripartite and bipartite social dialogue processes.

General allegations of violations, union busting and unfair labour practice are concerns that can be more effectively addressed when they are supported by specific facts and raised at the earliest opportunity before domestic mechanisms. This does not mean that the Government disregards the concerns raised. On the contrary, where specific cases have been identified, they have either been acted upon or remain subject to available administrative and judicial remedies.

In the informal economy and non-standard forms of work, we respectfully reiterate that the issue is not the absence of legal avenues for organization and representation but the need to develop mechanisms suited to informal work. Workers in the informal economy may form associations and negotiate with appropriate authorities for mutual aid and protection. The issues on the platform economy are valid and a global concern. This is the precise reason why the Philippines is actively participating in the standard-setting discussions and awaits the results of the negotiations on the proposed Convention complemented by a Recommendation.

On the right to bargaining in the public sector, we wish to inform the Committee that there are registered organizations in the Bureau of Fire Protection and the Bureau of Corrections and these organizations have existing collective negotiation agreements (CNAs). There are also CNAs covering civilians or non-uniformed employees of the National Police Commission, the Department of National Defense, the Philippine Army and the Philippine Coast Guard.

On the limitations in the contents of collective bargaining in the public sector, the Government respectfully submits that this matter is governed by the Constitution. Under the Constitution, no public funds may be paid except pursuant to an appropriation made by law. This does not diminish collective negotiation in the public sector. Rather, it ensures that such negotiation remains consistent with public accountability, fiscal responsibility and the lawful use of public funds as directed by the Constitution.

On the issue of electric cooperatives, we recall the guidance of the Committee of Experts in the 2012 General Survey that public interest may be taken into account in the bargaining process. The Government emphasizes that electric cooperatives are public utilities and they are engaged in a service imbued with public interest. Electricity in the Philippines remains among the most expensive in Southeast Asia. As a developing country, uninterrupted and affordable electricity is essential, particularly in rural and geographically isolated communities. For these reasons, electric cooperatives are subject to state regulation.

As I have mentioned in my opening, the action of the National Electrification Administration (NEA) was prompted by the need to correct collective bargaining practices that negatively affected the viability of several electric cooperatives. Nonetheless, through social dialogue, progress has been made toward finding a workable bargaining framework that respects the workers' right to bargain collectively, on the one hand, and the public interest, on the other.

On the removal of sole and exclusive bargaining agent (SEBA) certification under DO 40-J, we need to emphasize that it was not revoked unilaterally by the Government but was made in compliance with the decision of the judiciary.

The Committee of Experts itself recognizes that both compulsory and voluntary recognition systems are acceptable, and that a compulsory recognition system is not by itself inconsistent with the Convention. In the Philippine jurisdiction, a certification election is the most democratic way for the workers to choose their representatives. When filed in unorganized establishments, it is automatic and is not subject to appeal. Nonetheless, as I have mentioned in my opening statement, we remain committed to working with the social partners in monitoring the impact of the court's decision and in formulating a more expedited certification system in unorganized establishments.

On the specific cases mentioned by the Worker members involving alleged delays, the Government acknowledges the concern on the duration of arbitration proceedings. At the same time, labour arbitration must observe due process, including proper notice, opportunity

to be heard, submission of evidence, and reasoned adjudication. Some cases take longer because of postponements, settlement efforts, motions and appeals. The Government continues to improve case management and disposition of labour cases but speed must be balanced with fairness, due process, and the enforceability of decisions.

On the alleged decrease in collective bargaining coverage, this is not a challenge unique to the Philippines. Globally, collective bargaining coverage and union density have been under pressure due to informality and non-standard work. In its 2025 and 2026 reports, the ITUC Global Rights Index itself acknowledges that this is a concern in 121 countries. In the Philippines, the purported declining collective bargaining coverage does not arise from a legal framework that restricts collective bargaining. In fact, the existing framework recognizes and protects this right. The Government is prepared to build on this foundation with the social partners to address gaps in practice.

On the issue of compulsory arbitration, called in the Philippines "assumption of jurisdiction", we submit that we have already explained, in our response dated 14 May 2026, why it is not inconsistent with freedom of association and the right to collective bargaining and how this authority is intended to protect workers, employers and the general public.

As emphasized in that report, the power of the Secretary of Labor and Employment to assume jurisdiction remains the exception rather than the rule. We have presented statistics to support this, including cases where trade unions themselves invoked the Secretary's authority in industries not traditionally classified as indispensable to the national interest. For example, one case involving a bus company and two cases involving banana-exporting companies. In these cases, the trade unions concerned cited as reasons the socio-economic impact of the labour disputes on the national economy, trade relations and government revenues. As the numbers demonstrate, the exercise of the power to assume jurisdiction is not automatic but guided by the imperatives of preserving employment and protecting public welfare.

May we also clarify that "assumption of jurisdiction" can only be invoked in three cases: (i) upon mutual agreement of both parties; (ii) *motu proprio*, after a conference; or (iii) upon petition or request by either party, also after a conference. Finally, this power is always subject to judicial review.

The Government notes the concern regarding possible legislative measures, including the law implementing Convention No. 151. We respectfully emphasize that legislation follows a constitutional process and requires deliberations by the Congress, informed by national conditions and tripartite consultations. The Government remains open to working with the Congress and of course the social partners on proposals consistent with the Constitution, national law and practice, as well as the Convention.

The Government receives these concerns in the constructive spirit of the ILO supervisory mechanism and remains prepared to clarify, validate and act on concrete actions. At the same time, we respectfully emphasize that meaningful social dialogue cannot rest on government action alone. It requires the cooperation of all stakeholders concerned and must be grounded in mutual trust, respect, and a shared commitment to resolve issues through established processes. In that regard, the Government supports an action-oriented conclusion that is based on factual submissions pertaining only to issues related to the Convention.

Finally, as the Committee carries out its important work on behalf of workers globally, attention should also reach workers whose situations remain less visible and who may lack the same opportunities to bring their concerns before international mechanisms.

Employer members – As we conclude, the Employer members once more stress that any law or practice that infringes on workers' or employers' organizations under the Convention is unacceptable.

While noting that the interventions on this case may have strayed onto matters not addressed in or relevant to the Convention, such as workers' rights to strike or collective action, we wish to reiterate that this matter is solely about the implementation of Convention No. 98 by the Philippines in law and in practice, nothing else.

To ensure full compliance with the Convention, Employer members request the Government to:

- ensure full respect of the rights and freedoms of workers and employers in the Convention;
- continue cooperating with the ILO and most representative employers' and workers' organizations to ensure the full application of the Convention in law and practice;
- provide information on concrete measures taken in this respect, including the development and reporting on any progress.

We trust that the Government will implement these recommendations in a timely manner to achieve full compliance with the Convention both in law and practice.

Worker members – The Worker members note that, despite sustained comments from the Committee of Experts over many years, important gaps remain between the requirements of the Convention and the situation of collective bargaining in the Philippines, in both law and practice. These gaps affect workers across a broad range of sectors and indicate that the difficulties are not limited to isolated areas but extend across the labour market.

We recall that Article 4 of the Convention places a clear obligation on Member States to establish and promote effective procedures for voluntary bargaining between workers' and employers' organizations, aimed at regulating employment conditions through collective agreements. This obligation requires a legal and institutional framework that enables all workers covered by the Convention to effectively exercise their right to collective bargaining.

In this respect, the Worker members remain seriously concerned that a wide range of workers continues to be excluded from collective bargaining. These exclusions affect workers in public services such as prison staff and firefighters, as well as those in outsourced, temporary, part-time and other non-standard forms of employment, alongside agricultural, domestic, migrant and self-employed workers.

The Worker members recall that such exclusions are incompatible with the Convention which applies to all workers in the private sector, regardless of their employment or residency status, and guarantees the right to collective bargaining to all public servants not engaged in the administration of the State.

In this regard, the Worker members must reiterate, for the benefit of all members of the Committee, that both the Committee of Experts and the Committee on Freedom of Association have systematically affirmed that the Convention provides for exceptions to its personal scope of application only with respect to the armed forces, the police and public servants engaged in the administration of the State. The Convention therefore applies to all other workers, including self-employed workers.

On an additional note, we observe with concern the continued expansion of subcontracting practices in the Philippines. The Worker members consider that, when such arrangements are misused, they can significantly weaken collective representation by

dispersing workers across multiple contractual relationships and undermining bargaining capacity. This is not a peripheral concern, but one that goes to the heart of the effectiveness of collective bargaining systems.

With respect to certification procedures in unorganized establishments, we take note of the recent judicial clarification concerning DO 40-J and the return to certification elections, as provided under the Labor Code. The Worker members remain concerned that the procedure does not provide sufficient guarantees against undue delays, interference, administrative barriers or procedural uncertainty that may undermine the recognition of trade unions as bargaining agents.

We remain concerned that collective bargaining in the public sector continues to exclude compensation and remains limited to matters not fixed by legislation. While the Government refers to established practice and the possibility to explore alternative mechanisms to collective bargaining, the Worker members recall that such arrangements are not sufficient to meet the requirements of the Convention. Workers covered by the Convention must be able to negotiate essential terms and conditions of employment, including wages. Without this possibility, the substance of collective bargaining is significantly reduced.

The situation in the electricity sector further illustrates these concerns. While we acknowledge the reported suspension of the regulation establishing multi-stakeholder involvement in collective bargaining and the ongoing discussions on a new tripartite framework, the Worker members stress that any future arrangements must not recreate restrictions on the autonomy of the parties. Collective bargaining must remain a direct process between employers' and workers' organizations, conducted in good faith and free from external interference. The Government should therefore ensure that any new institutional framework fully respects the autonomy of the bargaining parties and is consistent with the requirements of the Convention.

Finally, while the increase in the number of collective agreements is noted, the Worker members observe that coverage remains limited in relation to the overall workforce. This suggests the continued existence of structural barriers to the free exercise of collective bargaining rights.

Taken together, the issues discussed in this case reveal persistent systemic challenges affecting the effectiveness and reach of collective bargaining in the Philippines.

The Worker members therefore request the Government to pursue concrete reforms, in close consultation with the social partners, to ensure full conformity with the Convention. We specifically request the Government to:

- amend its legislation without delay to ensure that all workers covered by the Convention can effectively enjoy and exercise their right to collective bargaining, in particular prison staff, fire service personnel, self-employed and temporary workers, outsourced or contract workers, non-resident workers, part-time workers, agricultural workers, domestic workers and migrant workers, as well as self-employed workers and non-standard categories of workers, including those working in the informal economy;

- adopt, in consultation with the social partners, procedures for determining collective bargaining agents in unorganized establishments with only one labour organization, together with safeguards to prevent undue interference, delays or obstacles to their effective recognition;

- ensure that all public sector workers not engaged in the administration of the State can negotiate wages and other terms and conditions of employment, as required by the Convention;
- address the misuse of subcontracting and non-standard employment that undermines workers' capacity to organize and engage in collective bargaining;
- in consultation with the social partners, review arrangements in the electricity sector to ensure that any institutional framework fully respects the autonomy of the bargaining parties and promotes free and voluntary collective bargaining;
- in consultation with the social partners, review the relevant provisions of the Labor Code to remove undue obstacles to free and voluntary collective bargaining, including government interference; and
- adopt measures to encourage and promote the full development and utilization of machinery for collective bargaining to significantly expand collective bargaining coverage.

In light of the persistent gaps between the requirements of the Convention and the legal framework and practice in the Philippines, we invite the Government to accept a direct contacts mission.

Chairperson – The discussion of this case is now concluded. I thank the Government representative of Philippines and all the speakers who participated in the discussion.

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 long-standing gaps between the Convention and the legal framework and practice, and the absence of the Government's comments on previously raised allegations of anti-union practices.

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

- **pursue concrete labour law and institutional reforms to ensure full conformity with the Convention;**
- **investigate and provide information on the allegations concerning union-busting practices, blacklisting and anti-union dismissals and suspensions, and take the necessary measures to address them without delay;**
- **harmonize its legislation to ensure that all workers covered by the Convention can effectively benefit from its guarantees;**
- **ensure, in consultations with the most representative workers' and employers' organizations, that national law addresses collective bargaining arrangements for unorganized establishments;**
- **ensure that all public sector workers covered by the Convention can negotiate their terms and conditions of employment and provide information on the impact of the 2024 Rules and Regulations on the promotion and development of collective bargaining in the public sector;**

- **in consultation with the most representative employers' and workers' organizations, review arrangements in the electricity sector and pursue dialogue with the National Electrification Administration (NEA) and the social partners to remove undue restrictions on the scope and content of bargaining, fully respect the autonomy of the bargaining parties, and encourage and promote voluntary and good faith collective bargaining in line with the Convention;**
- **continue to take all the necessary legal and practical measures to promote the full development and utilization of machinery for collective bargaining to significantly expand collective bargaining coverage, and provide statistics on collective agreements concluded and workers covered.**

The Committee invited the Government to continue to avail itself of ILO technical assistance and to report to the Committee of Experts on the measures taken to implement these recommendations and the results achieved by 1 September 2026.

Government representative – The Government expresses its sincere appreciation to the Committee for its conclusions and recommendations. We also thank the Workers' and Employers' groups for their constructive interventions and for recognizing the actions already taken by the Government to give effect to the Convention.

On the first and third recommendations, we take note of the Committee's guidance, and we are prepared to work with the social partners and the Office, particularly in exploring a workable model that can be adapted in the Philippine setting and that will make collective representation and bargaining more effective and relevant to the realities of workers in the informal economy and non-standard forms of work. The Government would welcome ILO technical assistance in this area.

On the investigation and request for information on alleged union-busting practices, among others, the Government respectfully recalls that the specific cases raised by the Workers' group during the discussions last week have already been resolved through existing mechanisms. Should there be other incidents or unresolved concerns that have not yet been brought to the attention of the Department of Labor and Employment, we would welcome the submission of specific details.

On the determination of collective bargaining agents in unorganized establishments with only one labour organization, the Government notes the Committee's recommendation. In this regard, the Government considers it important that any future framework should be shaped, first and foremost, by the social partners themselves. They are in the best position to assess what certification process would be most practical, efficient and responsive to their demands.

We therefore call on Philippine workers' and employers' groups, particularly through the Leaders' Forum, to begin consultations within their respective sectors. The Government stands ready to assist the social partners in the process and hopes that the Committee can support this constructive approach.

On collective bargaining in the public sector, while we respect the Committee's view, we respectfully emphasize that the Philippines recognizes the right of government employees to organize and negotiate under the applicable constitutional and statutory framework.

On collective bargaining in the electricity sector, the Government will continue engaging the social partners and regulatory agencies towards solutions that respect the autonomy of collective bargaining while also taking into account the public-interest nature of electric cooperatives and the need to protect essential public service delivery.

On the last recommendation, the Government will continue to ensure that the legal framework, mechanisms and remedies protect collective bargaining rights. Advancing this process requires the active engagement of social partners in constructive dialogue and good-faith negotiations aimed at achieving meaningful outcomes for all parties.

Russian Federation (ratification: 1956)

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

Written information provided by the Government

International Transport Workers' Federation allegations

According to article 3.1 of Federal Law No. 272-FZ of 28 December 2012, "On enforcement actions on persons involved in violations of fundamental human rights and freedoms and the rights and freedoms of Russian Federation citizens", the activities of a foreign or international non-governmental organization that pose a threat to the foundations of the constitutional order of the Russian Federation, the country's defence capability, or state security, may be deemed undesirable in the Russian Federation.

The activities of a foreign or international non-governmental organization may also be deemed undesirable in the Russian Federation if such an organization provides intermediary services in transactions involving funds and/or other property belonging to a foreign or international non-governmental organization whose activities have been deemed undesirable in the Russian Federation for the purpose of carrying out activities that pose a threat to the foundations of the constitutional order of the Russian Federation, the country's defence capability or state security.

The decision to designate the activities of a foreign or international organization as undesirable in the Russian Federation is made by the Prosecutor General or his deputies in consultation with the Ministry of Foreign Affairs.

The decision to designate the activities of a foreign or international organization as undesirable in the Russian Federation can be overturned by the Prosecutor General or his deputies in consultation with the Ministry of Foreign Affairs.

Pursuant to a decision to designate an organization as undesirable in the Russian Federation or to overturn such a designation, the Prosecutor General's Office informs the Ministry of Justice accordingly. Upon receipt of this notification, the Ministry of Justice either includes the foreign or international organization in the List of foreign and international organizations whose activities have been deemed undesirable in the Russian Federation (hereinafter referred to as the List of undesirable organizations), or removes the foreign or international organization from the said List.

According to the Prosecutor General's Office of the Russian Federation, since 2022, the International Transport Workers' Federation (ITF) has engaged in promoting a ban on the entry of vessels registered in the Russian Federation, leased by Russian companies, or flying the Russian flag, into the maritime routes of as many countries as possible (following the example of the United Kingdom of Great Britain and Northern Ireland).

At the initiative of the Dockers' Section (a part of the structure of the ITF), the ITF-affiliated trade unions in foreign ports disrupted the unloading of Russian vessels, thereby violating the

rights of Russian seafarers, including members of the ITF. Under the guise of solidarity with Ukrainian transport workers, the ITF is conducting a fundraising campaign to collect donations for Ukraine. Since the beginning of the special military operation and until the designation of ITF as an undesirable organization, over US$500,000 has been transferred to various Kiev-controlled entities. Using media resources, the ITF systematically posts politicized publications in the information space, fostering a negative image of the Russian Federation abroad.

Thus, by its activities, the ITF poses a threat to the constitutional order of the Russian Federation.

By decision of the First Deputy Prosecutor General of 1 September 2023, the activities of the international non-governmental organization "International Transport Workers Federation", in consultation with the Russian Ministry of Foreign Affairs, were designated undesirable in the Russian Federation. On 18 September 2023, by Order No. 1262-p of the Ministry of Justice, the ITF was included in the List of undesirable organizations.

It should be noted that the ITF itself did not appeal the aforementioned decision of the Office of the Prosecutor General in the prescribed manner. It is also noteworthy that the ITF has not provided effective assistance in any of the situations involving Russian seafarers over the past two years. This includes a wide range of violations of the rights of Russian seafarers including: unlawful arrests of seafarers; detention of ships; failure to receive fuel and food; non-payment of wages; refusal to carry out rescue operations and evacuate seafarers from Russian ships in distress, and so on.

Thus, fundamental international norms are violated with respect to Russian seafarers, including the provisions of the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

The Government treats the international trade union movement with respect. This includes respect for the rights of trade unions to cooperate with the trade unions of other countries, to join international trade unions and other associations and organizations, and to conclude contracts and agreements with them, as stipulated in article 2, clause 5, of Federal Law No. 10-FZ of 12 January 1996, "On Trade Unions, Their Rights and Guarantees of Activity".

Furthermore, the Government deems it highly inappropriate to interpret actions to ensure the economic and state security of the Russian Federation as a violation of international norms regarding the activities of trade unions.

Freedom of expression. Foreign agents

According to article 29, Chapter 2, "Human and Civil Rights and Freedoms" of the Constitution of the Russian Federation:

- Everyone shall be guaranteed the freedom of ideas and speech.
- The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
- No one may be forced to express his views and convictions or to reject them.
- Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The list of data comprising state secrets shall be determined by a federal law.
- The freedom of mass communication shall be guaranteed. Censorship shall be banned.

The fundamental rights of trade unions are established by Chapter II of Federal Law No. 10-FZ "On Trade Unions, Their Rights and Guarantees of Activity".

Legal relations related to the concept of "foreign agent" and the activities of foreign agents are regulated by Federal Law No. 255-FZ of 14 July 2022, "On Control over the Activities of Persons Under Foreign Influence" (hereinafter referred to as Law No. 255-FZ); these legal relations were previously regulated by the aforementioned Federal Law No. 272-FZ "On enforcement actions on persons involved in violations of fundamental human rights and freedoms and the rights and freedoms of the Russian Federation citizens").

Federal Law No. 255-FZ establishes two criteria for the designation as a foreign agent:

- receiving support and/or being under foreign influence in other forms;
- engaging in political activity, purposefully collecting information on the military and military technical activities of the Russian Federation, disseminating messages and materials intended for the general public, and/or participating in the creation of such messages and materials.

Political activity includes, in particular, activities in the sphere of state-building; protecting the foundations of the constitutional order of the Russian Federation; the socio-economic and national development of the Russian Federation; the activities of public authorities; and the legislative regulation of human and civil rights and freedoms for the purpose of influencing the development and implementation of state policy, the formation of public authorities, their decisions, and the actions of these bodies.

Political activity is carried out in the following forms:

- participation in the organization and holding of public events such as meetings, rallies, demonstrations, marches or pickets, or various combinations of these forms, as well as the organization and holding of public debates, discussions and speeches;
- participation in activities aimed at achieving a specific result in elections or referendums; in monitoring the conduct of elections or referendums; in the formation of electoral commissions and referendum commissions; and in the activities of political parties;
- public appeals to public authorities and their officials, as well as other actions influencing the activities of these authorities and individuals, including those aimed at adopting, amending, or repealing laws or other regulatory legal acts;
- dissemination, including through the use of modern information technologies, of opinions on the decisions made by public authorities and the policies they pursue;
- the formation of socio-political views and beliefs, including through conducting public opinion polls and publishing their results or conducting other sociological research;
- the involvement of citizens, including minors, in the activities specified in paragraphs 1–5;
- the financing of the activities specified in paragraphs 1–6.

Thus, a trade union may be designated as a foreign agent if it does not limit itself to interacting with the employer (or employer association) to protect the labour rights and legitimate interests of employees, but instead uses foreign funding to engage in the activities listed above.

By a decision of the Saint Petersburg City Court on 10 January 2018, following a claim filed by the Prosecutor for Saint Petersburg, the interregional trade union, the "Workers'

Association" was dissolved and removed from the Unified State Register of Legal Entities. The reasons cited for the court's decision included the fact that the union had acted as a foreign agent without notifying the competent authority.

Less than six months later, by appellate ruling No. 78-APG18-8 of the Judicial Collegium for Administrative Cases of the Supreme Court of the Russian Federation on 22 May 2018, the aforementioned decision was overturned, and a new ruling was issued denying the administrative claim filed by the Prosecutor for Saint Petersburg for the dissolution of the "Workers' Association" and its removal from the Unified State Register of Legal Entities.

Attention is also drawn to the fact, that more than 30 years ago, the Russian Tripartite Commission for the Regulation of Social and Labour Relations was established, operating on the basis of Federal Law No. 92-FZ of 1 May 1999, "On the Russian Tripartite Commission for the Regulation of Social and Labour Relations." The Commission is formed on a parity basis by 30 representatives each from the Government of the Russian Federation, all-Russian employers' associations, and all-Russian trade unions. The Commission's primary goals are to regulate social and labour relations and harmonize the socio-economic interests of the parties. Regional tripartite commissions for the regulation of social and labour relations have been established in virtually all constituent entities of the Russian Federation for the same purposes.

In accordance with article 35.1, these commissions review all draft legal acts affecting employee interests in the labour sphere. In these forums, trade unions and employers' associations have the opportunity to express their positions, including disagreements, on decisions elaborated and adopted in the area of social, labour, and related economic relations.

In view of the above, the Government notes that conditions have been created for trade unions to express their views on the state's socio-economic policies. Trade unions that do not have foreign agent status also have the right to hold meetings, rallies, demonstrations, marches and pickets.

Regarding the concerns in respect of labelling requirements for products manufactured by foreign agents, it should be noted that this legal requirement applies to all organizations designated as foreign agents, not just trade unions, and is dictated by national security objectives, not by any desire to hinder trade union activities. The same grounds can also be applied in regard to other limitations on activities of foreign agents, in particular, with respect to the holding of meetings, rallies, demonstrations, marches and pickets.

Regarding the proposal to include trade unions in the category of organizations that cannot be recognized as foreign agents, attention should be paid to article 2 of Federal Law No. 10-FZ "On Trade Unions, Their Rights and Guarantees of Activity". Under this article, a trade union is a voluntary public association of citizens bound by common production and professional interests related to their activities, created for the purpose of representing and protecting their social and labour rights and interests.

The Government strongly believes that workers have the right to information about the foreign funding of their representatives.

In response to the observation that the legislation on foreign agents with respect to trade unions should be repealed despite the fact that only one trade union is recognized as a foreign agent, the Government would like to inform the Committee that an indispensable prerequisite for the introduction of amendments to the legislation includes clear demonstration of the ineffectiveness of the existing legal regulation model supported by relevant statistical data. No such data is available in the situation in question.

In light of the above, the Government proposes that the Committee take into account arguments related to the need to ensure national security, and also recognize that the legislation is not targeted at trade unions, but rather has a general focus.

Article 2. Right of workers to establish and join organizations of their own choosing without distinction whatsoever

The issue in the comment is raised for the first time.

The Constitution and article 2 of the Labour Code enshrine the fundamental principles of legal regulation of labour relations and other directly related matters, in particular, freedom of labour, including the right to work, the freedom to choose or agree on the type of work, the right to manage one's ability to work, and the right to choose a profession and type of activity.

According to article 15 of the Labour Code, labour relations are those based on an agreement between an employee and an employer regarding the personal performance of a labour function (work in a specific specialty, qualification or position) for remuneration, the employee's subordination to internal labour regulations, and the employer providing working conditions stipulated by labour legislation, collective bargaining agreements, agreements and the employment contract.

As a general rule, labour relations arise between an employee and an employer on the basis of an employment contract concluded by them based on the voluntary expression of will of both parties. The employment of convicted persons is regulated by the Criminal Executive Code of the Russian Federation (hereinafter referred to as the CEC) and is therefore carried out within the framework of penal, rather than labour, relations.

Therefore, convicted persons cannot be considered employees, as no labour relations arise within the meaning of article 15 of the Labour Code. However, specific provisions of labour law applicable to the employment of convicted persons are contained in articles 103– 108 of the CEC.

For example, according to article 104 of the CEC, the time spent by convicted persons in paid labour is counted toward their total work experience (Part 3); convicted working persons are entitled to annual paid leave: 18 working days for those serving sentences in juvenile correctional colonies; and 12 working days for those serving sentences in other correctional institutions (Part 4).

Furthermore, according to article 105 of the CEC, those sentenced to imprisonment have the right to wages in accordance with labour legislation (Part 1); the wages of convicts who have worked the full monthly work quota and fulfilled the established quota may not be less than the established minimum wage (Part 2).

Based on the above, convicts are not assigned to work at their own discretion, but in accordance with the requirements of criminal executive legislation. Convicts sentenced to imprisonment have a special legal status, determined by the procedure for executing a prison sentence established by criminal executive legislation. Imprisonment is the most severe form of criminal punishment, typically imposed for crimes that pose a significant public danger to the individual, society or the State.

Deprivation of liberty consists of isolating a convicted person from society by sending them to a penal colony, or placing them in a correctional facility, a medical correctional facility, a general, strict, or special regime penal colony, or in prison (article 56 of the Criminal Code of the Russian Federation).

In this regard, isolation from society clearly implies a number of objective restrictions for those sentenced to this type of punishment. This concerns the ability to join various associations, including trade unions, as this is significantly hindered by isolation from society and, furthermore, impacts the safety of convicted persons and the functioning of penal institutions. Therefore, convicted persons are unable to exercise trade union rights to hold meetings, rallies, demonstrations, marches, pickets or to call strikes.

In this regard, the proposal to extend trade union legislation to prisoners is not supported, and the current legal provisions regarding their labour activities appear sufficient.

Article 3. Right of workers' organizations to organize their administration and activities

Under article 1 of Federal Law No. 58-FZ of 27 May 2003, "On the Civil Service System of the Russian Federation", civil service in the Russian Federation is the professional service activity of citizens of the Russian Federation aimed at ensuring the execution of the powers of the Russian Federation, federal and regional government bodies, other state bodies, individual territories, persons holding government positions, and a number of other positions.

The civil service system includes the State civil service, military service and other types of civil service.

Thus, civil service is a type of activity that implements the functions of the State and its public authorities. As a result, civil servants have a special legal status, determined by the nature of the performance of these functions, distinct from the legal status of employees employed under an employment contract. The scope of rights, obligations, restrictions and prohibitions of civil servants and employees differs significantly.

Legal regulation of the activities of civil servants is carried out by legislation on the civil service of a given type. As a general rule, labour legislation does not apply to these legal relationships, with the exception of a small number of cases where certain relationships (issues) are not regulated by the legislation on the civil service of the relevant type.

One of the most important characteristics of public administration is its continuous nature, which requires the constant performance of essential functions to support the activities of the State and all its institutions. Therefore, the suspension (including short-term) of duties by a civil servant due to a strike is unacceptable.

It should also be noted that in the Russian Federation, individuals performing other socially significant functions, particularly in the fields of education, healthcare, social protection and social services, culture, sports, pension, social and medical insurance, etc., are not considered civil servants, and their work activities are regulated by the labour legislation of the Russian Federation, taking into account industry-specific aspects.

The Government pays great attention to the quality and safety of rail transport. Considering the vast geographic area and climatic conditions, the continuous, uninterrupted functioning of rail transport is of strategic importance.

It should be noted that, in accordance with article 412 of the Labour Code, the list of minimum essential works (services) performed during a strike by employees of organizations (branches, representative offices or other separate structural divisions) and individual entrepreneurs whose activities are related to the safety of people, their health and the vital interests of society in each sector of the economy, is developed and approved by the federal executive body responsible for coordinating and regulating activities in the relevant sector of the economy, in agreement with the relevant all-Russian trade union. If several all-Russian

trade unions operate in a sector, the list of minimum essential works or services is approved in agreement with all all-Russian trade unions operating in the sector.

Please note that the Confederation of Labour of Russia (KTR), which has been raising the issue of strikes by civil servants and railway workers for many years, does not include trade unions representing these categories of workers.

The Ministry of Labour has requested information on the position of the All-Russian Trade Union of Employees of State Institutions and Public Services of the Russian Federation (hereinafter referred to as the Civil Servants' Union) and the Russian Trade Union of Railway Workers and Transport Builders (ROSPROFZHEL) on strikes in these sectors.

In its response, the Civil Servants' Union reports no complaints or appeals regarding the existence of problems related to the statutory prohibition on suspending official duties to resolve an employment dispute, nor the possibility of resolving it through other procedures.

ROSPROFZHEL notes that, in accordance with the obligations of the Industry Agreement on Railway Transport Organizations for 2026–28, as well as previously existing agreements, employee and employer representatives are obligated to take measures to prevent and resolve collective labour disputes in railway transport organizations.

ROSPROFZHEL prioritizes the resolution of labour disputes with employers (or their representatives), if any, within the framework of the long-standing practice of social partnership at all levels established in the railway industry.

The restriction on the right to strike under Part 2 of article 413 of the Labour Code, as well as article 26 of Federal Law No. 17-FZ of 10 January 2023, "On Railway Transport in the Russian Federation" provide for the inadmissibility and illegality of strikes by public rail transport employees whose activities involve train movement, shunting operations and the provision of services to passengers, shippers, and consignees on public rail transport.

In the assessment of ROSPROFZHEL, there are no contradictions between the Federal Law "On Railway Transport in the Russian Federation" and the List of minimum necessary works (services) provided during strikes in organizations (branches and representative offices) of the transport complex, approved by Order No. 197 of the Ministry of Transport of 7 January 2003.

Discussion by the Committee

Chairperson – Continuing with our work on the discussion of individual cases, on the agenda today, we have the case of the Russian Federation on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

For the discussion of this case, we have 25 speakers registered on the list. On this basis, the Officers have decided to reduce the speaking time of delegates speaking in their individual capacity from five to three minutes. I will now invite the Government representative of the Russian Federation, the Deputy Minister of Labour and Social Protection, to take the floor.

Interpretation from Russian: **Government representative** – The issue of cooperation with the ILO is extremely important for the Government of the Russian Federation. We fully support the mission, goals and approaches of the ILO to achieving social justice through social dialogue. The Russian Federation has ratified a large number of ILO Conventions – 77 Conventions and 2 Protocols, including all 10 fundamental Conventions, which includes this Convention No. 87. We have analysed the observations and the recommendations of the Committee of Experts as regards the application by the Russian Federation of the Convention

and the observations on designating the International Transport Workers' Federation (ITF) as an undesirable organization.

First and foremost, the Government of the Russian Federation has a great deal of respect for the international trade union movement. That includes the rights of trade unions to cooperate with foreign trade unions, to affiliate with international trade unions and other associations and organizations, and to enter into contracts and agreements with them, which is provided for under our legislation. However, the right of a State to protect its constitutional foundations is a fundamental element of sovereignty provided for in international and national law. Furthermore, the provision on non-interference in internal affairs is enshrined in the UN Charter. In accordance with our legislation, if there is a threat to the foundations of constitutional order of the Russian Federation or the defence capabilities of the country or state security, a foreign or international non-governmental organization may be designated as undesirable within the Russian Federation.

According to information from the Prosecutor General's Office of our country, one of the main areas of work of the ITF since 2022 has been to assist in introducing, by as many countries as possible, on the example of the United Kingdom of Great Britain and Northern Ireland, a ban to the entry into their maritime routes of vessels registered in the Russian Federation or leased by Russian companies or those carrying Russian flags.

Upon the initiative of the ITF Dockers' Section, trade unions in foreign ports that are part of its structure have not allowed the unloading of Russian vessels, thereby violating the rights of Russian seafarers – trade union members. Under the banner of solidarity with Ukrainian transporters, the ITF is carrying out a campaign to raise and send funds to Ukraine.

Since the beginning of the special military operation, as of the inclusion of the ITF onto the List of undesirable organizations, more than US$500,000 had been sent to Ukraine by a number of organizations under the control of Kyiv. By using media resources, the ITF also systematically publishes politicized publications that damage the image of the Russian Federation abroad.

The ITF did not protect the interests of workers but has engaged in a de facto politicized activity, which is grounds for verification by the Prosecutor General's Office. Therefore, the ITF presents a threat to constitutional order and the economic and state security of the Russian Federation.

We are drawing attention to the fact that the ITF has not provided effective assistance to Russian seafarers in recent years and this pertains to a wide range of situations violating the rights of Russian seafarers, such as unlawful arrests of seafarers, detaining vessels, inability to receive fuel, food, non-payment of wages, and refusals of rescue and evacuation operations for seafarers on vessels in distress. Thus, fundamental international standards are being violated in relation to Russian seafarers, including the provisions of the International Convention for the Safety of Life at Sea, 1974.

I would also like to note that the ITF did not appeal against the decision on being designated as undesirable in the territory of the Russian Federation.

Therefore, the activities of the ITF go beyond their own direct mandate to protect the rights of trade union members and are politicized. In a number of cases, it is done to the detriment of trade union members themselves, when the ITF condones or acquiesces to situations when Russian vessels or vessels under the flag of the Russian Federation are banned from entering ports or from loading and unloading and from replenishing their fuel and food stocks, not to mention the political statements against the actions of our country and the

financial support for structures that are under the control of Kyiv. The Government of the Russian Federation is concerned about the fact that the actions for ensuring economic and state security for the Russian Federation are being interpreted as a violation of international trade union standards. The same goes for the comments of the Committee of Experts on designating trade unions as foreign agents.

In the Russian Federation, in order to designate someone as a foreign agent, two features must be established: receiving foreign support or being under foreign influence as well as carrying out political activity, targeted collection of information on the military activities of the Russian Federation, disseminating information and materials intended for an unlimited number of persons, and participating in creating such information. Therefore, a trade union can be designated as a foreign agent if it has foreign financing but does not restrict itself to collaborating with employers or employers' associations to protect workers' rights and legal interests.

We have received an observation of the Committee of Experts on the issue of liquidation of a trade union "Workers' Association" by the Saint Petersburg City Court in 2018. Among the reasons for this judicial decision, carrying the activities of a foreign agent without notifying the competent body was mentioned. However, I would like to draw attention to the fact that less than half a year later, the Supreme Court of the Russian Federation overturned that decision on appeal.

I would also like to note that, more than 30 years ago in the Russian Federation, we formed a Russian Tripartite Commission for the regulation of Social and Labour Relations. The Commission is formed on a parity basis with 30 representatives of the Government of the Russian Federation, all-Russian employers' associations, and all-Russian trade unions.

The main goals of the Commission are to regulate social and labour relations and to coordinate the socio-economic interests of parties. In almost all regions of the Russian Federation, in pursuit of the same goals, we have formed regional tripartite commissions to regulate social and labour relations. These commissions examine all draft labour regulations that affect the interests of workers. Within these forums, trade unions and employers' associations can express their positions, including their disagreement with any decisions that are being drafted and adopted on social and labour relations. The Government of the Russian Federation creates all conditions to allow trade unions to express their views on the socio-economic policies of the State.

Trade unions that do not have the status of a foreign agent also have the right to carry out meetings, rallies, demonstrations, marches and pickets.

Regarding the labelling of products that are being produced by foreign agents, we inform that this legislative requirement relates to all foreign agent organizations and not just trade unions and is not intended to hinder the activities of trade unions. This explains the other bans applicable to foreign agents, in particular on conducting meetings, demonstrations and pickets.

On the proposal to include trade unions in the category of organizations that cannot be recognized as foreign agents, we believe that workers have the right to be informed about the foreign financing of their representatives. We propose to consider the arguments concerning the need to ensure state security and also to take into account the fact that legislation is not targeted against trade unions, but it is of a general nature.

With regard to the observations of the Committee of Experts on convicted persons, this is the very first time it has been raised. In this regard, I would like to note that, according to a

general rule, labour relations arise between workers and employers on the basis of a labour agreement, which is concluded on a voluntary basis between the two parties. Work done by convicted persons is regulated by the Criminal Executive Code (CEC) of the Russian Federation, and not labour relations legislation. Therefore, the work of convicted persons is not voluntary and is carried out in accordance with the regulations of the CEC; convicted persons thus have a special legal status. The deprivation of liberty is the strictest form of criminal punishment, and it is generally intended for crimes that pose a significant public danger to persons, society or the State. In this regard, the social isolation regime clearly entails a number of objective restrictions for a convicted person punished with deprivation of liberty. This concerns the opportunity to affiliate with associations, including trade unions, because this is of course made more difficult by isolation from society, and it affects the safety of convicted persons and the functioning of the penitentiary system. Thus, a convicted person does not have the opportunity to exercise the rights of trade unions to carry out meetings, demonstrations, marches and pickets or strikes. Similar practice exists in other countries that have ratified the Convention. In this regard, the proposal to extend trade union legislation to detainees is not justified.

Now, I would like to focus on the issue of the regulation of the right to strike. The right to strike was enshrined in the Russian Federation from the very first years of the development of our country in the post-Soviet period. Article 37 of the Constitution of the Russian Federation recognizes the right to individual and collective labour disputes by using means of labour dispute resolution established by the federal law, which include the right to strike. Carrying out the right to strike is regulated by the Labour Code of the Russian Federation. The legislation provides for other mechanisms allowing to resolve labour issues without going on strike. For example, before striking, people need to go through conciliation procedures, notably to submit a collective labour dispute to a conciliation commission with the participation of a mediator or to a labour arbitral tribunal. We have a certain number of restrictions for striking. In particular, strikes are not allowed in certain cases under the law if the strike would threaten the defence of the country and the safety of the State or security of persons, for example, if it would affect the work of organizations that are directly linked to ensuring the safety of the population.

This also concerns the right to strike for civil servants. I would like to note that one of the most important principles of State governance is its uninterrupted nature, which requires constant execution of relevant functions to ensure the functioning of a State and all of its institutions in the interests of society, which means that civil servants are not allowed to not carry out their work during a strike. A number of countries which have ratified the Convention have similar legislation on this issue.

With regard to rail transport, I would like to note that the Government of the Russian Federation pays great attention to the quality and security of rail transport. Bearing in mind the large geographic scope of our country and considering climate particularities, the uninterrupted nature of rail transport is of a strategic nature, and we would also draw attention to the fact that the Confederation of Labour of Russia (KTR), which has repeatedly raised the issue of holding strikes by civil servants and rail workers, does not include trade unions that unite these categories of workers. I would also like to note that the Government has requested the position of the All-Russian Trade Union of Employees of State Institutions, and the Russian Trade Union of Railway Workers and Transport Builders on the issue of strikes in these areas of activity. We have received information about the absence of infringements of the interests of this category of workers, in accordance with the legislation in force. Such is the position of the above-mentioned trade unions.

To conclude my statement, I would like to note that the Russian Federation will continue to adhere to international labour standards when implementing its state policy.

Employer members – The Employers would like to thank the Government of the Russian Federation for the oral and written information on this case, which we have taken full note of. Today, the Committee examines the implementation of the Convention by the Government of the Russian Federation. The Convention is a fundamental Convention which the Government ratified in 1956. The Committee of Experts has issued 17 observations on the Government's implementation of this Convention in law and in practice since 1989, the latest being in 2025. Moreover, the Committee of Experts assessed this case as a double-footnoted case noting its seriousness.

The issues that we would like to focus on in this case are as follows.

First, the designation of the ITF and the IndustriALL Global Union as undesirable. The Committee of Experts noted from the official website of the Russian Federation's Office of the Prosecutor General that, on 5 September 2023, the ITF was declared an undesirable organization and that, on 17 January 2024, the IndustriALL Global Union was declared an undesirable organization by the Prosecutor General. The Committee of Experts also noted observations submitted by the ITF and its affiliate unions alleging that such a designation resulted in an effective prohibition of its activities and serious restrictions on the activities of its affiliates. The Committee of Experts further recalled Article 5 of the Convention, which entitles workers' and employers' organizations, federations and confederations to affiliate with international organizations of workers and employers. Affiliation with international organizations implies maintaining contact with those organizations and participating in their activities. On this point, our group asked the Government to provide its comments on these allegations, specifically that the designation as an undesirable organization in this case is in conflict with the Convention.

The second area is on freedom of expression. The Committee of Experts requested the Government to take steps to ensure that trade unions are able to express opinions, including criticism of the Government's economic and social policies, without risk of dissolution and regretted that no new information was provided on measures taken in this regard. Therefore, the Employers' group also asks the Government to provide its comments on these allegations.

The third area is on foreign agents. Regarding foreign agents, the Committee of Experts noted that, under the Russian Federation's law on non-commercial organizations, trade unions receiving funding from foreign sources were required to register as organizations performing the functions of a foreign agent, which entailed additional obligations under articles 24 on inspections and 32 on restrictions regarding programme implementation. The next point was the Russian Federation's Code of Administrative Offences, imposing penalties for failing to register as a non-commercial organization performing the functions of a foreign agent or for distributing materials without indicating their origin as from such an organization. The third point was trade unions and their organizations that fall within the scope of the Russian Federation's Law on Control over the Activities of Persons under Foreign Influence. The fourth point was that the Government indicated that restrictions on holding public events by foreign agents are justified by state security objectives and therefore cannot be regarded as being directed against the freedom of trade unions.

The Committee of Experts for its part recalled that the right of trade unions to hold public meetings and demonstrations is an essential aspect of freedom of association. The Committee of Experts further recalled that legislation which seriously hampers the activities of workers' and employers' organizations on the grounds that they receive financial assistance from

international organizations to which they are affiliated infringes the principles concerning the right to affiliate with international organizations. The Employers' group asks the Government to comment on the measures envisaged to ensure that the relevant legislation and regulations are compatible with the rights of workers' and employers' organizations under the Convention.

The fourth area we are examining is the right of workers to establish and join organizations of their own choosing. The Committee of Experts observed that under article 19(5) of the Russian Federation's Law on Public Associations, a person deprived of liberty by a court sentence may not found or participate in a public association, a restriction which, according to the Committee of Experts, appears to prevent workers employed under an employment contract in penal institutions from establishing and joining workers' organizations of their own choosing to promote and defend their occupational interests.

We have noted the Government's information that this is the first time that this has been brought to their attention and also that this is a matter governed by criminal legislation. But it is our view that, where criminal legislation intersects with labour matters, such legislation does need to conform with the relevant Convention affecting the affairs of workers. In this case, if the rights of workers under the Convention are limited or restricted through operation of criminal legislation, it is right and appropriate for the Committee of Experts to ask of the Government to comment on how such legislation does not infringe or contravene the Convention and how that legislation may be harmonized in order to respect the rights under the Convention.

In this respect, Article 2 of the Convention states 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 Employers' group asks the Government to review its Law on Public Associations so as to ensure that persons who may be deprived of their liberty enjoy the right to establish and join workers' organizations of their own choosing, consistent with the Convention.

The final point is on the right to strike. We note the Government's information, including the articulation of the national context and how it interacts with workers' right to strike. Our group reiterates its position that the Governing Body will have the first opportunity to consider the advisory opinion of the International Court of Justice in November this year, and, until then, we will maintain our position that we have always kept in this house on this point.

Worker members – We are examining the Russian Federation's application of the Convention. Freedom of association is a fundamental right. Its exercise enables workers to defend their interests, rights and dignity. According to Article 2 of the Convention, workers and employers, without distinction whatsoever, have the right to establish and to join organizations of their own choosing. And this without previous authorization and subject only to the rules of the organization concerned.

Under Article 3, 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, including their financial matters and activities, and formulate their programmes. It also provides that the public authorities must refrain from any interference which would restrict the exercise of these rights or impede or obstruct its lawful exercise in any way.

Here, the Convention imposes an obligation on States to provide a wide latitude of freedom for workers' and employers' organizations regarding the independence of their

organizational form, administration, programmes and activities. This also imposes a high level of scrutiny on States when regulating the exercise of these rights.

The Worker members recall that Article 5 of the Convention guarantees in clear terms the right of workers' organizations to affiliate with international organizations of workers of their own choosing without interference by public authorities. It is a constructive element of freedom of association itself. It includes the right to maintain contact, to participate fully in international activities and to benefit from solidarity across borders, including from financial contributions. Here as well, given the rights and guarantees protected, any measures that directly or indirectly impede, obstruct or penalize such affiliation, administration and activities within the context of international trade union solidarity constitute a profound breach of the Convention's core guarantees.

The Convention also requires that freedom of association for workers' and employers' organizations is exercised in a climate conducive to the exercise of civil liberties, including freedom of expression and association. This includes the right of trade unions to express opinions, including those criticizing the Government's policies, whether economic, social or other as well as a right to hold public meetings and demonstrations to defend those interests.

Therefore, it is absolutely clear that the burden is on the State to justify any restrictions they impose in the exercise of freedom of association. Under Article 8 of the Convention, 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 comments of the Committee of Experts focus in particular on two pieces of legislation, the Law on Undesirable Organizations and the Law on Foreign Agents. These Laws are being applied in a manner that violates the Convention. They are also being applied in a climate increasingly hostile to civil society and the exercise of civil liberties.

Let me begin with the Law on Undesirable Organizations. With this Law, any organization can be designated as undesirable under a broad set of reasons. Either its activities pose a threat to the constitutional order, defence capability and/or security of the Russian Federation or they interfere with the electoral process or involve financial dealings with another organization already designated as undesirable. The designation is made by the Prosecutor General or a deputy, in agreement with the Ministry of Foreign Affairs. While this decision has profound and harmful consequences, it is designed as a mere administrative decision with no judicial oversight.

An organization designated as undesirable is subject to a complete prohibition on its activities within the territory of the Russian Federation. Existing subdivisions must be closed. The opening of new ones is prohibited. The distribution of informational materials is banned, and restrictions are imposed on banking operations and the establishment of legal entities. Such measures effectively stigmatize international work and render it impossible within the Russian Federation.

It also affects any organization working with them. Once designated, participation in the activities of an undesirable organization is subject to an administrative fine, repeated infringement as well as financing or organizing the activities of such an organization give rise to criminal liability. The Criminal Code determines terms of imprisonment of up to four, five and six years respectively.

As noted in the Committee of Experts' report, it is under the Law on Undesirable Organizations that the ITF was designated as undesirable in September 2023 on the grounds

that the activities of the ITF pose a threat to the constitutional order of the Russian Federation. In January 2024, the IndustriALL Global Union received the same designation.

As a result, eight Russian sectoral trade unions affiliated with the ITF and nine Russian sectoral trade unions affiliated with IndustriALL were compelled to terminate their membership in those global federations. They are thereby being deprived of the services and benefits that such membership provides on the basis of the principles of international trade union solidarity.

In November last year, the authorities carried out an extraordinary inspection of the activities of the Russian Seafarers' Union, previously an affiliated member of the ITF prior to the latter's designation as an undesirable organization. During the inspection, documents were requested "concerning affiliation with and in the association of activities within the ITF". The prosecutors have failed to communicate to the trade unions any findings of the inspections indicating either the presence or absence of violations.

On 9 April, law enforcement officers conducted searches at the offices of the KTR, the Federal Air Traffic Controllers' Union, and the Russian Seafarers' Union, seizing documentation and office equipment. The stated basis for the searches was a criminal case concerning a financial dispute over the distribution of trade union dues within the Federal Air Traffic Controllers' Union, involving a sum of 52,000 roubles. There has been no official explanation why the offices of the KTR and other member organizations should have been searched. However, the nature of the investigative actions taken, the size and numerous media reports indicate that the primary interest of the law enforcement authorities lay in information relating to the international activities of the trade union organizations in the context of the Law on Undesirable Organizations.

The second Law which poses several problems is the Law on Foreign Agents. The criteria for foreign influence have been extended to the widest possible degree. In addition to the receipt of foreign funding, they encompass organizational and other forms of assistance such as instructions, software platforms and training, scientific and technical assistance as well as any other form of influence over the management of an organization, including by means of purchasing or the provision of information platforms. This Law expressly excludes employers' associations from the category of entities that may be designated as foreign agents. Trade unions are not excluded, making the intention and bias of the Law towards the defenders of human and labour rights plain to see.

The consequences are equally harmful. Persons holding the designation as foreign agents are required to label all materials produced or disseminated by them. They must comply with reporting obligations and disclose their status to employees and counterparts in the course of their activities. This includes disclosure to non-commercial entities and provision of documents upon request. The consequences are very intrusive and significantly restrict access to resources. There are also consequences of third parties disseminating unlabelled information for foreign agents. In addition to fines for breaches, criminal liability is also applied.

As noted by the Committee of Experts, the Laws on Undesirable Organizations and on Foreign Agents restrict the activities of trade unions to certainly create a climate that is harmful and not conducive to the exercise of the rights protected under the Convention. It is a violation of the Convention in law and in practice. The Russian authorities must work with the ILO, and ensure that they take corrective measures in this regard.

Interpretation from Russian: **Employer member, Russian Federation** – First of all, my thanks go to the Organization for giving me the opportunity to speak on behalf of the Russian

employers. My colleagues, the representatives of the Government of the Russian Federation, have gone into detail on the situation arising in Russian legislation which saves me having to go into those points on legislation.

What I am going to do is emphasize that the Convention is one of the fundamental Conventions of the ILO, and employers greatly respect its position as a fundamental Convention. We have paid close attention to all of the recommendations from the ILO, in particular the Committee of Experts, and think it is necessary to take measures to take into account the recommendations of the ILO experts, bringing changes into the relevant laws of the Russian Federation. The main area of interest for Russian employers as social partners in the tripartite dialogue in the Russian Federation is to ensure that that dialogue is effective and that representatives of the social partners can fully play the role provided for in the legislation in force in the Russian Federation.

We are very much interested in the trade unions being able to use all of the available legislative provisions relating to trade unions within the Tripartite Commission, including measures to develop international cooperation, cooperate with international federations and other international organizations with a view to carrying out and enjoying their basic rights.

I would particularly like to note that the designation as an undesirable organization and the issue of foreign agents is something that is strictly governed by national legislation. The right to organize and the right to strike have been discussed at length within the ILO and, as has already been said, we have a position on the right to strike as has already been mentioned by our spokesperson.

Freedom of expression is covered by the Russian Constitution and relates to all organizations. Further clarifying the right to express one's opinion for one type of organization, namely trade unions, is not necessary as it is already covered in general. We are willing to take a constructive approach to the recommendations of the Committee of Experts and in light of that we believe it is necessary to avoid the politicization of issues relating to the legislation on social partners and other legislative tools, for example, the Criminal Code and its impact on the Convention and other ILO Conventions. We could also talk about other spheres of law – taxation law, economic legislation – which have a direct impact on the labour market and therefore on the rights of the social partners.

Interpretation from Russian: **Worker member, Russian Federation** – The workers' representatives of the Russian Federation would like to thank the Committee of Experts for the comments provided. The Russian trade unions constantly monitor the situation relating to the application of the core Conventions in the area of freedom of associations. Cases of violations are documented and analysed. The aggregated data, combined with further analysis of actions by social partners, judicial decisions, and legislative changes form the basis of the comments that trade union associations submit on the annual report of the Government of the Russian Federation on the implementation of the ratified, primarily fundamental, ILO Conventions.

The Government submits an annual report on the compliance with the Conventions that is considered in the Tripartite Commission, which is the leading body at the federal level. As a rule, the annual report is sent by the Government to the ILO after a face-to-face meeting with the social partners and, after that, associations of employers and workers communicate in writing their comments to the Ministry of Labour, which are generally put in a single package with the report of the Government. With a view to achieving the specific recommendations on freedom of association made by the Governing Body to the ILO in various years, in 2013, the trade unions requested the creation of a working group on the analysis of recommendations of the Governing Body in Cases Nos 2758, 2216 and 2251 and the development of proposals

on improving the existing normative framework and application in practice. The working group includes representatives of the Ministry of Labour, the Ministry of Justice, the Federation of Independent Trade Unions of Russia and the Confederation of Labour of Russia, and also employers' associations.

This is a practice which is long-standing and has shown to be successful. It allows trade unions to effectively correct the position of the Government on situations relating to the practical application of Conventions. We understand the concern of the Committee of Experts on the legislation in the social sphere. It should be emphasized that the provisions mentioned by the Committee of Experts adopted at the national level amid difficult geopolitical circumstances are not focused on limiting the rights of trade unions. These are provisions which apply generally, affecting the rights and obligations of all entities in this specific area.

The Russian Federation has a Law on Trade Unions adopted in 1996, and it has priority over all other legislation which regulates the activities of societal and non-governmental bodies. The legal system of the Russian Federation has no direct provisions limiting the rights of trade unions and their activities. They can carry out international cooperation, be part of international organizations and enjoy membership in them. Measures referred to by the Committee of Experts are very limited in their scope. The only case mentioned in the report of the Committee of Experts is the dissolution of the interregional trade union, the "Workers' Association", relating to the criticism of the Government's economic and social policy (complaint 3315). Ultimately this case was overturned by the Supreme Court, which corrected the decision issued at first instance. No trade unions have been deemed foreign agents even in the last five years of the more stringent provisions of the federal law on monitoring of the activities of individuals and foreign influence being in effect.

The only point which is worth focusing on is the exclusion of workers' organizations from the list of entities which can be considered foreign agents. This is an exclusion which has not been achieved despite our requests.

Undoubtedly, we are concerned by the events mentioned by the Workers' representative on the searches carried out this year on the offices of the Russian Seafarers' Union and the Federal Air Traffic Controllers' Union. This is an incident which is serious and gives rise to concern in the context of developing social dialogue in the country in the coming years. We believe that it has to be ascribed to an excessive zeal of some unscrupulous officials. However, once again, I would emphasize that, as the Workers' representative has already said, this incident arose from the officials within the trade union who were concerned about the financial activities of their organization. We are looking closely at the development of the situation, working together with the Russian Federation, and we are willing to continue working with them and all interested parties, including experts of the Office.

With regard to the Law on Undesirable Organizations being applied to the ITF and the IndustriALL Global Union, as decided by the Prosecutor General, from the moment of the adoption of those decisions, the Confederation of Labour of Russia has been making efforts at the national level to change them. The question has been brought before the relevant authorities in our tripartite bodies for discussion, and we are cooperating with the relevant authorities and employers' organizations.

Our principal position remains unchanged: in full accordance with the Constitution of the Russian Federation, federal legislation and international obligations of the country in the labour sphere, trade unions and their associations have the right without prior authorization to participate in international activities and be part of global trade union associations and enjoy

membership within them. We will continue our efforts to fully ensure that these rights can be exercised by Russian trade unions.

We believe that the potential for a system of social partnership for trade unions at the international level is still something that can be achieved through our actions at the national level. We do not believe that these are exhausted and are willing to continue cooperation with the Office and the Committee of Experts.

We note the issue of freedom of association from the point of view of workers' rights and trade unions, and we believe that it is very dangerous to politicize this discussion within the walls of the specialized agencies of the UN, one of which is the ILO.

We believe that here we should focus on issues that have an impact on workers' rights and trade unions. These are primarily economic organizations, and political issues belong to the domain of political parties working in each country. We look forward to a far-reaching discussion on all aspects of the problems noted by the Committee of Experts. We will look closely at the recommendations of the Committee of Experts and consider improvements to the fundamental rights in operation in our country. We believe that the resolution of problems related to the implementation of fundamental norms with regard to workers in our country is something that can be achieved through technical assistance from the Office on legal and law enforcement issues, currently suspended under the resolution on the Russian Federation adopted by the Governing Body in March 2022 and its subsequent revisions.

Therefore, we suggest, in the interest of continuing constructive cooperation with the ILO in resolving these problems, unblocking the March 2022 resolution on the Russian Federation to allow the technical support of the ILO to be applied to the concrete issue that we are discussing.

Government member, Cyprus – I speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova,** the EFTA countries **Iceland** and **Norway**, members of the European Economic Area, as well as the **United Kingdom** align themselves with this statement.

The European Union 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 supervisory system in its crucial role of promoting and supervising the application of ratified standards.

We recall that the Russian Federation has ratified the Convention. We express our serious concern with the latest observation of the Committee of Experts concerning the application of this fundamental Convention. We note with deep concern the Committee of Experts' observation that several international trade union organizations, including the ITF and the IndustriALL Global Union, have been declared undesirable by the Prosecutor General of the Russian Federation, allegedly resulting in serious restrictions on the activities of their affiliates in the country.

We call on the Government to provide comments on the allegations concerning the effective prohibition of ITF activities and restrictions on its affiliates in the Russian Federation. We recall the Committee of Experts' observation that international trade union solidarity constitutes one of the fundamental objectives of any trade union movement.

We further recall that Article 5 of the Convention guarantees the right of workers' and employers' organizations to affiliate with international organizations of their own choosing,

which also implies the right to maintain contact with them, to participate in their activities and to benefit from their services, including through legitimate financial assistance.

We express deep concern at the impact of legislation and regulation on foreign agents and undesirable organizations on freedom of association rights, which also affects trade unions and social partners. We urge the Russian Federation to abolish its repressive legislation and comply with international human rights law.

We deeply regret the absence of steps taken to ensure that trade unions may express their opinions freely, including views criticizing the Government's economic and social policies, without facing dissolution or other forms of interference. We also regret the lack of progress in ensuring the full recognition, in law and in practice, of the right of trade unions to hold public meetings and demonstrations, which is an essential aspect of freedom of association.

We also express deep concern regarding the 9 April searches of offices and seizures of equipment and documents used by a number of Russian trade unions, among others the KTR, which had provided observations to the Committee, and note it as a further example of violations of freedom of association rights by the Government of the Russian Federation.

We note with concern the Committee of Experts' observation that persons deprived of liberty who work under employment contracts in penal institutions appear to be prevented from establishing and joining workers' organizations of their own choosing. We ask the Government to review the Law on Public Associations to ensure that all workers without distinction whatsoever may exercise the rights protected by Article 2 of the Convention.

We regret that no progress has been made in guaranteeing the right to strike of state and municipal civil servants who do not exercise authority in the name of the State, and we call on the Government to review the relevant restrictions. We further deeply regret the continued restrictions on the right to strike of railway workers. We recall the Committee of Experts' view that railway transport does not constitute an essential service in the strict sense where strikes may be prohibited and call on the Government to amend article 26.2 of the Law on Railway Transport to ensure railway workers' right to strike, with a negotiated minimum service where necessary.

We urge the Government of the Russian Federation to take concrete and immediate measures to bring law and practice into full conformity with the Convention, in genuine consultation with the social partners. We call on the Government to cooperate fully with the ILO supervisory bodies and to provide detailed information on all measures taken.

The European Union and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of fundamental labour standards.

Government member, Poland – I have the honour to speak on behalf of the following 40 Governments: **Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Kingdom of the Netherlands, North Macedonia, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom, and my own country, Poland.** Freedom of association is closely linked to genuine respect for civil liberties. When its fundamental principles are not respected, all the rights and freedoms of workers are at risk.

Over recent years, we have witnessed a systematic shrinking of civic space in the Russian Federation. Of particular concern are measures that severely restrict the ability of trade unions to operate freely, independently, and without fear of retaliation in a broader human rights situation marked by arbitrary detention, unfair trials and persecution of those expressing dissenting views.

In recent years, and particularly following the Russian Federation's continued illegal, unprovoked and unjustifiable war of aggression against Ukraine, repression and attacks targeting dissenting civil society representatives and organizations, human rights defenders, trade unionists, members of the political opposition and other individuals exercising their human rights and fundamental freedoms have significantly increased.

We echo the Committee of Experts' deep concern regarding the designation of several independent international trade union organizations including the ITF and IndustriALL, as undesirable, forcing them to cease all operations and exposing individuals engaging with them to administrative and criminal sanctions.

We strongly condemn the continued application of legislation on foreign agents. These laws have been systematically used to stigmatize, control, silence and dismantle civil society, creating a climate of fear. We further condemn the chilling effect these laws have on the exercise of freedom of association, including trade unions' ability to express their views, organize publicly and operate without interference.

Continued restrictions on the right of trade unions to organize public meetings, demonstrations and other peaceful activities are also a matter of serious concern. We are further concerned about legislative provisions that restrict the right to freedom of association, in particular the exclusion of persons deprived of their liberty from the possibility of establishing and joining workers' organizations.

We further wish to underline that freedom of expression constitutes a fundamental corollary for the effective exercise of freedom of association. Workers' and employers' organizations must be able to publicly express their views, including through the media, and to criticize the economic and social policies of the Government without fear of interference, sanctions or reprisals.

As highlighted by the Committee of Experts, the situation of freedom of association in the Russian Federation has reached a deeply alarming state. The use of restrictive legislation attacks on independent organizations and the repression of civil liberties create an environment in which workers are unable to organize freely, act independently or defend their interests without fear.

This persistent failure to act reflects Russia's broader disregard for international law, including its obligations under ILO Conventions.

In light of the seriousness and persistence of these issues, our group calls on the Russian authorities to:

- ensure that trade unions can operate freely, without fear, stigma or pressure, and are able to carry out their activities independently;
- refrain from applying legislation on "foreign agents" and "undesirable organizations" to trade unions in any form, and to ensure that such laws do not interfere with their legitimate activities;

- immediately take all necessary measures to guarantee that trade unions can freely organize and participate in public assemblies without interference, intimidation or undue restrictions;
- lift all restrictions on freedom of expression, and ensure, both in law and in practice, the existence of independent means of expression;
- ensure that all workers, without distinction, can establish and join organizations of their choosing;
- ensure full and effective protection against anti-union discrimination and interference;
- guarantee the rights to freedom of expression and peaceful assembly;
- engage in genuine and constructive dialogue with the social partners and the ILO.

Finally, we urge the Russian Federation to immediately and unconditionally withdraw its forces from the territory of Ukraine and to end its violations of workers' rights and human rights in the temporarily occupied territories of Ukraine.

Employer member, United States of America – This case involving the Russian Federation provokes a fundamental component of the Convention, the freedom of expression for both workers' and employers' groups. The Committee on Freedom of Association (CFA) has repeatedly asserted the existence of this right under the Convention.

As the CFA has instructed, "the full exercise of trade union rights calls for a free flow of information, opinions and ideas". To this end, workers, employers and their organizations should enjoy freedom of opinion and expression. We recognize that the case involving the Russian Federation regards trade union expression, particularly where that expression may be considered adverse to the State.

Without minimizing the gravity of those principles, we wish to highlight that under the Convention, freedom of expression applies with equal force to the expression of employers' groups with due consideration to whether that expression otherwise and unduly impairs the rights and freedoms established under the Convention.

It is in this context that we note that the CFA has assessed the scope of employers' freedom of expression, having confirmed that employers have the right to free speech during a trade union organizing campaign provided that they do not interfere with workers' right to freedom of association. Stated more specifically, the CFA has acknowledged with approval those legal regimes that allow for employer expression where it can be meaningfully assessed against whether that expression improperly impairs trade union rights under the Convention.

We wish to highlight that this balance taken in concert with all due and accompanying nuance for national law and practice forms a cornerstone for meaningful and effective labour relations.

Worker member, Norway – I will speak on behalf of the trade unions in the Nordic countries. Developments in our neighbouring country, the Russian Federation, are worrying. Over the past few years, we have seen that fundamental labour rights have been suppressed and the ability to conduct legitimate trade union work in line with international standards has deteriorated. From the Nordic side, we will focus on the consequences of a law referred to as the Law on Undesirable Organizations. Under this Law, the ITF, was designated as undesirable in September 2023 and in January 2024, the IndustriALL Global Union received the same designation.

We strongly urge the Russian authorities to reconsider these provisions. I would like to underline, as the Committee of Experts do in their report, that international trade union solidarity constitutes one of the fundamental objectives of any trade union movement. The right for any workers to affiliate with international organizations or workers of their own independent choosing without interference from government is a fundamental right. And following this, the national trade unions have an undisputed right to have contact with international trade union organizations with which they are affiliated, to participate in the activities of these organizations and to benefit from the services which their membership offers.

On this basis, we believe that the decisions of the Prosecutor General's Office designating the ITF and IndustriALL as undesirable organizations should be reversed.

The ITF and IndustriALL are important actors in international trade union work. Their activities are legitimate. They enjoy a high level of respect from both employees and employers. And they work for workers' rights through transparent and democratic methods. Our demands are fair and legitimate.

We call on the Government of the Russian Federation to reverse the decisions and practices that prevent Russian trade unions from maintaining or assuming membership in international trade union organizations, including the ITF and IndustriALL, and ensure that the trade unions may engage freely in international cooperation.

Government member, Islamic Republic of Iran – The Islamic Republic of Iran takes this opportunity to share its perspective on the situation in the Russian Federation as examined under the Convention. The Islamic Republic of Iran recognizes that the Russian Federation, as a founding member of this Organization, and having ratified this Convention in 1956, has a long-standing relationship with the ILO and its supervisory mechanism.

We note that the Government has engaged with the Committee of Experts' comments by providing information on collective bargaining coverage, tripartite consultation within the Russian Tripartite Commission for the Regulation of Social and Labour Relations and ongoing legislative development. We also take note of the judicial record seated in the report itself in 14 out of 15 cases of alleged anti-union discrimination considered by the domestic courts in recent years.

Courts ruled in favour of an employee, which is a concrete indicator of the judicial protection for workers functioning in practice. The Islamic Republic of Iran holds the firm view that sustainable progress in labour rights is most effectively achieved through constructive dialogue and technical cooperation. We encourage the Russian Federation to continue its engagement with the ILO and on outstanding issues and call on the Organization to support this process through targeted technical assistance.

We emphasize the importance of preserving space for dialogue and avoiding approaches that may hinder constructive cooperation. We have always held the conviction that this Organization operates free from politicization and double standards, and we trust that it will continue to reinforce this belief through transparency and impartiality.

We call on all members to pursue genuine, fair and non-discriminatory dialogue in the service of social justice, the very cornerstone of the ILO.

Worker member, Kingdom of the Netherlands – I am speaking on behalf of workers in the Kingdom of the Netherlands and Germany. Freedom of association means that workers' organizations must be free to organize their activities without interference from public

authorities. As the CFA has repeatedly stated, assistance or support from an international trade union organization is a legitimate trade union activity. The Law on Foreign Agents in the Russian Federation stands in contradiction to this principle of freedom of association. The very term "foreign agent" carries clear political and historical connotations in Russian. It is associated with notions such as "foreign spy" or "saboteur". Therefore, if a trade union organization, leader or an activist is labelled as a "foreign agent", they may easily lose their possibility to develop activities with workers or interact with public authorities.

The Law specifically excludes employers' associations from the category of entities that may be labelled as foreign agents. This undermines equality between the social partners and places trade unions at a clear disadvantage. The first criterion is a so-called foreign influence. It is defined in extremely broad terms. It covers not only foreign funding, but also assistance in areas such as organizing, research, trade union expertise and technical support as well as any other form of influence. The second criterion is political activity. It includes actions to influence socio-economic policy, the conduct of public authorities and the regulation of human rights and freedoms, normal and legitimate trade union activities. If a trade union activist is labelled a "foreign agent", they must attach a prescribed disclaimer to every public act they undertake. This would even apply to acts such as a letter to a public official or a comment on social media. They are also barred from working in education, holding public office and receiving certain forms of income or state financial support.

Trade union organizations labelled as foreign agents have severely restricted access to resources and a limited ability to function. Violations of the Law on Foreign Agents are punishable by heavy administrative fines. Repeated violations may lead to imprisonment for up to two years and in some cases even up to five years. We call on the Government of the Russian Federation to take all necessary measures to exclude trade unions and their organizations from the scope of the Law on Foreign Agents just as employers' organizations have been excluded.

Government member, Niger – Niger notes the report of the Committee of Experts and the constructive comments that it contains, which contribute to compliance with international labour standards. Our delegation welcomes the steps taken and the efforts made by the Russian Federation to follow up on these comments.

We consider that the Russian Federation has demonstrated a clear commitment to the application of the Convention and has acted diligently to align its national legislation with the provisions of the Convention, in order to promote social dialogue and prevent any interpretation that may impinge on the right to free collective bargaining. We also welcome the efforts undertaken by the Government to align its legislation with international standards, by creating conditions conducive to frank and sincere dialogue with all stakeholders. Niger appreciates the measures taken by the Government of the Russian Federation and remains convinced that the solution to issues in the world of work lies in dialogue and in collaboration among the different stakeholders.

To conclude, Niger invites the Office to provide the Russian Federation with any technical assistance requested to pursue its efforts to implement the Convention, through tripartite social dialogue.

Worker member, Belgium – The Belgian and French workers wish to express their solidarity with Russian workers. On 9 April 2026, security forces conducted searches at the headquarters of the KTR, and the offices of two of its member organizations, the Federal Air Traffic Controllers' Union, and the Russian Seafarers' Union. These searches were reportedly related to an internal financial conflict between the leadership of the Federal Air Traffic

Controllers' Union and one of its branches. Following the exclusion of this branch, a former leader reportedly filed a complaint. During the searches, the police seized a significant number of administrative documents, computers, telephones and material belonging to the KTR and its member organizations. We do not know whether criminal proceedings have been initiated. Videos have been posted on social media, in which a police officer accuses the KTR of acting on behalf of foreign donors. It is important to note that these events occurred in a context in which several international trade union organizations were labelled "undesirable". Since these searches and the seizure of trade union material, the activities of the KTR have been severely disrupted.

We wish to recall that the Convention protects the right of workers' and employers' organizations to organize their administration and their activities without interference or obstruction by the public authorities. According to the 2012 General Survey of the Committee of Experts, legislation that provides for extended control over the financial management of organizations, particularly by requiring that the receipt of funds from abroad be approved by the public authorities, is incompatible with the Convention. Furthermore, the settlement of any internal dispute in a trade union and issues relating to membership and members' dues should be left to the discretion of the trade union, without any intervention by the public authorities. The freedom to organize their administration also includes the right of organizations to be able to dispose of all their fixed and moveable assets unhindered, and that they should enjoy inviolability of their premises, correspondence and communications.

For the Committee of Experts, searches should only be possible when provided for by law, when a warrant has been issued for that purpose by the regular judicial authority, and when there is good reason to presume that such a search will produce evidence for criminal proceedings. Searches should also be restricted to the purpose for which the warrant was issued. They should never be carried out with the sole purpose of intimidating and creating a climate of insecurity, or to discourage trade union membership.

The extent of the searches in the KTR's offices and the serious consequences that they are having on the activities of the trade union raise questions about compliance with these conditions and, ultimately, the proportionality of this investigative measure. The investigations, videos posted on social media and speculation reported by the media concerning the KTR, its member organizations and leaders, are creating a climate of fear and stigmatization.

We call on the Russian authorities to refrain from conducting searches, seizures, police raids and any other form of pressure or coercive measures against trade unions and their representatives who are legitimately exercising their trade union rights.

Interpretation from Chinese: **Government member, China** – We thank the representative of the Government of the Russian Federation for the information provided. The Russian Federation attaches importance to the supervisory mechanism. The country has ratified a number of international labour Conventions and has steadily aligned its domestic legislation with relevant international standards, maintaining constructive dialogue and cooperation with workers' and employers' organizations and with the ILO.

The main reason for which the case of the Russian Federation has been listed as a double-footnoted case is that the Government of the Russian Federation decided to designate the ITF as an undesirable organization.

We believe that workers' organizations in any country should abide by the Constitution and laws of that country and should conduct their activities within the bounds of national law.

The role of the supervisory mechanism is to assist and encourage Member States to better fulfil their obligations under international Conventions. The relevant measures should be positive and constructive, not destructive.

When examining individual cases, we should adhere to the principles of objectivity and impartiality, give due consideration to the authoritative information provided by Member States, eliminate political bias and fully respect the sovereignty of Member States.

We urge this Committee, as well as the tripartite constituents of the ILO, to respect the Russian Federation's sovereignty, to take a comprehensive and objective view of its social conditions, to carefully consider the information and commitments presented by the Government of the Russian Federation, to maintain dialogue with it, to provide more technical assistance and to effectively support the country's economic and social development.

Worker member, United Kingdom of Great Britain and Northern Ireland – It is a long-established principle, including in Article 5 of the Convention, that workers' and employers' organizations shall have the right to affiliate with relevant international bodies. A union is better able to defend and promote the interests of its members if it can share knowledge and resources with other trade unions, regionally, nationally and internationally. Organizing tactics and negotiating know-how, etc., when shared and promoted along these networks, evolve speedily to adapt to new challenges and circumstances and, in doing so, help unions defend workers and form effective social partnerships with the knowledge base required to secure just outcomes.

In the maritime sector, it is especially limiting on fundamental union activity to be shorn of global networks. Seafaring is by its essential nature a transnational undertaking with shifting jurisdictions and inconsistent access to the rights underpinned by the ILO. The ability of such unions to cooperate and mutually reinforce each other's activities across national boundaries is therefore essential to their ability to defend their members and ensure the consistent enjoyment of fundamental rights.

The Russian Federation has used its Law on Undesirable Organizations to ban international bodies deemed, via an extrajudicial process based on vague grounds, to be a threat to the Russian Federation. The application of this Law to trade union confederations, starting with the ITF in 2023 and followed by IndustriALL in 2024, denies unions in the Russian Federation the freedom to join international networks.

The consequences of being considered an undesirable organization effectively block trade union support and solidarity. They include administrative penalties and criminal liability for involvement, while such bodies face a total ban on activity in the Russian Federation. These bans have given Russian unions no choice but to end all association with their global unions, denying them access to extensive benefits and, in doing so, contravening Article 5. As an island nation, shipping is central to the British world of work. Between 85 and 95 per cent of all goods are traded by sea.

And in the United Kingdom, the ITF is working with British and global companies to identify and address labour abuses in sectors like logistics, ports and shipping. It promotes collaboration between global companies and unions to resolve problems across supply chains and develops practical tools to help companies uphold labour standards across complex cross-border operations. It is one of the most ambitious, successful and indeed desirable acts of social partnership currently in operation in UK supply chains. But it rests fundamentally on the concept of national unions cooperating across borders to support workers as they move between jurisdictions. The moment some national boundaries present a no-go zone, the aims

and objectives of employers and workers as well as the realization of fundamental rights are frustrated.

We urge the Government of the Russian Federation to end the practice of labelling global unions as undesirable organizations and ensure law and practice are consistent with the Convention and the right of unions to join international federations and avail themselves of the benefits of a global cooperative support structure.

Government member, Kazakhstan – Kazakhstan acknowledges the Russian Federation's long-standing engagement with international organizations and its declared commitment to the advancement of labour rights and the preservation of social partnership mechanisms. Kazakhstan underscores the importance of maintaining a professional and open dialogue among the Government of the Russian Federation, representatives of workers and employers and the ILO's supervisory bodies in order to address the issues under consideration effectively. Constructive dialogue serves as a vital means to build mutual understanding, identify practical solutions and foster confidence among all parties. Kazakhstan regards such engagement as essential for ensuring that the deliberations lead to sustainable rights respecting outcomes. With respect to comments issued by the ILO supervisory bodies concerning the implementation of the Convention, Kazakhstan affirms its support for continued engagement and constructive cooperation with the ILO to facilitate tangible progress.

Worker member, Brazil – Brazil and the Russian Federation are important members of the BRICS and partners in the pursuit of a more balanced, inclusive and multipolar international order. The workers' delegation of Brazil fully respects the sovereignty of the Russian Federation. Nothing in this intervention should be interpreted as questioning the Russian Federation's sovereign right to safeguard its national interests. However, respect for sovereignty must coexist with the rights guaranteed under the Convention, including freedom of association. From the perspective of Brazilian workers, freedom of association strengthens nations.

In Brazil, it is protected by our Constitution, and it is an essential pillar of democratic social dialogue. Brazil has its own trade union model based on freedom of association, collective bargaining, social dialogue and territorial union representation based on unicity.

Our concern regarding this case is not new. In 2024, the Brazilian trade union centres jointly addressed the President of the Russian Federation regarding the designation of the ITF and IndustriALL as undesirable organizations. Our initiative reflected concerns that restrictions on international trade union affiliation may weaken workers' representation.

Workers' organizations should remain free to affiliate independently with international organizations of their own choosing. This is especially important in the maritime industry, one of the most globalized sectors of the world economy. Seafarers routinely work across multiple jurisdictions, often aboard vessels registered under flags of convenience, owned in one country, managed from another and operating globally. In this context, workers must remain represented and protected. For maritime workers outside their own country, union affiliation to the ITF is essential.

In August 2025, the seafarers' unions from the expanded BRICS countries established the BRICS Seafarers' Forum in Brazil. The BRICS seafarers' unions affirm their commitment to decent work, maritime sovereignty, social justice and peace among nations. The workers' delegation of Brazil therefore encourages continued dialogue between the Government of the Russian Federation, workers' organizations and the supervisory bodies of the ILO. Despite

national differences, workers from different nations share common aspirations. Dignity, decent work, social justice and peace. Trade unions exist to ensure that their voices are heard.

Government member, Mali – The Government of the Republic of Mali takes careful note of the discussion on the application of the Convention by the Russian Federation. Mali reaffirms its unwavering commitment to the fundamental principles of the ILO, in particular the promotion of social dialogue and the protection of workers' rights.

Nevertheless, our Committee must address each situation with impartiality, balance and strict respect for the national sovereignty of the Member States.

In the case before us, it is important to underscore that the administrative and legal measures taken by the authorities of the Russian Federation are aimed at maintaining public order and safeguarding national security. No State can tolerate an organization, even an international one, carrying out actions that could destabilize its constitutional framework or its strategic sectors, such as transport. These decisions are aimed not at restricting legitimate trade union activity but rather at ensuring that all structures operating within the national territory scrupulously comply with the legislation of the host State.

Mali calls on the Committee to avoid any politicization of its technical discussions and encourages the ILO to prioritize a constructive approach based on direct dialogue and technical assistance with the Government of the Russian Federation, rather than unilateral condemnations that do not serve the best interests of workers.

Government member, Lao People's Democratic Republic – At the outset, my delegation takes note of the report of the Committee of Experts and sincerely thanks the delegation of the Russian Federation for the comprehensive report. Lao People's Democratic Republic commends the Russian Federation for its commitment to upholding international labour standards and its continued efforts and progress to fulfil its obligation under the ILO-related Convention and mechanism. This includes, first, the integration of core labour standards of the ILO into its domestic law enshrined in Chapter 2 of the Constitution of the Russian Federation and its federal law. Second, the application of the tripartite social dialogue and collective bargaining frameworks to resolve labour disputes constructively.

We are of the view that the establishment and operation of any foreign or local workers' federation or trade union must be in compliance with national law and registration. In this regard, the Lao People's Democratic Republic calls for continued dialogue and cooperation with the consent and engagement of the host country aimed at strengthening the implementation of the ILO standards in a balanced and inclusive manner.

Government member, Algeria – The Algerian delegation is honoured to take part in the discussion concerning the application by the Russian Federation of the Convention on freedom of association and protection of the right to organize. We would like to express our appreciation to the Committee of Experts for its report.

Algeria also thanks the distinguished delegation of the Russian Federation for its comprehensive presentation and for the information provided. We take note of the measures and efforts undertaken to ensure the implementation of the provisions of the Convention by the Government.

Our delegation believes that constructive dialogue and sustained engagement among all concerned parties remain the most effective means of addressing outstanding issues and overcoming challenges related to the implementation of international labour standards. In this regard, we encourage the ILO supervisory bodies and the Russian authorities to continue their

cooperation and engagement with a view to achieving tangible progress and resolving the remaining issues in the spirit of dialogue and mutual understanding.

Interpretation from Russian: **Government member, Belarus** – We would like to thank the delegation of the Russian Federation for the detailed information provided. We consider that qualifying the Russian Federation's individual case as one requiring urgent consideration by the Committee is excessive; it raises a number of questions.

We think it is unjustified to interpret the assessments of the competent bodies of the Russian Federation as regards the ITF as a violation of international norms on trade union activities. The actions of the Russian authorities to ensure the economic security of the country is being subjected to criticism by the Committee of Experts. At the same time, the actions of the ITF, which harm the Russian State, transport companies, businesses, and also workers, are not receiving an adequate assessment by the Committee of Experts. This approach challenges the impartiality and objectivity of the ILO' supervisory mechanisms. Questions are raised about the fact that the ITF did not provide assistance to Russian seafarers in situations involving violations of their rights, including unlawful arrests, refusal to provide them with their wages, refusal to provide them with food, and refusal to rescue and evacuate seafarers from Russian vessels in distress. Essentially, the ITF, by blocking the unloading and servicing of Russian vessels in foreign ports, is actively involved in the trade economic sanctions against the Russian Federation introduced by the European Union and the United Kingdom. With this in mind, we think that the position of the Government of the Russian Federation as regards the ITF is justified and we propose that the Committee take due consideration of this.

We notice the political agenda and intentions of Western partners to instrumentalize ILO mechanisms by throwing this issue into the ILO, so as to expand the discriminatory practice against Russian maritime transport to countries that cooperate with counterparties linked to the transport of Russian energy supplies, food and other critically important goods, including for countries of the global South.

We also consider a few other allegations against the Russian Federation unjustified, and we call on the Committee to take into account the well-founded clarifications of the Government as regards the absence of violations of its obligations under Articles 2 and 3 of the Convention.

Moreover, we stress the sovereign right of the Government of the Russian Federation to draft and apply legislation on issues of state security, transparency and lawfulness of foreign financing of trade unions, and inadmissibility of external financing of political activity that does not pertain to protecting workers' rights and the legitimate interests of workers.

We count on constructive dialogue of the Committee and the ILO with the Russian Federation.

Interpretation from Arabic: **Government member, Egypt** – We have taken due note of the information provided by the Government of the Russian Federation, as well as the remarks of the Committee of Experts on the application of the Convention. We reaffirm the importance of the pursuit of constructive social dialogue and technical cooperation between the Government of the Russian Federation and the ILO to strengthen efforts in promoting the application of the Convention. We take due note of the information provided by the Government of the Russian Federation and the means that have been deployed to face the challenges on the basis of an approach based on pursuing cooperation and recognizing the important role played by the ILO in the area of technical assistance necessary to aid the Government in respecting ILO standards.

Interpretation from Russian: **Government representative** – In our opening observations, we gave our arguments to all of the comments made by the Committee of Experts, and we have listened closely and analysed the positions that have been expressed in this room by our partners.

I would like to note that a number of issues were touched upon, including the situation in Ukraine and hostile situations for civil society and violations of civil rights taking place in our country. This is not in accordance with reality; they are political in nature and go beyond not only the scope of the Convention but also far beyond the mandate of the ILO as a whole. We trust that the Committee will not take such politicized comments into account when preparing its conclusions on the individual case of the Russian Federation.

In conclusion, I would like to reaffirm our commitment to the ILO labour standards and particularly those provided under the Convention. We are willing to further constructively cooperate with the supervisory machinery of the Organization, including this Committee, and we also trust that the technical cooperation from the ILO will be renewed following the decision in 2022.

Worker members – We thank the Government for the information provided during this discussion. From our discussions, the Laws on Undesirable Organizations and on Foreign Agents significantly restrict the activities of trade unions and violate the Convention. The free exercise of civil liberties is clearly impeded within the current climate, raising serious concerns.

The Committee has heard how the Law on Undesirable Organizations has been applied to international trade union organizations, including the ITF and the IndustriALL Global Union. The consequences are clear: Russian trade unions have been forced to sever affiliations with international organizations of their choosing and have been deprived of the support, services and solidarity that membership in those organizations provides.

The Worker members are also deeply concerned by reports of inspections, searches, document seizures and other investigative actions directed at trade union organizations. The State is under the obligation to ensure that such measures are never used in a manner that interferes with legitimate trade union activities or creates a hostile atmosphere for the exercise of civil liberties.

The Law on Foreign Agents gives rise to equally serious concerns. The broad scope of the legislation, the extensive compliance obligations, the severe sanctions, and the uncertainty surrounding its application create a significant intrusion and severe restriction on trade union activity.

The Committee of Experts has observed that these measures may restrict trade unions' ability to receive assistance from international workers' organizations and to engage in international cooperation. Such restrictions are incompatible with the principles embodied in the Convention. The evidence here confirms that, without creating a climate conducive to the free exercise of civil liberties, trade union rights cannot be meaningfully protected or exercised.

The Worker members are of the view that the Government of the Russian Federation should take all necessary measures to exclude trade unions and their organizations from the scope of application of both laws and must equally ensure that human rights defenders and other civil society organizations can function freely in a climate conducive to the exercise of civil liberties.

The Worker members consider that the decisions of the Prosecutor General's Office designating the ITF and IndustriALL as undesirable organizations should be reversed. That

would enable Russian trade union organizations to exercise, at their own discretion, full membership in those bodies and to avail themselves of the services and benefits that such membership affords.

The Worker members consider the pressure exerted on Russian trade unions and their associations in the form of inspections, searches and police raids completely unacceptable. Trade unions stand for peace and social justice and must be free to advance and defend those interests in their administration, programmes and activities. Pursuing peace, social justice and respect for freedom of association, including civil liberties, is in line with the ILO's mandate. The Government of the Russian Federation must refrain from subjecting trade unions and their associations to coercive measures in the course of the exercise of their functions.

The Workers members call upon the Government of the Russian Federation to take all necessary measures to ensure that trade unions and their organizations are excluded from the scope of application of the Law on Undesirable Organizations and the Law on Foreign Agents; reverse the decision designating the ITF and the IndustriALL Global Union as undesirable organizations, thereby enabling Russian trade unions freely to determine their international affiliations; cease all forms of interference, pressure, inspections, searches and investigative actions that may undermine the independence and autonomy of trade unions, ensuring the right to organize and express themselves; guarantee, in law and in practice, the right of trade unions to affiliate with international organizations, receive assistance, including financial assistance, from such organizations, and participate in international trade union activities without fear of administrative or criminal sanctions; engage in genuine consultations with the social parties regarding any legislative reforms affecting freedom of association and trade union rights; and provide detailed information to the Committee of Experts on all measures taken to give effect to the Convention by 1 September 2026 and accept a technical advisory mission of the ILO.

Employer members – The Employer members thank the various speakers who took the floor for their interventions and the information provided. We also thank the Government of the Russian Federation for participating in our proceedings today. The Employers reiterate that the Convention is a fundamental Convention and, as such, we strongly encourage compliance with it, in law and in practice.

In light of the Committee of Experts' comments and today's discussions, the Employer members would like to recommend the following:

First, we ask the Government to provide information on its declaration of the ITF and the IndustriALL Global Union as undesirable organizations. This will enable the Committee of Experts to assess whether such determination in terms of the laws of the Russian Federation is consistent with the Convention.

Second, we ask the Government to provide comments on the allegations of infringement of the right of trade unions to express opinions, including those criticizing the Government's economic and social policies.

Third, we ask the Government to take the necessary measures in consultation with the most representative workers' and employers' organizations to ensure that national laws and regulations are compatible with the rights of workers' and employers' organizations under the Convention.

Fourth, the Employers ask the Government to take the necessary measures to ensure the full recognition of the right of trade unions to hold public meetings and demonstrations, both in law and in practice.

Fifth, we ask the Government to review its Law on Public Associations so as to ensure that persons deprived of their liberty can enjoy the right to establish and join workers' organizations of their own choosing.

To conclude, we count on the collaboration of the Government for the implementation of these recommendations and, to the extent necessary, we call on the Government to avail itself of ILO technical assistance.

Chairperson – This brings us to the end of the discussion on this case. I thank the Deputy Minister of Labour and Social Protection and all the speakers who took the floor for their participation.

Conclusions of the Committee

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

The Committee noted the difference of views on the interaction of the Law on Undesirable Organizations and the Law on Control over the Activities of Persons Under Foreign Influence on the one hand and freedom of association rights under the Convention on the other.

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

- **provide detailed information regarding the decisions designating international workers' organizations as "undesirable organizations" and comments on the allegations concerning the consequences of those designations;**
- **ensure that the law is implemented in conformity with the Convention;**
- **ensure that national law and practice do not interfere with workers' rights and legitimate trade union activities in line with the Convention, including:**
  - **the right to form and join organizations of their own choosing to promote their occupational interests;**
  - **the right to affiliate with international organizations of their own choosing;**
  - **the right to express themselves freely, including in respect of Government policies.**

The Committee invited the Government to implement the recommendations and provide a report to the Committee of Experts by 1 September 2026 and to avail itself of ILO technical assistance, if needed.

Interpretation from Russian: **Government representative** – I am the Deputy Representative of the Russian Federation Mission to the United Nations and other international organizations in Geneva. Having noted the Committee's conclusions which have been prepared as a result of the review of the individual case concerning the Russian Federation, we will carefully consider these conclusions.

We reaffirm our commitment to ILO international labour standards, including those enshrined in the Convention. We stand ready to engage in dialogue and interaction with the supervisory bodies of the ILO, including the Committee of Experts. At the same time, we would like to note the politicized resolution of the 343rd Governing Body session with regard to a cessation of technical assistance to the Russian Federation. In this connection, we find it hard to imagine how the recommendation could be implemented with regard to us availing

ourselves of ILO technical assistance in view of the well-known objective circumstances beyond the control of the Russian Federation.

South Africa (ratification: 1997)

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 the following documents: 25th Commission for Employment Equity (CEE) annual report 2024–25; Employment Equity Amendment Act, 2022; General Administrative Employment Equity Regulations; Regulations on the five-year sector numerical employment equity (EE) targets; judgment on Case No. JS1030/17; and the comments from the Congress of South African Trade Unions (COSATU).

The Committee of Experts asked the Government to continue to strengthen its efforts in promoting equality of opportunity and treatment in employment and occupation of all the designated groups and to provide information on:

(i) Results achieved in transforming the labour market towards a more equitable representation of the designated groups

The right to human dignity and the achievement of equality are core values enshrined in the Constitution of the Republic of South Africa (1996), the country's supreme law. To give effect to the right to equality in employment, the Employment Equity Act No. 55 of 1998 (EEA) was enacted. Its purpose is to achieve workplace equity and equality by promoting equal opportunity and fair treatment, eliminating unfair discrimination and implementing affirmative action measures. These measures are designed to redress the historical disadvantages experienced by designated groups, namely black people, women and persons with disabilities, to ensure their equitable representation across all occupational levels.

To demonstrate its commitment to the EEA's objectives, the Government continues to strengthen its compliance assessment and monitoring mechanisms, tracking progress in transforming workplaces and fostering inclusive, discrimination-free environments. Although some progress has been observed, analysis of EE data from the 2024 reporting cycle (submitted by designated employers – those with 50 or more employees, or fewer than 50 but meeting a designated annual turnover threshold) reveals that the South African labour market still exhibits significant racial, gender and disability disparities.

Workforce representation trends indicate a labour market structure that remains hierarchical, first by race, then gender and finally disability. The two uppermost strategic decision-making levels, top and senior management remain racialized and gendered, with white individuals and men predominating. At the top management level, whites hold 61.1 per cent of positions and men 72.5 per cent, while persons with disabilities hold only 1.9 per cent. At senior management level, whites occupy 47.3 per cent and men 61.7 per cent, with persons with disabilities holding just 1.4 per cent of such positions.

Notably, most designated groups, particularly black women and persons with disabilities continue to be concentrated in the lower to middle management levels. For example, at the professionally qualified/middle management level, black women (African, coloured and Indian) account for 35.6 per cent of positions, while persons with disabilities account for only 1.2 per cent. At the semi-skilled level, black women hold 42.9 per cent of positions but persons with

disabilities hold only 1.0 per cent. Although women's representation in lower to middle management has encouragingly increased, this upward trend has not yet translated into substantial gains at senior and top management levels. For further details, see the 2024–25 EE annual report of the CEE (25th CEE annual report).

(ii) Assessment of affirmative action measures (particularly the five-year sectoral numerical targets for designated employers introduced by EE Amendment Act No. 4 of 2022) to determine whether they remain effective and consistent with the principle of non-discrimination

The commencement date of Employment Equity Amendment Act No. 4 of 2022 (EE Amendment Act, 2022) was proclaimed by the President in Government Gazette No. 51684 dated 28 November 2024. The Act took effect on 1 January 2025. Its key objectives are to empower the Minister to regulate sector-specific EE numerical targets to ensure equitable representation of suitably qualified persons from designated groups; to reduce the regulatory burden on small businesses (those employing 1–49 persons); and to promulgate section 53 of the EEA, which makes an EE Compliance Certificate a prerequisite for accessing state contracts and doing business with any organ of the State.

On 15 April 2025, on the advice of the CEE, the Minister published two sets of EE Regulations: General Administrative Regulations (GG No. 52515) and the Regulations on the five-year sector numerical EE targets (GG No. 52514). These regulations aim to provide employers and employees with critical guidelines on effectively interpreting and implementing the provisions of the EE Amendment Act, 2022, including the five-year sector-specific EE targets at the workplace level.

The regulations offer flexibility in implementing these targets by requiring designated employers (those with 50 or more employees) to, after consulting with registered trade unions or employee representatives, analyse their current workforces, review their own self-regulated annual EE targets and align their EE Plans with the applicable five-year sector targets. The new EE Plans commenced on 1 September 2025.

All designated employers were therefore required to submit baseline EE reports, including their first year annual EE targets toward the five-year sector targets, during the 2025 EE reporting period (1 September 2025 to 15 January 2026). Consequently, the first compliance assessment of these first-year annual targets across all 18 economic sectors will be conducted only in the 2026 EE reporting cycle, after designated employers submit their subsequent EE reports (1 September 2026 to 15 January 2027). Once the 2026 EE data analysis is finalized, the CEE will publish the 2026–27 annual EE report on the status of the South African labour market.

(iii) Impact of implementing section 53 of the EEA as amended (measures to evaluate assessment criteria for issuing employment equity compliance certificates, and the number of certificates denied based on this assessment)

The EE General Administrative Regulations prescribe the assessment criteria for issuing EE Compliance Certificates under section 53 of the EE Amendment Act, 2022. These regulations include Regulation 16(4), EE reporting forms EEA2 and EEA15 and two distinct EE Compliance Certificate templates (EEA16A and EEA16B), which set out different compliance criteria for designated and non-designated employers.

For non-designated employers, the criteria include compliance with the National Minimum Wage Act, 2018 and Chapter II of the EEA (Prohibition of Unfair Discrimination) over the previous 12 months. For designated employers, the assessment criteria additionally

require submission of the annual EE report, achievement of annual EE targets (with justifiable reasons for any non-compliance) and continued compliance with both the National Minimum Wage Act and Chapter II of the EEA over the same period.

The compliance assessment and certificate issuance process has been fully automated within the Employment Equity System, accessible through the Department of Employment and Labour's online services platform (www.labour.gov.za). Automation enhances data integrity, accessibility, efficiency and user-friendly self-service, while minimizing turnaround times and reducing fraud risk. Manual issuance of EE Compliance Certificates is prohibited.

The first certificates were issued from 1 September 2025. As of 15 January 2026, a total of 25,913 EE Compliance Certificates had been issued: 11,694 to non-designated employers and 14,219 to designated employers. To date, no employer has been denied a certificate. Notably, employers are only required to produce the EE Certificate of Compliance as a prerequisite for access to state contracts and for doing business with any organ of the State. Therefore, it remains too early to assess the full impact of section 53 of the EEA as amended.

(iv) Actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2019–24, including obstacles identified and results achieved

The South African Constitution protects the rights to dignity, equality and fair labour practices under the Bill of Rights. South Africa is committed to eliminating, preventing and managing all forms of direct and indirect discrimination in the workplace, with the aim of creating safe environments free from unfair discrimination.

The EEA governs equity in the workplace. Section 6(1) of the EEA prohibits direct or indirect unfair discrimination against an employee in any employment policy or practice on grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or any other arbitrary ground. Section 5 requires all employers to take steps to eliminate unfair discriminatory policies and practices that cause workplace inequalities. Section 54 empowers the Minister of Employment and Labour to issue codes of good practice on the advice of the CEE.

Pursuant to section 54, South Africa issued a Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace (the Harassment Code) on 18 March 2022. This Code addresses the prevention, elimination and management of all forms of harassment, including racial discrimination and harassment that pervade the workplace. South Africa regards all forms of harassment as unfair discrimination, constituting a barrier to workplace equity and equality. Accordingly, all forms of harassment, sexual harassment, gender-based violence and harassment, bullying and racial, ethnic or social origin harassment must be eliminated. Harassment may include physical, psychological, emotional and sexual abuse.

The Harassment Code provides protection against racial discrimination and harassment. Section 10 of the EEA empowers the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Courts to provide dispute resolution mechanisms and remedies for workplace racial discrimination. Under section 50(2) of the EEA, both the CCMA and the Labour Court may issue any appropriate, just and equitable order, including:

(a) payment of compensation and/or damages by the employer to the employee;

(b) an order directing the employer to take steps to prevent future unfair discrimination or similar practices affecting other employees; and

(c) an order directing an employer (other than a designated employer) to comply with Chapter 3 as if it were a designated employer, directing the removal of an employer's name from the register referred to in section 41, or ordering publication of the Court's decision.

The Labour Court has already issued remedies for racial discrimination and harassment using the Harassment Code, as demonstrated in the case of *Solidarity obo Oosthuizen v South African Police Service and others* ((JS1030/17) [2023] ZALCJHB 4; [2023] 3 BLLR 258 (LC)). Furthermore, annual EE advocacy campaigns are conducted nationwide to raise awareness and educate labour market stakeholders including employers, employer organizations, employees, trade unions, human resources managers and practitioners, academics and civil society on the EEA and all forms of harassment, including racial discrimination.

Discussion by the Committee

Chairperson – Ladies and gentlemen, we are going to begin the third case of the day which relates to the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), by South Africa. We have 21 speakers on the list of speakers for the discussion of this case, and the Officers have therefore decided to reduce the maximum time for statements from five to three minutes.

I invite the Government representative of South Africa, the Acting Deputy Director-General of Labour Policy and Industrial Relations, to take the floor.

Government representative – Let me begin by expressing an apology from Honourable Nomakosa Zanamet, Minister of Labour from South Africa. She could not make it as she was presenting the budget yesterday and the debate today. We take this opportunity and appreciate the opportunity to appear before this Committee regarding the application of Convention No. 111 concerning discrimination in employment and occupation. At the outset, we reaffirm our unwavering commitment to the principles and objectives of the Convention and to promoting equality of opportunity and treatment in employment and occupation.

The elimination of discrimination and the advancement of substantive equality remain central pillars of our constitutional democracy and labour market framework. The Constitution of the Republic of South Africa places human dignity, equality and freedom at the heart of our democratic order. These constitutional values are given effect through the Employment Equity Act of 1998, which seeks to eliminate unfair discrimination and promote the equitable representation of historically disadvantaged groups through affirmative action measures. South Africa welcomes the Committee of Experts' observations and appreciates the opportunity to provide an update on developments since the Committee of Experts' previous examination of this case. Allow me to address the four matters raised by the Committee of Experts.

First, with regard to the results achieved in transforming the labour market towards more equitable representation of designated groups: South Africa continues to strengthen its compliance, monitoring and enforcement mechanism to advance workplace transformation and promote inclusive discrimination-free workplaces. The latest Employment Equity data derived from the 2024 reporting cycle submitted by designated employers – and I want to emphasize *designated* employers – confirms that progress has been made in certain areas. However, they also demonstrate that the labour market continues to reflect deep historical inequalities and structural patterns of exclusion. The data show that workforce representation remains stratified along racial, gender and disability lines. Race remains the primary determinant of occupational positioning, followed by gender and disability status. Top and

senior management positions remain disproportionately occupied by white individuals (comprising 61.1 per cent) and men (comprising 72.5 per cent) while black women and persons with disabilities continue to be concentrated in the lower and middle occupational levels. These patterns demonstrate that significant barriers to equitable representation persist throughout our labour market. While the Government welcomes the increasing participation of women at lower and middle management levels, this progress has not yet translated into equitable representation at senior leadership levels. These findings confirm that the legacy of past discrimination remains deeply embedded in the labour market outcomes and underscores the ongoing need for targeted measures to accelerate workplace transformation.

Frustratingly, these inequalities persist despite significant efforts by the State to strengthen monitoring and enforcement. During the 2025–26 financial year, the Department of Employment and Labour targeted 3,324 employment equity inspections, including Director-General reviews, reassessments and monitoring interventions. A total of 1,948 employers were DG-reviewed. However, only 181 employers were found compliant, representing a compliance rate of 9 per cent. And 1,767 employers were found non-compliant and issued with DG recommendations for corrective action. I want to emphasize that. So, it is not punitive but corrective action. May I also hasten to add that these findings demonstrate both the scale of the transformation challenge that remains before us and the seriousness with which the Government continues to monitor and enforce compliance with employment equity obligations.

The second issue raised by the Committee of Experts concerns assessment of affirmative action measures, particularly the implementation of the five-year sector numerical targets introduced through the Employment Equity Amendment Act of 2022. The Government wishes to emphasize that these measures were developed within the framework of the Employment Equity Act and are aimed at advancing substantive equality and equitable representation, consistent with both our Constitution and the Convention. The Employment Equity Amendment Act No. 4 of 2022 came into operation on 1 January 2025, following its proclamation by the President. The Employment Equity Amendment Act pursues three principal objectives. Firstly, it empowers the Minister of Employment and Labour to establish sector-specific employment equity numerical targets to accelerate equitable representation of suitably qualified persons from designated groups (women of all racial groups and persons with disabilities, irrespective of race and gender). Secondly, it reduces regulatory burdens on smaller enterprises - those that employ fewer than 50 workers - by exempting these employers from complying with the five-year sector-specific employment equity targets. Thirdly, it operationalizes section 53 of our Employment Equity Act by linking access to State procurement opportunities to compliance with employment equity obligations.

On 15 April 2025, following recommendations from the Commission for Employment Equity, the Minister promulgated both the General Administrative Regulations and the Five-Year Sector Numerical Targets Regulations. These Employment Equity Regulations provide practical guidance to employers and workers on implementing the amended legislative framework and establish the five-year sector-specific targets across 18 sectors of our economy. The sectoral employment equity targets do not constitute rigid racial quotas, nor do they require the appointment or promotion of unqualified persons. Employers remain obliged to consider qualifications, skills, experience, operational requirements and the availability of suitably qualified candidates.

Importantly, the sectoral employment equity targets framework remains flexible and consultative. Designated employers are required to consult with representatives of trade unions and employee representatives, undertake workforce analysis, establish workplace

specific targets and align their Employment Equity Plans with the broader five-year sectoral targets. The new Employment Equity Plans commenced on 1 September 2025. During the 2025 reporting cycle, all designated employers submitted baseline employment equity reports along with their own self-regulated first year annual targets aligned with the sectoral employment equity target framework. Consequently, the first meaningful assessment of progress against these annual targets can only occur following the 2026 reporting cycle when employers submit their next round of reports between September 2026 and January 2027.

For this reason, it is presently premature to draw definitive conclusions regarding the effectiveness of the sector targets. The Commission for Employment Equity will conduct a comprehensive assessment once sufficient information data becomes available and we will publish its findings in the 2026–27 Employment Equity Annual Report.

The third matter concerns the implementation of section 53 of the Employment Equity Act and the issuing of Employment Equity Compliance Certificates. The Government has adopted detailed Employment Equity Regulations prescribing the criteria and procedures for issuing these Employment Equity Compliance Certificates. The compliance assessment criteria differentiates between designated employers – those that employ 50 or more employees – and non-designated employers – those that employ fewer than 50 employees. For non-designated employers, certification requires compliance with the National Minimum Wage Act of 2018 and the anti-discrimination provisions in Chapter II of the Employment Equity Act during the preceding 12-month period. For designated employers, the assessments include additional requirements, namely the submission of annual employment equity reports, the achievement of annual employment equity targets or the provision of justifiable reasons where targets have not been met, and continued compliance with the National Minimum Wage Act and Chapter II of the Employment Equity Act. The certification process is fully automated through the Department of Employment and Labour's Electronic Employment Equity System to enhance data integrity and reduce fraud. The first Employment Equity Compliance Certificates were issued for the first time from 1 September 2025. As of 15 January 2026, a total of 25,913 Employment Equity Compliance Certificates had been issued. Of these, 11,694 certificates were issued to non-designated employers and 14,219 certificates were issued to designated employers. Let me point out that, to date, no employer has been denied an Employment Equity Certificate of Compliance.

The implementation of the amended Employment Equity Framework has also generated substantial employer engagement. Since the operationalization of the Employment Equity Amendment Act on 1 January 2025, more than 14,000 designated employers have submitted Employment Equity Reports, while more than 11,000 non-designated employers have also applied for Employment Equity Compliance Certificates. These figures, in our view, demonstrate that employers across our economy are actively engaging with the new framework and provide an important baseline against which future progress can be assessed. The Government nevertheless notes that section 53 remains in the early stages of implementation. Since certificates become relevant primarily when employers seek access to state procurement opportunities, it remains too early to undertake a comprehensive assessment of the full impact of this provision.

The fourth issue concerns the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. South Africa remains firmly committed to combating all forms of discrimination, racism, xenophobia and intolerance both within and beyond the workplace. The Constitution guarantees the right to dignity, equality and fair labour practices. These rights are reinforced through the Employment Equity Act and apply to every worker, irrespective of origin or status. Consequently, section 6 of the Act prohibits both

direct and indirect unfair discrimination on a comprehensive range of grounds including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion and any other arbitrary ground. In addition, section 5 of the Act requires all employers to take proactive steps to eliminate discrimination policies and practices that perpetuate workplace inequalities. In furtherance of these objectives, South Africa ratified the Violence and Harassment Convention, 2019 (No. 190) in November 2021, and subsequently adopted the Code of Good Practice on the Prevention of Elimination and Harassment in the Workplace in March 2022. The Code recognizes harassment as a form of unfair discrimination and provides guidance on prevention, management and remediation in the workplace.

The Harassment Code has already been applied by the Labour Court in *Solidarity obo Oosthuizen v South African Police Service and others* with remedies including compensation of 300,000 South African rand, compliance orders and publication of judgments in favour of the complainant. Importantly, South Africa has established effective mechanisms through the Commission for Conciliation, Mediation and Arbitration and the Labour Court to address discrimination and provide appropriate remedies.

We wish to place on record a broader concern regarding the contemporary global environment within which efforts to advance equality, equity and inclusion are being pursued. Across a number of jurisdictions, including in our own country, we are witnessing increasing resistance to measures aimed at redressing historical disadvantage and promoting substantive equality. In this context, South Africa respectfully submits that the purpose of the Convention is not to discourage or penalize bona fide measures adopted by Member States to advance equality and eliminate discrimination but rather to encourage and support such efforts.

The Convention recognizes that formal equality alone is often insufficient to overcome entrenched patterns of exclusion and that positive measures may be necessary to achieve genuine equality of opportunity and treatment. South Africa regards the ILO supervisory system as a vital mechanism for both accountability and support in implementing international labour standards. The issues before this Committee arise in a domestic context where employment equity measures continue to be vigorously debated and contested. Certain aspects of South Africa's employment equity framework are currently the subject of judicial proceedings before our courts. This reflects the strength rather than the weakness of our constitutional order.

Questions relating to the interpretation and implementation of employment equity legislation are being addressed through established judicial processes that enjoy the confidence of all social partners. In 2025, the High Court declined an application by an employers' organization seeking to suspend the implementation of the new framework. The appropriate remedy was the upholding of that judicial review, rather than interim relief to suspend the implementation of the five-year sector numerical employment equity targets published in April 2025. Subsequent applications for leave to appeal, just a week ago, were dismissed by both the Supreme Court of Appeal and later the Constitutional Court. South Africa remains committed to respecting the outcome of these processes and to ensuring that labour market transformation continues to be pursued within the framework of the rule of law, constitutionalism and social dialogue. South Africa's courts and social dialogue institutions continue to enjoy the confidence of the Government, employers and workers, and remain central to labour market stability and dispute-resolution alike.

Against this backdrop, South Africa respectfully appeals to the Committee for its understanding and support. We believe it is important that the supervisory system remains objective, balanced and attentive to national circumstances, particularly where domestic institutions are actively engaged in addressing contested legislative and policy issues. We would be concerned if the ILO supervisory mechanisms were inadvertently used in a manner that undermines domestic dispute resolution processes, encourages forum shopping or is weaponized by parties seeking to achieve, through international processes, outcomes that remain under consideration within national legal systems. Such developments risk weakening confidence in labour market institutions and may ultimately undermine the very social dialogue and institutional stability that the ILO has consistently sought to promote.

We, therefore, respectfully request the Committee to continue supporting Member States that are genuinely striving to advance equality and combat discrimination while giving due regard to national processes, social dialogue institutions and judicial mechanisms that are actively engaged in resolving these complex issues.

Worker members – Convention No. 111 requires ratifying States to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination.

The Committee of Experts has taken note of several developments in South Africa, while identifying areas where progress and additional clarification are necessary. In particular, the Committee of Experts has requested the Government to continue to strengthen its efforts in promoting equality of opportunity and treatment of all the designated groups in the labour market. It has also requested detailed information on the results achieved in the transformation of the labour market towards a more equitable representation and an assessment of the effectiveness of the affirmative action measures, particularly the five-year sectoral numerical targets introduced under Act No. 4 of 2022 amending the Employment Equality Act, and whether these measures remain in line with the principle of non-discrimination.

Additionally, the Committee of Experts has reiterated its request to the Government to specify the actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2019–24, including the obstacles identified and the results achieved.

Moreover, the Committee of Experts has requested clarification of the implementation of section 53 of the Employment Equality Act, as amended. In particular, it has requested information on the assessment criteria for the issuance of employment equity compliance certificates, the mechanisms in place to assess compliance and the number of certificates denied based on that assessment.

The Worker members would like to recall that the Convention requires States to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation and to eliminate any discrimination. Article 5 of the Convention also provides that special measures of protection or assistance shall not be deemed to be discrimination. Similarly, the Recommendation that accompanies the Convention recognizes the legitimacy of measures designed to meet the requirements of groups that require special protection or assistance.

In the case of South Africa, we must recognize the historic context that has shaped the profound and persistent inequalities in the labour market. Patterns of exclusion along racial and social lines have had lasting effects on access to employment, education, training and

promotions. Policies intended to correct these inequalities are therefore both legitimate and essential.

In that respect we recognize the efforts made to combat the persistent inequalities in the labour market and to improve the representation of the targeted groups. Such efforts are particularly important when patterns of exclusion and disadvantage have deep, historic roots.

In our opinion, special measures aiming to overcome historic and structural inequalities are legitimate and necessary to truly promote equality of opportunity and treatment, including to ensure the ability to seize the opportunities created in this way.

The key question is whether such measures contribute effectively to achieving true equality in practice. Their success should therefore be evaluated not only according to numerical results, but also their ability to dismantle the obstacles that continue to affect workers belonging to disadvantaged groups. We note that the United Nations Committee on the Elimination of Racial Discrimination has expressed concern that the Employment Equity Act now applies only to employers with more than 50 employees, exempting smaller employers from key obligations such as affirmative action and equity plans.

At the same time, it is important that these measures are subject to regular evaluation, which should be evidence-based and undertaken in consultation with the social partners, particularly the trade unions representing the workers concerned. That would help ensure that the measures remain effective, proportionate and responsive to the evolving realities of the labour market.

To that end, the Worker members encourage the South African Government to pursue its efforts in promoting equality of opportunity and treatment in respect of employment and occupation for all workers, in full respect of the Convention. We urge the Government to strengthen its data collection and reporting, to ensure that all measures are subject to regular evidence-based evaluation and to engage in genuine consultation with representative organizations of employers and workers. We hope that the additional information requested by the Committee of Experts will provide a clearer picture of the effectiveness of the measures adopted and the progress made in eliminating discrimination in the labour market.

Employer members – The Employer members acknowledge that the Government of South Africa has taken steps regarding the application of Articles 1, 2 and 5 of the Convention and specifically as it relates to affirmative action concerning discrimination based on race, colour and national extraction. The Government of South Africa enacted legislation, the Employment Equity Act, to achieve equity in the workplace following the end of apartheid. The Act seeks to promote equality of opportunity and treatment in employment and occupation for all designated groups through the elimination of unfair discrimination. The Employment Equity Act also contains, among other things, affirmative action measures, a reporting requirement and penalties for non-compliance.

While the Government of South Africa has taken significant action in law, the Committee of Experts has noted that, in practice, there still appears to be a significant gap between the representation of historically disadvantaged groups in managerial positions in comparison to their representation in the economically active population. In response, the Employers note and recognize that the elimination of historically disadvantaged or designated groups as it relates to employment and occupation, especially through affirmative action, takes time. Therefore, the Employer members ask the Government of South Africa to provide additional information to the Committee of Experts on its efforts to promote equality of opportunity and treatment in employment and occupation for designated groups and also on its efforts

regarding affirmative action measures. South Africa ratified the Convention in 1997. The Committee of Experts commented on this case five times in 2025, 2022, 2017, 2015 and 2011.

This is the first time that the Committee is dealing with this case. As you all know, the Convention concerning discrimination in employment and occupation is one of the ILO's fundamental Conventions and, as such, must be the subject of special attention and priority monitoring. The Convention requires governments to eliminate discrimination in employment and occupation based on protected characteristics including race, colour and national extraction. Article 5 of the Convention permits governments to adopt special measures – often called affirmative action – to meet the particular needs of designated groups which were historically subject to discrimination provided these measures are aimed at achieving substantive equality and are disbanded once these objectives have been achieved. The Committee of Experts dealt with a single issue in its observation. It noted that, despite the efforts of the Government of South Africa, the white population group remains overly represented in top management positions, senior management positions, professional qualified and middle management positions, as well as in the skilled technical and junior management positions. The Employers note that the data provided by the Government of South Africa is from 2022. No further or more recent data was provided. The Employers note that the Government of South Africa has taken measures to apply the provisions of the Convention. These include: (i) labour inspections to assess the implementation of affirmative action in the labour market; (ii) a complaints adjudication mechanism through the Commission for Conciliation, Mediation and Arbitration or the labour courts; (iii) penalties for non-compliance; (iv) reporting requirements; (v) requiring employment equity compliance certificates as a prerequisite for accessing State contracts; and more recently (vi) setting five-year sectoral numerical targets for designated employers.

With respect to the last piece regarding sectoral targets, we as the Employer members wish to note the importance of setting numerical targets for designated employers that take into account geographic, industrial and other contextual factors. We also emphasize the importance of setting targets that are achievable to ensure that employers are not unfairly penalized or disadvantaged. In order to do so, we recognize the importance of meaningful consultations with the employers concerned to ensure compliance in an economically sustainable manner. As mentioned in our introductory remarks, the elimination of discrimination in employment and occupation takes time. This is especially the case in countries like South Africa where differentiation based on race, colour and national extraction was institutionalized in the country's legal social and economic structures up until the early 1990s.

Worker member, South Africa – We note that our country has been listed for discussions in this Committee under the Convention. Our Government submitted statistics from employment equity data from 2022 which shows that white South Africans remain heavily over-represented in senior positions as follows: the white population which constitutes 8 per cent of the economically active population occupies 62.9 per cent of top management roles; the Indian population: 2.7 per cent of the economically active population occupies 11.2 per cent of top management; the African population, the largest group, which constitutes 80 per cent of the economically active population only occupies 16.9 per cent of top management; while the coloured population: 9.3 per cent of economically active persons only occupies 6.1 per cent of the top management.

The data also shows disproportionate representation in other operational levels as follows: whites hold 50.1 per cent of senior management positions, 30 per cent of professionally qualified and middle management roles, and 16.2 per cent of skilled technical

and junior management posts. It is important that we start by clarifying the context and background to this matter, particularly those that hinge on the said Convention. The history of South Africa is a history of apartheid and colonialism. This has shaped the country's labour market economy and society in general. You cannot talk about South Africa today without confronting its persistent structural and racist accumulation and exclusion of the majority of our people, workers and women in particular.

Prior to democracy, labour laws reserved skilled and managerial jobs for white South Africans. Black people, African, coloured and Indian women and persons with disabilities were systematically excluded from positions of authority. The structure of South Africa is defined by class, racial and gender inequalities which formed the basis of the historic and present agency to address them decisively. It is in that context that we wish to draw the attention of the ILO and our global counterparts to the facts about our policies to reverse apartheid injustices in all sectors of our economy, the labour market and society at all levels. Therefore, the interventions are a transition from a systematic apartheid exclusion to aggressive outcome driven demographic transformation.

It is designed to dismantle historical disadvantages in the workplace and ensure equitable representation of black people, women and persons with disabilities across all occupational levels.

Apartheid was a system based on the exclusion of workers, blacks and women in all economic, political and social opportunities. It guaranteed special privileges to male whites in particular, hence the disproportionate inequalities across all sectors of the economy in our country. That is not decent work for all, but a serious social injustice against workers and the majority in our society. It stands against the very essence of the ILO and its core Conventions.

It is the ILO and its' constituents that stood by the workers and the people of South Africa during our long and protected struggle and years of apartheid against the black majority. The transition of the democratic South Africa in 1994 and the subsequent policies of transformation bear testimony to the work of the ILO and the successes in advancing decent work and global social justice. The vestiges of apartheid privilege and resistance to equity, social change and transformation have become emboldened by the rise of global racism and apartheid not only in South Africa but globally. This is the primary defining context of our case and the determination of the forces against transformation and their desire to keep apartheid labour market privileges. It is against this background that the social partners agreed upon and put in place the employment equity, black economic empowerment and affirmative action policies, which are a package of measures to address and reverse years of apartheid injustices at the workplace and in society as a whole.

It cannot be correct that blacks, workers and women are excluded from economic and social opportunities even after apartheid ended in 1994. It will be a travesty of justice and an indictment on the ILO, tripartism and social justice. The impact of transformation will be measured by the extent to which historically excluded groups are empowered and included in the new and democratic society. This remains our standard measure of impact and progress. In order to enhance and address the issues raised in the Committee of Experts' report and other issues pertaining to the enforcement, immigration, labour laws and compliance, our President, Mr Cyril Ramaphosa, in February 2026 announced the appointment of over 10,000 additional permanent labour inspectors to South Africa.

The new inspectors will work alongside the police and the Department of Home Affairs to address compliance and key labour legislation, including the basic conditions of the Employment Act, Labour Relations Act, and Employment Equity and Occupational Health and

Safety Act. On the issue of xenophobia, I would like to point out that migration is not new. It is as old as humanity. People have always moved to find food, safety and work. South Africa was built on migration.

For more than 100 years, men from Lesotho, Mozambique and Swaziland, Zimbabwe, Malawi and Zambia came to work in our mines. The Immigration Act 13 of 2002 and the Refugees Act 130 of 1998 govern how the countries manage this immigration and asylum, and addressing definitions, rights, responsibilities and penalties, as well as recent rulings by South African courts, have added clarity to how these laws should be applied, especially regarding detention, deportation and asylum processes. Currently South Africa attracts many immigrants and asylum seekers due to its economic prospects and stability. However, balancing national security and human rights obligations remain a significant challenge. The current socio-economic conditions facing the majority of South Africans have brought into question the capacity of the Government to provide basic services to its citizens amidst the significant influx of immigrants, primarily from neighbouring African countries such as Zimbabwe, Mozambique, Lesotho and Malawi, as well as from other regions including India, Pakistan and Europe.

South Africa has introduced a revised white paper on citizenship, immigration and refugee protection, consolidating previous Acts into a single law and this new law would provide clearer parameters on the treatment and protection of migrants and refugees in our country. South Africa is engaging with the African Union and individual African countries to assure them that xenophobic incidents are being addressed and to maintain regional solidarity. The Government has condemned attacks publicly and emphasized that such violence does not reflect the views of the majority of South Africans or Government employees. I would like to state that the racial inequalities, as per the statistics, are being perpetrated by some employers who remain in their apartheid mindset and who continue to refuse to comply with the Employment Equity Policies of the Government, as well as aiding in the violation of migration laws. As a result, some opportunistic groups take advantage of that.

In addition, the country's four biggest federations of workers have convened a meeting and resolved to convene a media briefing to condemn the current xenophobic attacks and call on workers and communities to work together in our efforts to bring stability. Lastly, I would like to bring to the Committee's attention the fact that issues of racism have been in our domestic courts. Our Government and Solidarity Trade Union held a voluntary mediation process and both parties agreed that the commission for reconciliation, mediation and arbitration would mediate. Agreement was reached on the issues raised on the agreement and that agreement was made in order of the labour court. Based on these developments, the case was closed at the ILO.

I call upon the Committee to allow the national process to finalize any pending matters. Our country has a very strong social dialogue system and institutions that are open to all parties concerned.

Employer member, South Africa – I speak on behalf of Business Unity South Africa (BUSA), which is the apex business organization in South Africa representing over 90 per cent of the employers in all economic sectors that are affected by the Employment Equity Act and its regulations. At the outset, let me state that BUSA does not quarrel with the Government's policy to transform the labour market and improve the representation of previously disadvantaged or designated individuals. In fact, it is a policy that we wholeheartedly embrace. Our issue is with the manner in which the Government seeks to implement the policy.

The Government has published regulations that set granular targets for the employment of designated individuals per occupational level at designated enterprises across various sectors of the economy. The Minister of Employment and Labour, according to this law, is empowered by the amended Employment Equity Act to identify sectors or subsectors of the economy and to set numerical targets for them. However, the setting of the targets must be done after consulting with the relevant sectors.

On the face of it, the Government's information shared here today suggests that it is complying with the requests and observations of the Committee of Experts to improve the representation of previously excluded individuals. However, the numerical targets have been set arbitrarily and with no reference to the realities of the sectors concerned, including any data about the availability of suitably qualified designated individuals in the various sectors. Despite repeated requests to produce the data that informed the regulations and numerical targets, the Government has refused or failed to produce the records. This also prevented any meaningful consultation between the affected businesses or employers and the Government, which could have identified the problems with the targets and explored solutions there too.

To compound the issue, the Government also refused or failed without offering any valid reasons to disaggregate sectors into appropriate subsectors, which would have allowed the setting of clearer and more reasonable targets. Instead, the accumulation of sectors means that the same targets have been set for sectors and subsectors that are very different in their makeup and skills requirements. As an example, banks, life insurers, non-life insurers, asset managers and investment firms all have the same targets because they have been grouped under the financial sector despite the significant differences in their skills requirements. This means some firms will have unreasonably high or unachievable targets at some occupational levels.

Regrettably, the Government's refusal or failure to consult meaningfully or at all with the affected business sectors has led to BUSA initiating litigation against the Government over its employment equity regulations and sector targets. In our view, this is really unfortunate and will delay any progress the Government seeks to make to improve the representation of designated individuals in the labour market.

To make matters worse, the regulations provide for hefty penalties where a designated employer fails to meet the targets. The Government's attitude is that employers can escape the penalties if they are able to demonstrate that they had a justifiable reason for not meeting these targets, such as the unavailability of skilled individuals to hire. While this may appear reasonable, the approach places a burden on employers who must justify their failure to meet targets when the Government could easily have prevented that scenario by consulting with the relevant sector employers to set realistic targets.

To reiterate, as I conclude, the employer organization that I represent fully supports the policy to transform the labour market and improve the representation of previously disadvantaged individuals. I submit that the Government's approach with its sector targets is unlikely to improve the representation of designated individuals in the labour market. Rather, it is going to lead to resentment, opposition and litigation. BUSA and its members remain willing and open to engage in meaningful consultations with the Government to set appropriate and reasonable employment targets for designated individuals or groups.

Government member, Malawi, speaking on behalf of the **Southern African Development Community (SADC)** – At the outset, SADC Member States wish to reaffirm the great value they attach to the ILO supervisory system and in particular, the high regard they have for the discussions of this Committee as an important mechanism for supporting

continuous improvement in the application of international labour standards. We have therefore followed with keen interest the discussion concerning the application of the Republic of South Africa of the Convention. The SADC especially welcomes the openness with which the Government of South Africa has approached this discussion, including its willingness to provide detailed information on inequalities, measures being implemented and areas where further progress remains necessary. The SADC recalls that South Africa's labour market comes from a background rooted in a system that was designed to institutionalize discrimination and exclusion, including in economic and social life.

The struggle against this system was not a national effort but one supported by countries across the African continent and by the broader international community. Accordingly, SADC Member States played an active role in supporting the liberation of South Africa and the establishment of a democratic society founded on equality and human dignity. While progress has been achieved to democratize South Africa, the persistence of inequality in employment, occupational advancement and representation demonstrates that the effects of such a system cannot be fully reversed within a single generation.

The persistent disparities in employment outcomes and representation of certain groups at senior levels of management, barriers affecting women and persons with disabilities and broader labour market inequalities identified in the discussion before this Committee must therefore be understood within this broader historical and developmental context. SADC notes that the Convention is intended not only to prohibit discrimination but also to promote equality of opportunity and treatment in employment and occupation. The Convention thus recognizes that special measures designed to meet the particular requirements of persons or groups requiring protection or assistance shall not be deemed to be discrimination.

In this regard, measures aimed at addressing persistent inequalities and advancing equality may play an important role in giving practical effect to the proposal and objectives of the Convention. It is within this context that Member States have taken note of the legislative policy and institutional measures being implemented by South Africa to advance equitable representation and address long-standing structural disparities in the labour markets. We understand these efforts as part of a broader commitment to achieving equality and ensuring that economic opportunities are accessible to all segments of society in a manner that is consistent with the Convention and the decent work agenda.

We particularly appreciate the constructive manner in which the Government of South Africa has participated in this process. The willingness to engage openly with the issues raised and to outline measures being undertaken to address gaps reflects a spirit of cooperation that is fully consistent with the values of the ILO and the objectives of its supervisory system. We humbly submit that this demonstration of good faith, transparency and commitment to continuous improvement should be noted by the Committee in its consideration of this case and in the formulation of its conclusion. Indeed, SADC Member States have over the years institutionalized the dialogue and the experience-sharing through regional tripartite structures. Please be assured that through these mechanisms our Member States will continue to support one another in the implementation of international labour standards including outcomes emanating from this august body.

Interpretation from Russian: **Government member, Russian Federation** – Russia has carefully studied comments from the Government of the Republic of South Africa with reference to the implementation of the Convention. We have also carefully studied the corresponding section in the report from the Committee of Experts on the application of that Convention. We note that South Africa's well-known historical inheritance continues to make

itself felt in a serious imbalance in the structure of the country's labour market. Overcoming this is a long and complicated process and clearly we should not expect either easy solutions or quick results. Against that backdrop, the steps undertaken by the Government to counter discrimination are worthy of the highest appreciation.

In particular, we note the innovative concept of the five-year sector-specific employment equity targets. This is something that is foreseen within the Employment Equity Amendment Act adopted in 2022. We are sure that this Act will enable the Government to make progress in the context of combating discrimination on the labour market. We also note that the aforementioned Act entered into force only on 1 January 2025 and the first report on its implementation will be issued at the end of the assessment cycle, 2026–27. That being so, giving an evaluation of the level of success of the above-mentioned innovative steps would be premature.

Nonetheless, it is clear that the legislative framework for the reform process has got off the ground. We cannot fail to note other steps also taken by the Government in accordance with the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace. Discrimination in the workplace is equated to harassment. This document has entered into force and is already being applied in judicial practice. In principle, we would like to draw attention to the pragmatic and constructive approach that has been taken by the Government of South Africa.

The Government acknowledges that there are difficulties and takes consequent legislative and practical measures to overcome them, focused on resolving this difficult situation in the labour market in the country. In light of the above, we call upon the ILO to continue constructive interaction with members of South Africa's tripartite partnership, including providing technical support to all interested parties.

Worker member, Kingdom of the Netherlands – South Africa's transition from apartheid to democracy in the late 1980s and early 1990s led to significant constitutional and legislative reforms aimed at addressing historical inequalities. A key milestone was the adoption of the 1996 Constitution, which promotes equality and authorizes affirmative action measures. This constitutional mandate led to the enactment of the Employment Equity Act, one of the most important transformation laws introduced by the democratic Government. The Employment Equity Act seeks to redress the exclusion and discrimination experienced by the majority of South Africans under apartheid.

To support implementation, the Government, workers and employers have invested in skills development, training and human resource development initiatives. Thirty years later, however, transformation remains incomplete. According to employment equity data from the 2022 reporting cycle, disproportionate representation continues across occupational levels, particularly in top and senior management positions. The labour market remains heavily influenced by historical patterns of race and gender inequality, with ownership and control of many businesses still concentrated among white males.

The Government continues to take important steps to promote employment equity and combat discrimination. These include maintaining the Commission for Employment Equity, conducting thousands of employment equity inspections and introducing employment equity amendment legislation with sector specific targets, as we heard from the Government representative. These efforts deserve a lot of recognition. However, the pace of transformation remains slow and equitable representation across all occupational levels is still far from achieved. Furthermore, concerns have been raised regarding the lack of detailed information on the implementation, challenges and outcomes of the National Action Plan.

To conclude, to accelerate meaningful transformation, the Government, employers, trade unions and civil society must continue to work together to strengthen accountability and implementation. Clear reporting on progress, measurable outcomes, effective skills development and stronger enforcement of employment equity obligations are essential. South Africa has established a strong legislative framework – the challenge now is to ensure that its goals are translated into tangible and real results.

Government member, United Republic of Tanzania – The United Republic of Tanzania aligns itself with the submission made by the Republic of South Africa in its efforts to implement both in law and in practice the provisions of the Convention, as ratified in 1977 by the Government. Additionally, we support the statement by SADC on this matter. We further appreciate the tireless efforts by the Committee, social partners and the ILO in general in ensuring that the provisions of the Convention are well implemented by all Member States in order to ensure both decent work and the protection of fundamental rights at work. The United Republic of Tanzania is very confident that the Government of South Africa will continue taking dedicated measures to implement the National Action Plan on racism and harassment, articles of its constitution and other relevant laws to recognize the legitimacy of special measures to address historical and the remaining disadvantages and to promote substantive equality as per the requirement of Convention.

Through the Employment Equity Compliance Certificate, as provided under section 53 of the Employment Equity Amendment Act of 2022 in which the Government has automated the certificate system to enhance integrity and reduce the fraud, we encourage the Government in its coming reporting cycle to confidently share with the Committee the updated information on the positive results of measures under the labour market to include women, persons with disabilities, young people and the results of specific actions taken by employers to provide skills training to workers. The United Republic of Tanzania recognizes the historical and structural challenges that continue to affect labour markets in many societies, particularly those emerging from institutionalized discrimination and inequality. In this regard, we appreciate South Africa's transparent engagement with the supervisory mechanisms of the ILO and its demonstrated commitment to constitutionalism, social dialogue and the progressive realization of equality in employment and occupation. We note the legislative and policy measures undertaken including the Employment Equity Amendment Act and the introduction of sectoral employment equity targets as part of broader national efforts to address persistent disparities in the labour market.

The United Republic of Tanzania further acknowledges that the transformation of labour market inequalities is a gradual process that requires time, inclusive dialogue and a sustained institutional commitment. We therefore encourage a constructive and balanced approach within the Committee's deliberations.

Worker member, United Kingdom of Great Britain and Northern Ireland – The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the most representative workers' organization of the United States, supports this statement. In May 1993, South African President Nelson Mandela visited the United Kingdom to see the parents of Stephen Lawrence, a young man who had been murdered in a racially motivated attack two weeks before. The President's visit sparked much needed reflection in the United Kingdom, resulting in the recommendations of the McPherson report of 1999. The report laid bare the country's institutional racism and fundamentally changed the British approach to discrimination from simply outlawing discriminatory behaviour to actively promoting racial equality.

One outcome was the 2010 Equalities Act, the cornerstone of the United Kingdom's compliance with the Convention, which allowed for positive action to reach out to under-represented groups of potential employees and to provide education and training to help overcome barriers to employment. However, where McPherson recommended strict recruitment targets in some sectors, such as the police, subsequent policy has favoured a voluntary approach. The result, 27 years after McPherson, is one of some improvement but persistent inequality. This is illustrated by a 2021 Guardian story which, while ostensibly celebrating a report showing a 100 per cent increase over four years in the number of black and minority ethnic workers in the most senior positions in 28 key areas of national importance including politics, the public sector, banking, the media and so forth, notes that this still meant that only 6 per cent were from ethnic minorities who otherwise made up 14 per cent of the workforce, and pointing out that numerically speaking, that 6 per cent could fit on a London bus.

In a similar vein, our Office of National Statistics reports that, while 10 per cent of all white workers are managers, directors or senior officers, only 5 per cent of all black workers are in such roles. Trades Union Congress research shows that black workers are disproportionately likely to face insecurity: one out of 13 black and minority ethnic workers is in insecure work compared with one in 20 white workers. The recent United Kingdom Government commitment to mandatory ethnicity pay gap reporting, with the goal of revealing structural inequalities in employment and promoting action to address them, is a welcome and vital step forward. But it will only have a lasting impact if met with serious company action plans driven by a real will to change. Mandatory pay gap reporting is a recognition that another layer of compulsion will be necessary if we are to address the United Kingdom's persistent inequality and discrimination. And if that still moves the dial too slowly, another layer will be needed, and another and another.

How much more so in South Africa, where the Government is trying to undo the legacy of apartheid, namely structural and institutional racism of staggering intensity. The British experience shows that disparities in employment and advancement can be closed by real commitment – sometimes involving hard work and investment from employers – to remove the barriers faced by black workers and other under-represented groups. But it also shows that ever greater encouragement, including mandatory measures, will be required if we are ever to truly dismantle structural racism and inequality.

Government member, Namibia – Namibia thanks the Committee and acknowledges the Government of South Africa for its open and transparent engagement on the matter at hand. We underline that it is important for our discussions at this forum to remain firmly rooted within the mandate of this Committee which is to examine how Member States uphold and implement international labour standards that they have ratified. South Africa's Employment Equity Act was promulgated to address the deep inequities inflicted by decades of apartheid rule where race, gender and social origin determined access to skilled work and leadership positions. These patterns and realities have not yet been overcome and cannot be expected to disappear overnight even with the best of efforts. As we speak, they are still present, reflected in the low representation of black South Africans, especially women and persons with disabilities, at senior levels in different sectors and industries. The measures introduced under the Act therefore respond directly to real, not imagined, historical imbalances in that society. They are fully consistent with Article 1(2) of the Convention which allows special measures to advance substantive equality.

Namibia, against the background of our own historical experiences, notes as per the information submitted by South Africa, the slow but steady pace of ongoing transformation in

that sister country, such as the recent legislative reforms and the establishment of a digital compliance certificate system. We also note the concrete steps taken by South Africa to prevent and address violence and harassment in the world of work, including the Code of Good Practice on the Prevention and Elimination of Harassment. These practical interventions are already being applied by the courts, thereby providing real remedies for workers facing discrimination, bullying and gender-based violence. Namibia encourages the Committee to assess this case within its established mandate and to recognize the South African Government's sustained efforts made in good faith as evidenced by the implementation of the recent reforms.

We support a constructive and balanced supervisory process focused on nothing other than the application of labour standards.

Worker member, Botswana – My country is a neighbour to South Africa; hence, we are very much alive to what is happening in South Africa, including its historical challenges. In their report, the Committee of Experts has observed the failure by the Government to provide information on the actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (2019–2024), the obstacles identified and the results achieved.

Failure to provide information for purposes of reporting cannot be condoned. However, fundamental to the issues of racism, racial discrimination, xenophobia and related intolerance in South Africa is a painful history of apartheid, dating back more than 300 years. South Africa attained its independence in 1994, and we are talking about a democracy that is almost 32 years with the scars of apartheid still new and in many instances, still bleeding.

It is evident in the Committee of Experts' report that the white population group accounts for 62.9 per cent of top management positions despite representing 8 per cent of the economically active population, followed by Indians at 11.2 per cent, although representing 2.7 per cent of the economically active population and, to the contrary, the African group population representing 80 per cent of the economically active population occupies only 16.9 per cent of top management positions. These are not just numbers. They speak to a historical system that for decades has disadvantaged the African population which forms 80 per cent of the economically active population, and which is xenophobic and intolerant. These are the scars of apartheid. They are visible and bleeding.

At no point should an impression be made that the Government of South Africa tolerates or condones any action that is xenophobic, intolerant and racist in nature. The South African Government has indeed enacted laws that criminalize such actions and has gone public on different media platforms to condemn these criminal acts perpetuated by small groups around the country and in certain provinces. This is evident in the statement of the Ministry of International Relations and Cooperation of 8 May 2026 and in the Freedom Day address in April 2026 by His Excellency, the President of South Africa, Cyril Ramaphosa. The ILO Constitution preamble argues lasting peace requires social justice and highlights that poor working conditions, such as long hours and low wages, cause global unrest. It emphasizes that failure to adopt human labour standards threatens international stability and hinders progress in other nations demanding improvements to issues like worker protection and social security. This is the responsibility that all African nations must shoulder to improve the socioeconomic status of their people.

In conclusion, the South African Government acknowledges that there are these challenges in the country. What they need is support more than condemnation. This is a very sensitive matter, which is a direct result of its painful history. Finally, the Government is

encouraged to continue engaging with social partners in trying to come up with lasting solutions to these issues.

Government member, Malawi – Malawi aligns itself with the statements made by the SADC, South Africa and all other SADC countries that have spoken before. Malawi commends the Government for the constructive engagement with this Committee. It has taken note of the information provided by South Africa regarding the case being discussed on the application of the Convention.

It further commends the efforts undertaken by the Government to promote equality of opportunity and treatment in employment and occupation including measures aimed at addressing historical disadvantages and improving representation in the labour market. Such efforts are consistent with the principles of the Convention and are aimed at achieving substantive equality and ensuring that all citizens, irrespective of colour or race, have access to decent work opportunities. Malawi also welcomes the open and transparent manner in which South Africa has engaged with this Committee and the demonstrated commitment to addressing challenges through dialogue, consultation and continuous improvements.

Malawi, therefore, encourages the continuation of constructive engagement involving the Government of South Africa and social partners to continuously improve the application of the principles of the Convention and to promote inclusive and equitable labour markets.

Worker member, Spain – South Africa has one of the world's most progressive constitutional and legal frameworks for combating discrimination and promoting equality in employment. As demonstrated by the Committee of Experts' report, however, the legacy of apartheid continues to have a profound impact on the labour market.

Despite making up just 8 per cent of the economically active population, white South Africans occupy almost 63 per cent of senior management positions, while Africans, who represent approximately 80 per cent of the economically active population, occupy less than 17 per cent of those positions. These disparities reflect decades of unequal access to education, productive assets, capital, corporate ownership, professional networks and economic opportunities.

The Workers recognize and support the South African Government's efforts through the Employment Equity Act, the Commission for Employment Equity (CEE), labour inspections and the Employment Equity Amendment Act No. 4 of 2022, which establishes sectoral targets intended to accelerate the transformation in workplaces. That transformation is progressing slowly, however, and the ownership and control of broad sectors of the economy continue to be concentrated in a relatively small number of historically favoured companies.

This continues to limit opportunities for many black South Africans to gain access to quality jobs, leadership positions and significant economic participation.

The consequences of this slow transformation are increasingly visible among young South Africans, with growing frustration seen in a generation born after apartheid who hoped that democracy would gradually widen access to opportunities. When a significant proportion of young people remain excluded from employment, education and training, social cohesion is weakened. That frustration is growing and, on occasion, is directed at migrants and other vulnerable groups. The discussion must therefore go beyond normative compliance and the application of the law. It should also address funding for development and skills training.

South Africa requires sustained national and international support to accelerate its inclusive economic transformation. Development funding must support large-scale skills

training programmes that give young people, women, persons with disabilities and other disadvantaged groups the skills required by modern labour markets. We therefore urge the Government, employers' and workers' organizations and development partners to work together through social dialogue to accelerate the transformation and ensure that the promise of equality made in the Convention becomes a reality for the entire South African people.

Government member, Mozambique – It is with deep respect that I address this Committee to comment on the case of South Africa. Mozambique thanks the Government of South Africa for its constructive engagement with the Committee and the transparency reflected in its report. We acknowledge South Africa's continued effort to address long-standing inequalities in employment and occupation including through legislative reforms, employment equity measures and strengthened mechanisms to combat discrimination and harassment in the workplace. We note that the challenges identified must be viewed within South Africa's specific historical context and recognize that achieving substantive equality requires sustained efforts over time. We further note that the recently introduced sectoral employment equity targets are intended as flexible measures to advance equitable representation and address historical disadvantage.

Mozambique welcomes South Africa's commitment to dialogue with its social partners and its cooperation with the ILO supervisory system. We encourage the Government to continue these efforts and we reaffirm our support for a balanced and constructive consideration of this case in line with the principles and objectives of the Convention.

Interpretation from Arabic: **Government member, Libya** – The State of Libya wishes to express its appreciation to the delegation of the Republic of South Africa for the transparent and balanced presentation it has delivered regarding the implementation of the Convention. Libya has listened carefully to the data and reforms presented by South Africa. It notes the genuine commitment it has demonstrated in cooperating with the supervisory mechanisms of the Organization.

Libya considers that the approach adopted by South Africa represents a model for States that engage with their international obligations in good faith, responsibility and clarity. The Government has provided information on the remaining challenges in the labour market and has openly acknowledged the slow pace of transformation. It has presented an advanced legislative and institutional framework that reflects a genuine political will to address the effects of historical discrimination. Libya further affirms that the special measures adopted by South Africa, including flexible sectoral targets and affirmative action measures, clearly fall within what is permitted under Article 1(2) of the Convention, which recognizes the legitimacy of measures aimed at achieving substantive equality and addressing entrenched disparities. These measures do not constitute rigid quotas, nor do they undermine the principle of merit. Rather, they represent legitimate regulatory tools to achieve fair and balanced representation.

The State of Libya also notes the significant progress achieved by South Africa in strengthening compliance mechanisms, including the digital system for compliance certificates, and the legislative and institutional developments to combat harassment and discrimination, thus reflecting a genuine commitment to provide effective and enforceable remedies.

The State of Libya, fully aware of the sensitivity of these discussions, wishes to emphasize that the objective assessment of States' efforts must be grounded in the text of the Conventions and the standards of the Organization, and that it should remain free from any external considerations unrelated to the mandate of the Committee. In this regard, Libya

considers that the presentation delivered by South Africa reflects compliance and a constructive spirit worthy of recognition.

Accordingly, the State of Libya expresses its full support for the efforts of the Republic of South Africa and calls upon the Committee to consider the information and reforms presented by the Government within the framework of fairness, objectivity and the spirit of international cooperation upon which the ILO was founded.

Government member, Niger – I welcome the clear and transparent statement made by South Africa concerning the application of the Convention. Niger notes with appreciation of the information provided, particularly the detailed and disaggregated data, that reflects the exemplary methodical approach adopted by South Africa to combat discrimination and ensure equality in the labour market.

South Africa has provided specific information on the remaining challenges in the labour market and has even acknowledged the slow pace of the transformation to it. That transparency is, in itself, proof of South Africa's sincere commitment. South Africa has clearly explained that the five-year sectoral targets are not fixed quotas, but flexible markers. Designated employers, that is, those who employ 50 employees or more, set their own annual targets in consultation with the trade unions and harmonize them with the sectoral targets.

Niger believes that the special measures adopted fall clearly within the scope of Article 1(2) of the Convention, which recognizes the legitimacy of measures intended to establish genuine equality and address deep-seated disparities. These measures do not constitute rigid quotas and do not violate the principle of merit; rather, they represent legitimate regulatory tools to bring about just and balanced representation. Furthermore, Niger welcomes the significant progress made by South Africa in strengthening compliance mechanisms, including the digital compliance certificate system, as well as legislative and institutional developments in combating harassment and discrimination, which illustrate genuine commitment to providing effective and enforceable remedies.

To conclude, we invite the members of this august Committee to take due consideration of South Africa's efforts to implement a legislative and institutional framework in line with the Convention; its positive cooperation with the social partners and with the International Labour Office; its transparency and good faith through mid-term reports and its constructive engagement in these proceedings. South Africa should be encouraged in its efforts and supported through increased technical assistance in the fulfilment of its obligations.

Observer, Building and Woodworkers' International (BWI) – BWI thanks the Committee for the opportunity to contribute to this discussion and the Government of South Africa for its report. It welcomes the constructive dialogue taking place regarding the implementation of the Convention. We wish to begin by recognizing the Government's continued commitment to promoting equality, opportunity and treatment in employment and occupation. South Africa faces the unique challenge of addressing the profound and lasting effect of apartheid while continuing to build an inclusive labour market based on dignity, equality and social justice. The Worker members welcome the efforts made through the Employment Equity Act and recent amendment to strengthen its implementation, the work of the Commission for Employment Equity and the inspections conducted to monitor compliance.

These measures demonstrate a clear commitment to address historical inequalities and promote fair representation in the workplace. The Worker members reaffirm that affirmative action measures constitute a legitimate and important component to promote substantive equality. Consistent with Article 5 of the Convention, special measures designed to address the

enduring effects of historical discrimination play a vital role in ensuring that equality of opportunity and treatment becomes a reality for all workers. At the same time, our focus today is not on the justification for these measures but their effective implementation. The key question before the Committee is how to ensure that legal and policy frameworks translate into tangible improvements in workers' lives.

In this regard, we encourage the Government to continue strengthening enforcement mechanisms and to ensure that inspections are accompanied by practical support for employers and workers in implementing employment equity obligations. Effective implementation requires not only monitoring compliance but also identifying barriers, sharing good practices and promoting workplace transformation across sectors. The Worker members commend President Ramaphosa's announcement in February 2026 that 10,000 additional permanent labour inspectors will be appointed to strengthen compliance with key labour legislation, including the Employment Equity Act. We look forward to seeing the impact of this significant investment in the years ahead. We further encourage the Government to continue implementing measures to combat racism, racial discrimination, xenophobia and related intolerance.

We would welcome additional information on the implementation of the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the results achieved in promoting inclusive and discrimination-free workplaces. In conclusion, the Worker members acknowledge the significant efforts already undertaken by the Government and encourage continued action to strengthen implementation enforcement, monitoring and social dialogue. We remain confident that through sustained commitment and effective application of the Convention further progress can be made in promoting equality of opportunity and treatment for all workers in South Africa.

Government representative – On behalf of the Government and the people of South Africa, we express our profound gratitude to all the Member States and social partners that offered positive advisory comments in support of our case before the Committee. Your solidarity and principled stance did more than strengthen our legal arguments. They reaffirmed a shared commitment to fairness, justice and the integrity of international labour standards. Your constructive observations highlighted with invaluable clarity the importance of adherence to the rule of law and due process.

For your encouragement and for the trust you have placed in us, we are deeply thankful. We acknowledge that significant challenges remain in overcoming the deeply entrenched inequalities inherited from the past. We are in full agreement with the position of the Employers' group that the elimination of labour market discrimination takes time. We shall continue, step by step, to seek equity in our labour market. We want to re-emphasize that our sectoral employment equity targets do not constitute rigid racial quotas nor do they require or force the appointment or promotion of unqualified persons. In fact, employers retain the power to consider qualifications, skills, experience, operational requirements and availability of suitably qualified candidates.

We must also emphatically point out that our approach is embedded in consultation with all labour market stakeholders, employers and employers' organizations, employees and trade unions, academics, civil society and the public at large. This for us is key to all legislative and policymaking processes in South Africa. As such, the five-year sectoral targets are a product of extensive consultation processes with all relevant sectoral stakeholders, which began in 2018 and were published 2025. In fact, in the recent employment equity-related case on 22 May

2026, the Constitutional Court dismissed the consultation process challenge, ruling that there was sufficient consultation to determine sectoral targets.

We acknowledge active litigation on some elements of our employment equity targets. As such, we shall refrain from commenting on this as the matter is sub judice. It is with this in mind that we reiterate our call for the ILO to be vigilant in order to avoid the supervisory mechanism being weaponized by parties seeking to achieve an outcome through international processes for cases that remain under consideration within national legal systems. The ILO is going through difficult financial challenges. It is our opinion that this case was not necessary.

As we conclude, allow me to leave this Committee with three firm and clear messages. First, our commitment to international labour standards is unwavering. South Africa continues to embrace the full body of ILO Conventions, the Decent Work Agenda and the fundamental principles and rights at work. We engage with this Committee and the Committee of Experts in good faith and we honour our obligations not out of compulsion but because we believe deeply in the social justice mission of this Organization.

Second, where challenges exist, we address them through law, not retreat. Any gap between domestic law and international standards is met with transparent constitutionally mandated processes, parliamentary scrutiny, social dialogue, public scrutiny and judicial review. We do not shy away from constructive criticism. We ask only that our efforts be measured against the living reality of our constitutional democracy.

Finally, South Africa will never abandon the supremacy of its Constitution or the expansive institutional infrastructure for ensuring the rule of law and resolving disputes, nor its solidarity with the international labour rights community. We welcome continued dialogue, technical cooperation and the Committee's guidance as we strive to give full effect to the standards we have voluntarily embraced.

Employer members – The Employer members acknowledge the efforts made by the Government of South Africa in meeting its obligation under the Convention. Notwithstanding these efforts, the information from the Government of South Africa appears to show that there still remain a disproportionate number of white South Africans in managerial positions. Therefore, we call on the Government of South Africa to provide the information requested by the Committee of Experts. In particular:

1. The results achieved in the transformation of the labour markets towards a more equitable representation of the designated groups.
2. The assessment of its affirmative action measures in particular in relation to the five-year sectoral numerical targets for designated Employers.
3. The actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2019–2024, the obstacles identified and the results achieved.
4. The impact of the implementation of section 53 of the Employment Equity Act, as amended, in relation to the employment equity compliance certificates.

With respect to the second point, the Employer members support the legitimate aim of transforming the labour market to promote the inclusion of disadvantaged people. However, certain measures such as the arbitrary setting of numerical sectoral targets are not appropriate. These sectoral targets should be fixed after having genuine and meaningful consultation with the most representative Employers concerned in order to be sure they are economically sustainable.

Worker members – The Worker members thank the South African Government for its efforts and the information provided to us today. We also thank it for the constructive and positive manner in which it has cooperated with our Committee, and we thank all the speakers for their contributions to this discussion.

We believe that today's exchange has gone beyond a simple technical examination of legislation and the report. It has allowed us to address a more profound and fundamental question: namely, how countries leaving behind deep-rooted systems of discrimination imposed by the State can bring about true equality of opportunity and treatment in practice.

In the case of South Africa, this matter cannot be addressed without recalling the profound and long-lasting legacy of apartheid. For decades, discrimination was not incidental: it was institutionalized, codified and actively enforced by the State. Entire segments of the population were systematically excluded from meaningful participation in the economy and deprived of access to education, high-skilled occupations, senior positions and the ownership of productive resources. The labour market itself was structured along racial lines, ensuring that inequality was perpetuated down the generations.

This historic context is essential. It reminds us that the inequalities that we see today do not exist by chance, but are the direct and desired result of past public policy.

It is precisely in response to that reality that the Employment Equity Act and associated transformation measures were adopted. These measures were not designed to create new forms of discrimination. Their objective is to dismantle the structural barriers and lasting effects of a system that deliberately excluded the majority of workers. They seek to re-establish balance and to create conditions in which equality can become a lived reality.

In terms of the Convention, the relevant question is therefore not whether such measures exist, but whether they are pursuing a legitimate objective, whether they aim to overcome an ingrained disadvantage and whether they contribute to bringing about genuine equality in practice. In that regard, the Worker members recall that the Convention explicitly recognizes that special measures can be necessary to address structural inequalities. What matters is whether those measures are effective.

And that brings us to the central question before our Committee: how do we measure success? Success cannot be reduced to the existence of policies, or to mere numerical targets. The true measure of success lies in the results. That depends on whether historically excluded workers benefit from real and meaningful access to decent work. It depends on their ability to access training, develop skills and progress towards senior and leadership positions. It depends on the ability of women, young people and other disadvantaged groups to participate in the labour market in truly equal conditions. In other words, the question is whether the structural inequalities inherited from apartheid have been effectively dismantled and whether opportunities are being extended in a tangible and lasting way.

The information submitted to our Committee indicates that, despite the progress made, substantial disparities remain. Economic inequalities continue to reflect historic patterns of exclusion. Significant gaps persist in access to quality employment, career progression and representation at the highest levels of seniority.

This reality highlights the persistent relevance of – and even the need for – measures intended to promote equity in employment and real equality. It also emphasizes the importance of regular evidence-based evaluation to ensure that these measures produce concrete results and address the remaining obstacles.

In the light of these considerations, the Worker members congratulate the South African Government on its sustained efforts and encourage it to continue to strengthen its efforts in promoting equality of opportunity and treatment in employment and occupation for all the targeted groups.

Chairperson – We conclude the discussion on this case. I thank the Government representative of South Africa and all the speakers who took part in the discussion for their participation.

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 historical context that has shaped deep and persistent inequalities in the labour market in South Africa and the efforts made by the Government to adopt a comprehensive legislative and institutional framework to promote equality in employment and occupation, despite which persistent disparities remain in practice in the labour market.

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

- **continue strengthening efforts to promote equality of opportunity and treatment in employment and occupation for all designated groups, with particular attention to underrepresented groups, including by providing information on:**
  - **the results achieved in the transformation of the labour market towards a more equitable representation of the designated groups;**
  - **the actions taken within the framework of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2019–24, the obstacles identified and the results achieved; and**
  - **the impact of the implementation of section 53 of the Employment Equity Act as amended (measures put in place to evaluate the assessment criteria for the issuance of employment equity compliance certificates and the number of certificates denied based on this assessment);**
- **provide updated and disaggregated statistical information on progress made in achieving equity of opportunity and treatment in employment and occupation; and**
- **ensure meaningful consultation with relevant sectors when setting the 5-year sectoral numerical employment equity targets in line with the Employment Equity Amendment Act No. 4 of 2022.**

The Committee called on the Government, in consultation with the most representative workers' and employers' organizations, to submit a detailed report to the Committee of Experts by 1 September 2026.

Government representative – The Government of the Republic of South Africa thanks the Committee for its careful consideration of our submissions and for the constructive discussion that followed. We welcome the Committee's Conclusions issued today, 10 June 2026, which acknowledge both the historical context of deep and persistent inequalities in our labour market and the comprehensive legislative and institutional framework that South Africa has

adopted to promote equality in employment and occupation. We further note the Committee's recognition that, despite these efforts, disparities persist in practice. These are challenges we confront daily, and they are precisely why we have strengthened our legislative framework through the Employment Equity Amendment Act, 2022, and its sectoral targets.

The Government accepts the invitations and calls made by the Committee and wishes to respond as follows.

The Government confirms its commitment to providing this information in full to the Committee of Experts by the requested deadline of 1 September 2026. In particular, we note the Committee's interest in the implementation of section 53 of the Employment Equity Act. We will provide detailed data on the measures in place to evaluate the assessment criteria for issuing employment equity compliance certificates, as well as the number of certificates denied on this basis. We will also ensure that our report includes updated and disaggregated statistical information on progress towards equity of opportunity and treatment.

Secondly, our Government takes this invitation seriously and, consequently, we confirm that the process of setting sectoral targets has been, and continues to be, informed by consultation. However, we acknowledge that consultation must be ongoing, iterative and genuinely responsive to sectoral realities. We undertake to strengthen and deepen these consultative processes before the next round of target-setting, ensuring that the most representative employers' and workers' organizations at the sectoral level are actively engaged.

Thirdly, as you requested us to submit the report by 1 September 2026, we will ensure that the deadline is met and that we prepare it in full in consultation with our social partners and in line with our established practices.

In conclusion, the conclusions of this Committee rightly focus on the path ahead. We welcome that focus. The Government's commitment to the objectives of the Convention is unwavering. We will continue to pursue the realization of substantive equality in employment and occupation – not only because it is our international obligation, but also because it is our constitutional and moral imperative as a democratic South Africa.

We thank the Committee once again for its engagement and for the opportunity to respond.

Spain (ratification: 1984)

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

Written information provided by the Government

Report on the implementation of the strengthened information and tripartite consultation mechanism with the social partners on matters relating to the ILO

1. Background

On 16 May 2024, the Ministry of Labour and Social Economy established a strengthened information and tripartite consultation mechanism with the social partners on matters relating to the International Labour Organization (ILO) with a view to reinforcing the participation of

these organizations in the matters dealt with by the Ministry in relation to the ILO, in accordance with ILO Convention No. 144 on tripartite consultations, ratified by Spain in 1984.

This strengthened information and tripartite consultation mechanism introduced improvements in the procedures for the application of the ILO standard in Spain. In the first place, it called for the draft reports on ILO Conventions and Recommendations to be sent to the social partners, sufficiently in advance for their validation. The mechanism also provided for the comments made by the social partners to be sent to other organizations and the draft reports to be sent to the social partners before being finally communicated to the ILO. It was also provided that a meeting would be held before the final documents were sent to the ILO, to enable an exchange of views between the social partners and the Government. Finally, the mechanism provided for the possibility of convening additional meetings on any of the matters covered by Article 5 of the Convention when so requested by one of the partners.

The implementation of this mechanism has involved a genuine and progressive strengthening of the effective participation of the social partners in matters related to the ILO.

2. Implementation of the mechanism

The improvements referred to above have been implemented since the introduction of the mechanism. Details are provided below of the manner and process of their implementation.

2024

During the course of 2024, the mechanism was implemented in relation to the reports on ratified Conventions to be provided in 2024. That was the reason why those files were the ones that, for reasons of timing, were dealt with in 2024 once the mechanism was implemented.

Accordingly, in relation to reports on ratified Conventions, during the course of 2024, the following activities were carried out under the strengthened consultation mechanism:

- On 7 June 2024, draft reports were sent for validation by the social partners, who were given one month to make their comments.
- On 9 July 2024, after the comments of the social partners were received, they were sent to the other organizations for information.
- On 19 June 2024, the social partners were convened in an online meeting on 22 July, with the participation of all the ministries involved in the production of the reports (report annexed). The objective of the meeting was to analyse individually each of the reports, and the respective comments of the social partners. The meeting was chaired by the General Technical Secretary of the Ministry of Labour and Social Economy (MITES). The Ministry asked the social partners whether it would be appropriate to provide the report of that meeting to the ILO, with the organizations indicating that it was not necessary. The report of the meeting was sent to the social partners by email on 24 July 2024.
- On 18 September 2024, when the comments of the social partners and the Government's reply to them and to the issues raised in the meeting of 22 July had been included, the final texts of the reports were sent to the social partners once again for a final review before being sent to the ILO. Finally, the reports were formally communicated to the ILO on 26 September 2024.

2025

In 2025, the strengthened consultation mechanism was used for the following issues and files:

In relation to reports on ratified Conventions, in 2025, the following activities were carried out under the strengthened consultation mechanism:

- On 24 March, information was provided to the social partners on the reports on ratified Conventions to be submitted by Spain to the ILO in 2025.
- Between 22 and 29 May, the draft reports were sent to the social partners, giving them until 30 June to make their comments.
- Between 30 June and 8 July, the comments of the social partners were received and sent to the other organizations.
- On 18 June, the social partners were invited to an online meeting to be held on 17 July. The meeting was chaired by the General Technical Secretary of the MITES and included the participation of all the Ministries involved in the drafting of the reports, so that the social partners could make oral comments on the draft reports.
- On 26 August 2025, once the comments of the social partners, together with the Government's reply to those comments and to the issues raised during the meeting of 17 July, had been included, the final reports were sent to the social partners for review before being communicated to the ILO.
- Finally, the reports were formally sent to the ILO on 1 September 2025.

With regard to unratified Conventions and Recommendations, during the course of 2025, the following activities were carried out under the strengthened consultation mechanism:

- On 27 February, the draft report on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), was sent out for comments.
- On 24 April 2025, an online meeting was held to address their comments on the report on the Recommendation.

In relation to the ILO Governing Body, the following activities were carried out in 2025:

- On 7 March, an information meeting was held to examine jointly the most relevant items on the agenda of the 353rd Session of the ILO Governing Body (10–20 March).
- On 12 November, an information meeting was held to examine, jointly with the social partners, the most relevant items on the agenda of the 355th Session of the ILO Governing Body (17–27 November).

In relation to the International Labour Conference:

- On 3 April, the social partners were informed that the date envisaged for the meeting prior to the 2025 Conference would be Thursday 22 May, allowing sufficient time for its organization.
- On 14 May, an invitation was sent out to the prior meeting to be held on 22 May to analyse the agenda and procedures of the Conference and to introduce the delegation.

In relation to the submission of Conventions and Recommendations, and the ratification of Conventions:

- On 18 March, the report prepared by the Ministry for the ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), was sent to the social partners for their comments and observations.
- On 30 September, the report prepared by the Ministry on the process of submission of the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 2023 (No. 207), was sent to the social partners for their comments.

2026

In 2026, the strengthened consultation mechanism has been applied to the following issues and matters:

In relation to reports on ratified Conventions, in 2026, the following action was taken under the strengthened consultation mechanism:

- In the meeting held on 18 March with the social partners (prior to the Governing Body), information was provided on the reports to be supplied in 2026, with the indication that they consist of the two first reports on the Safety and Health in Construction Convention, 1988 (No. 167), and the Safety and Health in Agriculture Convention, 2001 (No. 184).

Regarding the reports on unratified Conventions and Recommendations, during the course of 2026, the following activities have been carried out under the strengthened consultation mechanism:

- On 22 January, the draft report on the Termination of Employment Recommendation, 1982 (No. 166), was sent out for comments.
- On 18 February 2026, an online meeting was held to address the comments made on the above Recommendation.

In relation to the ILO Governing Body, the following activities have been carried out in 2026:

- On 18 March, an information meeting was held to jointly analyse the most relevant items on the agenda of the 356th Session of the ILO Governing Body, held in Geneva from 23 March to 3 April 2026.

Regarding the International Labour Conference:

- On 17 April, employers' and workers' organizations were invited to an information meeting prior to the 2026 Conference, which was finally held on 18 May due to the availability of all the participants.

In conclusion, the activities carried out have made it possible to strengthen the regularity, and early and systematic nature of tripartite consultations relating to the procedures referred to above. Moreover, the consultations held have made it possible for the social partners to make observations and comments, many of which have been taken into account. As a result of this strengthening, the reporting processes followed by the Government of Spain to the ILO have been significantly enriched.

All of this is the result of the firm commitment by the Government of Spain to the continuous strengthening of the social dialogue and effective tripartite consultation mechanisms envisaged in ILO Convention No. 144.

Discussion by the Committee

Chairperson – We will now continue the work of our Committee with the case relating to the application by Spain of Convention No. 144. We have 18 speakers on the list for this case and, on this basis, the Officers have decided to reduce the speaking time from five to three minutes for delegates speaking on an individual basis. I now invite the Government representative of Spain, the Secretary of State for Labour, to take the floor.

Government representative – In the first place, I would like to thank the Committee for its work and emphasize that this key body for the functioning of the ILO has reached its 100th Session, no less. Many more sessions will be needed if we want the ILO to continue being a key weapon in the defence of decent work. The respect demonstrated by Spain, my country and my Government, for the multilateral system that the ILO represents, and particularly for its supervisory system, is full and total, and we are therefore submitting to the scrutiny of the Committee in order to be able to understand and to continue improving the manner in which we give effect to the international instruments ratified by Spain. With the greatest of respect, and while still insisting on the need to learn from what the Committee can tell us, I have to say that I do not believe that Spain should be here today as this has certainly denied the Committee the opportunity to examine a more serious case. In any event, I emphasize that we will be reporting everything that we have done in relation to the Convention, which we already had the opportunity to explain to the Committee two years ago.

For Spain, which is the country that has ratified the highest number of ILO Conventions, the ratification of a Convention, and the approval of a Recommendation, is not a recreational sport. The assumption of one of the Organization's Conventions involves being prepared to internalize reforms which imply that the labour legislation in the country develops in harmony with the values reflected in the Conventions. I would like to illustrate this with a number of significant examples of the action we have taken in recent years. We ratified the Domestic Workers Convention, 2011 (No. 189), and on the basis of this ratification, Spain has extended contributory unemployment benefits to domestic workers, has abolished the freedom to rescind contracts as a means of terminating the contracts of domestic workers and has granted them protection in the event of enterprise insolvency.

We have ratified the Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023 (No. 191), and we have expressed our commitment to occupational safety and health as a fundamental standard, with the approval by the Council of Ministers a week ago of a text comprehensively reforming our Act on occupational risk prevention in recognition of the fact that occupational safety and health are fundamental rights and standards, admittedly following 19 months of negotiations with the social partners. We have ratified the Violence and Harassment Convention, 2019 (No. 190), and we have also approved in the Council of Ministers the definitions of harassment and measures to protect workers in the situations set out in the Convention. And, so as not to go on too long, we ratified the Work in Fishing Convention, 2007 (No. 188), and we changed the legislation to ensure good conditions and welfare of persons engaged in the fishing sector.

Convention No. 144 is important for Spain because the Convention conveys ILO tripartism into the domestic administration of each Government. It is a Convention that we take very seriously, indeed so seriously that, in our awareness that previous Governments had systematically failed to comply with this model of tripartism in national legislation, on 16 May 2024, Spain adopted a strengthened mechanism for the application of the Convention. Since 16 May 2024, when the strengthened mechanism entered into force, we have adopted over 20 initiatives, including meetings with the social partners, the exchange of documents,

meetings, open dialogues, which have promoted collaboration on how we have to ratify Conventions, how to exchange information on the impact of Recommendations and provide information as necessary on the position that should be taken by the Government of Spain, in both the Governing Body and the ILO Conference.

This is not formal social dialogue, but is very inclusive and deep social dialogue. Let me tell you how it works, as it is not a mere formality. All of the documents that Spain receives from the ILO are sent to the social partners in writing. The social partners have the time to make their comments on the documents that they consider important, and send written comments. The comments that we receive from the social partners, both workers and employers, are shared. The social partners are therefore fully aware of the comments that have been made by the other parties. When there is not sufficient time to make comments, Spain offers more time, which also includes other partners that may have provided comments. Once all the contributions have been received, they are collated in a single document in the format and according to the procedures established by the ILO and they are once again shared with the social partners, both workers and employers, asking them whether they are in agreement on the unification of the document, or if they want to make any additional comments. They are also asked whether they consider it necessary to send the collated document to the ILO. The response of the social partners is normally negative to this question.

With full respect for the position of the Employers, they are saying that there has not been an evaluation or a final report on this subject. It should not be forgotten that, in accordance with Article 6 of the Convention, the provision of such an annual report is not considered to be a requirement, but that it is to be issued when considered appropriate. However, in any case, Spain will issue an annual report and will carry out an evaluation now that the strengthened consultation mechanism has been in operation for two years. I would like to make it clear that we were requested to carry out an evaluation two months after the entry into practice of the mechanism.

We consider, with all due respect, that the mechanism had not been in operation long enough. There was not yet the capacity to evaluate whether or not it was functioning. I believe that now is the right time, two years after it commenced operations, which I should add are very demanding in terms of their schedule and the exchange of documents. In any case, Spain is at the full disposal of the Committee to provide any further information that is necessary and to supply additional information, but in particular so that the Committee can tell us how we can ensure compliance with or improve our compliance with the Convention because, to be very clear, for Spain social dialogue is an imperative of national labour legislation. No labour legislation has been approved by the Government of Spain since 2020 which has not been preceded by effective, efficient, compulsory and genuine social dialogue. I should recall that, in 2021, Spain negotiated an increase in the minimum inter-occupational wage with employers and workers, with the agreement of the social partners. It negotiated six agreements on employment protection in defence of the interests of workers and enterprises during the pandemic. It reached agreement with employers and workers on the regulation of telework. And it has concluded a very important agreement, at this session of the Conference, with employers and workers on the regulation of digital platform work.

An Act, which was certainly the precursor of the European Directive on improving working conditions in platform work, was adopted with the agreement of employers and workers. Spain negotiated and agreed with Spanish employers and the most representative unions the 2021 Labour Reform, which has resulted in a major transformation of the Spanish labour market. Spain negotiated the strategy for the prevention of occupational risks in agreement with employers and workers. Spain negotiated the LGTBI equality and non-discrimination protocol

with employers and workers, and Spain has developed many more texts on the development of its industrial relations system, which have always been preceded by effective social dialogue.

On many occasions it has not been possible to reach agreement between the three partners, but legislation has never been adopted and no initiative taken without the prior support of the social partners or in which the social partners have not been involved. And I insist, not formally, but effectively involved.

Spain reached an agreement with the social partners on the reform of, no less, its public pensions system. I can tell you, in full humility, that the period beginning in 2020 in the Spanish industrial relations system is certainly the most productive period of social dialogue in the history of the country. And it is a period that has been based, precisely, on the founding principles of the ILO, of which the tripartism not only illuminates our political action, but for us is an essential characteristic. And this period of social dialogue in our country has had consequences that I would like to describe.

Today, there is more work in Spain than ever before. The latest data tell us that 22.3 million people are occupied. We have managed to reduce the rate of temporary employment by 10 percentage points. We now have the lowest average rate of temporary employment in Europe. One of the major problems in Spain was the precarity of labour relations.

We have increased the inter-occupational minimum wage by 66 per cent, and it is now at the level recommended by the Council of Europe, namely 60 per cent of the national average wage. We have reduced the gender wage gap by 25 per cent, among other reasons, due to the rise in the minimum wage. And all of this has been compatible with our enterprises which, according to the latest data of the tax agency, have achieved record profits based on sales, and have never had such high profits, and as productivity in the country for each hour worked is growing at around an annual rate of 1 per cent.

And I emphasize that I believe that Spain is fully prepared to resolve once and for all any issues relating to the application of the Convention, which is essential for us, and of this model of tripartism, which I believe that we are applying with all the strength of which we are capable in collaboration with the social partners, insofar as it can be further strengthened and improved. The Committee's recommendations will undoubtedly be very useful for Spain.

I thank you for your attention and, while awaiting the outcome, I will listen very carefully to all the interventions that are made on this subject.

Employer members – I thank the representative of the Government for the explanation of the national situation and for the written information. Spain has ratified a total of 141 Conventions, including the 10 fundamental Conventions, 4 governance Conventions and 127 technical Conventions. Convention No. 144 on tripartite consultation related to international labour standards is one of the four ILO governance Conventions and Spain ratified it in 1984. More specifically, the Committee of Experts has already made observations in 2014, 2017 and 2024 regarding tripartite consultations.

Today is the second time, after 2024, that the Committee has examined the application in law and in practice of this Convention by Spain. In May 2024, the Government adopted a strengthened tripartite consultation mechanism with the social partners on matters relating to the ILO. In June 2024, the Committee recalled that tripartite consultation to promote the implementation of international labour standards is of paramount importance.

The Committee requested the Government to: (i) continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures

required under the Convention and to provide information on the frequency of those consultations and working methods; and (ii) provide information on the measures taken to implement this recommendation. However, since then, the Spanish employers' organizations, the Spanish Confederation of Employers' Organizations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME), claim that the new consultation mechanism is merely complying with the Convention in a formal and not an effective way.

Shortcomings persist in both form and substance, with the result that this Convention is still not being properly implemented. Their criticisms are as follows: (i) there is no genuine participation mainly due to insufficient time frames: this leads to extraordinary complexity when it comes to establishing agreed positions; (ii) lack of genuine social dialogue. The meetings mentioned by the Government are purely informative, not deliberative; (iii) the approach is extremely limited: meetings focused on formal reports leaving out areas of undoubted relevance within the ILO framework such as the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), when the case was referred to the International Court of Justice (ICJ); and (iv) the mechanism lacks an effective evaluation of its functioning, which prevents the identification of its shortcomings, their correction and its continuous improvement. In its last observation, the Committee of Experts asked the Government to provide information on the evaluation of this new consultation mechanism on matters related to the ILO.

It also requested the Government to indicate the manner in which it takes into account the opinions expressed by representative employers' and workers' organizations on the functioning of the effective tripartite consultation required by the Convention. The Employer members attach great importance to Convention No. 144. They point out that, as proclaimed by the Constitution of the Organization, tripartism is one of the pillars of the ILO. It is what distinguishes it from other international organizations. The various changes that have affected the ILO over more than 100 years have never called into question the validity of the tripartite system, which confers equal status on workers, employers and governments.

The Employer members also recall that it was within the Committee that the possibility of adopting an instrument dealing specifically with the creation of national tripartite bodies was first suggested in 1972 in order to involve employers' and workers' organizations more closely in the standard-setting process. The Convention has the merit of flexibility in that it leaves it up to national practice to determine the nature and form of consultation procedures. A wide variety of tripartite consultation procedures and methods can just meet the objectives of the Convention. Nevertheless, to be meaningful, consultation must not be limited to purely formal approaches, but must receive the full attention of representative employers' and workers' organizations in order to help the Government reach a decision. The tripartite consultations by the Government cannot be limited to a purely written and separate consultation.

Good faith is essential for meaningful tripartite consultation as it fosters trust, credibility and a genuine willingness among governments, employers, and workers' representatives to engage constructively. Acting in good faith means coming to the table with openness, respect for different perspectives and a readiness to share relevant information transparently. It also implies a commitment to dialogue that goes beyond formalities, aiming for consensus or workable compromises rather than predetermined outcomes. In this sense, tripartism is not an easy path. It requires the establishment of appropriate means of information for organizations so that they have a sufficient basis for consultation, exchange of information on points of view, resolution of conflicts, taking into account the positions of the social partners before the final decision is made.

The Employer members consider it essential that the Government's final decisions regarding its obligations to the ILO take into account the views expressed by employers and workers.

Worker members – We have already had the opportunity to examine the application of this Convention by Spain at the 112th Session of the Conference in 2024. In our discussions on that occasion, we recalled the fundamental importance of tripartite dialogue in promoting the application of international labour standards. We emphasized that tripartite dialogue should be effective dialogue and not merely a formality. For that purpose, States have to establish institutional mechanisms which enable the social partners, in particular, to have sufficient time to make their comments, take into account the comments made by the other partners, and which should not be limited to written procedures and should include time for exchanges of views before the final documents are sent to the ILO.

In our conclusions, we explicitly requested the Government to continue to guarantee effective consultation with representative employers' and workers' organizations in the procedures required under the Convention and to provide information on the frequency of those consultations and working methods. We also requested the Government of Spain to provide information on the measures taken to implement these recommendations. We are pleased to note that the Government of Spain has given effect to the recommendations made by the Committee and that they have since given rise to much progress in guaranteeing the effectiveness of social dialogue on the reports on ratified Conventions.

As indicated at the 112th Session, the Government has introduced, since May 2024, a new strengthened consultation mechanism which reinforces in a practical and effective manner the participation of the representative organizations of workers and employers in the reporting procedure on ratified Conventions. This new mechanism is designed to provide sufficient time to all the partners to make their comments, for the comments of each partner to be sent to the other partners, for the draft final reports to be sent to the social partners before being communicated to the ILO and for the social partners to express their views in meetings held for that purpose. We note that Spanish trade unions consider that this new mechanism constitutes significant progress in improving tripartite dialogue on international labour law.

In view of the recent nature of this mechanism, we encourage the Government of Spain, as it has undertaken to do, to evaluate the new procedure in collaboration with the social partners with a view to determining objectively the improvements made by this new mechanism and adjusting it if necessary. We call on the Government to continue improving consultation mechanisms with a view to reinforcing even further future social dialogue and tripartite consultation.

Employer member, Spain – It is an honour for me to take the floor on behalf of the CEOE, of which I am Vice-President, and the CEPYME, which I have the honour of presiding over. Spanish employers are deeply committed to the principles and values of the tripartism that inspires the ILO, and we are proud of the more than 20 agreements reached through tripartite social dialogue in our country since 2020. These are a diverse range of agreements, and many of them have been mentioned here by the representative of the Government of Spain. They range from labour reform to the social security system, self-employed workers, telework and pioneering regulations on the use of algorithms and the rights of platform workers. The latest agreement was on LGTBI persons in companies.

Bipartite social dialogue has also been successful in Spain. Reference should be made to the Agreement on Employment and Collective Bargaining 2023–25 reached with the trade unions, whom I wish to publicly recognize. This Agreement has helped modernize collective

bargaining and wage increases in a context of high inflation. It is precisely such legitimacy, built on loyalty, that today allows us to discuss the Convention once again in a spirit of constructiveness and continuous improvement.

While the Convention can be applied through a wide variety of procedures and methods of tripartite consultation, to be effective they cannot be limited solely and exclusively to purely formal aspects, but, as set out in Article 2(1), must enjoy the real and sustained involvement of representative organizations of employers and workers.

As has been mentioned, in May 2024 the Government launched a strengthened tripartite consultation mechanism in response to the shortcomings in the process of consulting the social partners in Spain that this Committee had already noted. However, it is unfortunately clear that there remains some way to go if this mechanism is to guarantee truly effective tripartite consultation. I would like to emphasize the word "effective", which has previously been mentioned. While it is true that tripartite meetings have been held on reports on ratified Conventions, structural failings persist. Time frames continue to be incompatible with genuine participation. The analysis of dozens of Conventions in just one month prevents us from developing agreed positions.

Furthermore, the meetings continue to be confined to a merely formal exchange of information, without creating the genuine forum for dialogue that is so important for effective social dialogue. Moreover, the mechanism remains excessively focused on reports, to the exclusion of other relevant matters relating to the ILO.

It is impossible to channel effective tripartite cooperation on substantive ILO matters that affect all constituents. We refer, for example, to particularly important matters, such as Convention No. 87 and its referral to the International Court of Justice, which was not subject to consultation, and to the real and systematic monitoring of the resolutions and conclusions adopted by the Conference and the Governing Body.

The mechanism designed by the Ministry of Labour is currently being used only to simulate compliance with the Convention, rendering it merely a formal tool, far from giving social dialogue the central role that it should play in addressing international labour matters. This is demonstrated by the fact that, as has been recognized here, there is not even an effective evaluation of its functioning, as required by the Convention.

Clearly, we would not be here if this was not indicative of the Government's usual action since 2022, with deeper roots and consequences that I will endeavour to explain.

As employers' organizations, we have always acted with purpose, seeking to secure social progress as well as our companies' competitiveness, and always with commitment and loyalty. In this way, we have succeeded in promoting a labour market that is more resilient, stable and inclusive, and in strengthening the country's competitiveness. As has already been said, it is only necessary to compare temporary employment figures in the public and private sectors to demonstrate the clear transformative leadership of private companies in Spain. While the private sector has reduced its temporary employment rate to less than 12 per cent, the rate in the public sector is almost 27 per cent, more than double, and in the case of women almost 31 per cent, and for that and other reasons is an ongoing subject of censure by the Court of Justice of the European Union.

Unfortunately, since 2022, when the European Union's exhaustive efforts on compliance with the normative milestones linked to the COVID-19 recovery and resilience plan concluded, the Ministry of Labour, responsible for leading and promoting social dialogue on labour matters and preserving the agreements reached, switched its focus from targets that were of

general interest to the country to others which were of specific interest, but far removed from that general interest.

Its strategy has resulted in regulatory suffocation, summarized by the 61 changes to the basic regulations governing industrial relations in Spain between September 2022 and December 2025, without real social dialogue or, on occasion, consultation, or with consultation that fell far short of the tripartite spirit embodied by this House and by the Pact for European Social Dialogue.

This regulatory tsunami has disrupted key labour law institutions through regulations, generally extraordinary and urgent, linked to catastrophes such as the flooding which affected Valencia and the current war in the Gulf. The collective bargaining structure, for example, has been disrupted, prioritizing more provincial agreements over State agreements; changes have been made to the minimum content of collective agreements; the grounds for the nullification of dismissals and discrimination available to workers in response to any company decision have been extended, along with the right to compensation; climate leave paid by employers has been created; and a requirement to create mobility plans has been introduced. In addition, after failing to obtain parliamentary support for its initiatives on the legal reduction of the working day, which failed in Congress, the Ministry of Labour has moved on to the ongoing abuse of regulations to amend the Workers' Charter, and has earned criticism by the Council of State for being in violation of the principles of legality and the hierarchy of norms regarding working time.

It has attempted to apply the same modus operandi to the transposition of the Directive on adequate minimum wages in the European Union, which includes changes to regulations on compensation and wages that are deeply rooted in the Workers' Charter, and the Directive on transparent and predictable working conditions in the European Union, with an evident excessive use of regulations, neglecting the fact that the principles of legality and the hierarchy of norms are not simply technical legal tools, but direct expressions of the principle of democracy upon which the rule of law is built.

This avalanche of regulations has resulted in constant legal uncertainty, which is more pernicious for small and medium-sized enterprises and microenterprises, which are also being strangled by increased labour costs. From the viewpoint of small enterprises, we are bound to point out that, at a time of economic growth in Spain, our microenterprises are disappearing. There are thousands of microenterprises fewer than before the COVID-19 pandemic, and they have to survive in a truly complex situation: strong limitations on freedom of enterprise and their capacity to organize and manage their activities, and constant interference in collective bargaining to the point of slowing it down with announcements of constant, and strongly ideological regulatory changes.

Consequently, reforms previously agreed through social dialogue have been gradually dismantled through regulations that have not been the subject of consultation with the social partners and which reopen already intensely argued issues that have been explicitly rejected. The 100 corporate social responsibility measures proposed by the Ministry on 6 May 2026 include, for example, another significant labour reform, proposed without the involvement of the social partners. It has also been proposed to amend section 42 of the Workers' Charter on subcontracting. Ultimately, the selective use of social dialogue, the absence of consultation, or consultation that is strictly formal, and the failure to comply with agreements that have been concluded have been a constant characteristic of Government action, which is far removed from this Organization's tripartite spirit.

As indicated in the conclusions of the Resolution concerning the second recurrent discussion on social dialogue and tripartism adopted by the Conference in 2018, social dialogue and tripartism are essential to democracy and good governance.

Social justice and social and economic progress are objectives shared by the Spanish employers' organizations, just as they are the principles that inspired the founding of the ILO. It is, however, important to understand that social dialogue and tripartism cannot be selective or at the mercy of the interests of the government of the day. We therefore urge the Government to comply with ILO Conventions and improve its consultation procedures to render tripartism truly effective.

Worker member, Spain – I would like to begin by recalling that this case was discussed by the Committee, as already recalled, merely two years ago in 2024. On that occasion, the Committee recalled the importance of tripartite consultation in promoting the implementation of international labour standards and requested the Government to continue guaranteeing effective consultation with representative employers' and workers' organizations, and to provide information on the frequency of those consultations and the working methods, as well as information on the measures taken to implement its recommendations.

In light of the above, the question that arises today is simple: what has happened in the two years since then? The Committee of Experts notes in its report this year that, following the discussion in 2024, the Government launched a strengthened information and tripartite consultation mechanism on matters related to the ILO and noted with interest its adoption and recognized the improvements made. These improvements include the early communication of draft reports for their assessment by the social partners, the exchange of comments between the various representative organizations, the circulation of the final versions of reports before their communication to the ILO, the holding of specific meetings for discussions and the possibility of calling additional meetings when so requested by any of the parties.

There is something particularly revealing concerning the progress of this case over the past two years. If anyone reads the interventions made by the Employers' group in 2024 and compares them with the report that we are examining today, they will find an almost perfect parallel. Back then more meetings were being called for, more exchanges of information, access to draft reports, knowledge of the comments made by the other partners and a more structured procedure. Now, the Committee of Experts has noted with interest and welcomes the adoption of a mechanism that includes all of these elements. And so the question that arises is not what Spain has done since 2024, which is clearly set out in the report. Perhaps the real question is why in 2026 we are continuing to examine a case in respect of which the Committee recognizes that the requested measures have been implemented.

Of course, this does not mean that improvements cannot continue to be made to the mechanism. We are well aware that social dialogue and tripartite consultation are dynamic processes that can be improved, but precisely for this reason we need to ask the question of whether we are really faced by a case of alleged failure of compliance which justifies the repeated inclusion of this case in the work of our Committee. Spanish workers believe that we do not have before us a case of serious or persistent failure of compliance. We are not faced with a situation in which there is an absence of tripartite consultation. We are not coming up against a refusal by the Government to give effect to the recommendations made two years ago. This is a case that involves following up the improvements adopted.

Spanish workers firmly defend the ILO standards supervision system. We defend it because we believe that it is one of the greatest strengths of the Organization and because for decades it has contributed to promoting effective compliance with international labour

standards. And precisely for this reason, we consider it important that these procedures continue to focus on their principal purpose, which is identifying cases of non-compliance, promoting improvements in practice, contributing to the effective application of Conventions and giving appropriate recognition to progress when it occurs. Using them to pursue political disputes is not a good use of this system.

When the Committee makes recommendations, a Government adopts measures in response and the same Committee recognizes the progress made, this progress needs to be included in the assessment that is made. If that is not done, we run the risk of not only sending the wrong message that progress is not important, but also of weakening the perception of these procedures as instruments intended to address the most worrying and persistent cases of non-compliance with international labour standards.

From our viewpoint, the concerns that gave rise to this case have been addressed in recent years through the creation and implementation of the new strengthened consultation mechanism. As a result, we will continue to participate actively in this mechanism by contributing to its evaluation and continued improvement.

Another Worker member, Spain – We wish to recall at the outset that the Convention occupies a central position in the ILO standards system because it ensures that Governments, workers' and employers' organizations can participate effectively in the formulation, application and follow-up of international labour standards. Tripartism is not only a working method of the ILO, but is also an essential principle of democratic governance in industrial relations. Accordingly, the Committee of Experts emphasizes the importance of ensuring regular, effective and inclusive tripartite consultations, especially in relation to the obligations deriving from international labour standards.

In the case of Spain, recent observations refer to the need to continue strengthening the quality and effectiveness of such consultations, as well as the balanced participation of representative organizations of employers and workers. In this context, it is important to recognize that Spain has a very long tradition of institutionalized social dialogue and that, in recent years, this dialogue has made it possible to conclude relevant agreements on labour, economic and social issues. The progress achieved in the strengthening of consultation and social dialogue mechanisms reflects a clear commitment to the principles of the Convention and the effective functioning of tripartism.

In the Trade Union Confederation of Workers' Commissions (CCOO), we can bear witness, and we are convinced that Spain has also made significant progress in the reinforcement of the strengthened social dialogue and tripartite consultation mechanism, in full consistency with the requirements of the Convention, which is the subject of this discussion.

The efforts made in recent years demonstrate the clear intention to consolidate effective institutional participation mechanisms between the Government and the social partners, and to reinforce the quality, regularity and transparency of consultations on international labour standards. And precisely for that reason, in the same way as our position during the discussion of the same case in 2024, we consider that this Committee must not be used for political purposes nor to extrapolate national issues that are completely separate from the specific objective of the case under examination, or the appropriate supervision of international labour standards. The legitimacy and credibility of the Committee, that is of all of us here, in the final analysis, depends on the supervisory mechanisms remaining focussed on objective and balanced technical issues in accordance with the constitutional mandate of the ILO. It is unacceptable in 2026, or in future, for this Committee to be instrumentalized or its use distorted to bring to the forefront national internal policy controversies that bear no direct

relation to the obligations deriving from the Convention under examination, not only in the case of Spain, but also of any other Member State. Preserving the integrity, impartiality and technical nature of the ILO standards supervisory system is a shared responsibility of all the tripartite constituents. The strengthening of consultation mechanisms is not a merely procedural issue, but rather a guarantee of the effective application of fundamental labour rights and the construction of stable and democratic labour relations.

Of course, we trust that Spain will continue, and will always look to strengthen, its tripartite consultation mechanisms, in full conformity, and I insist, full conformity with the Convention and in cooperation with the social partners and the ILO. We continue in our conviction that genuine social dialogue and respect for tripartism remain the best way of strengthening the effective application of international labour standards and the consolidation of inclusive, representative and effective labour institutions.

Government member, Mexico – The Government of Mexico welcomes the information provided by the Government of Spain, and its willingness to maintain an open and constructive dialogue with this Committee and the ILO supervisory bodies. We wish to begin by emphasizing the importance of the Convention as a key instrument for guaranteeing the effective participation of employers' and workers' organizations in the formulation and application of international labour standards.

We would like to be very clear and forthright in saying that, although we are extremely surprised that Spain was included on the preliminary list, and even more so on the final list, Mexico recognizes the commitment of the Government of Spain to appear here once again and demonstrate respect for this century-old Committee. It also recognizes the Government's reiterated commitment to strengthening social dialogue and the full implementation of this Convention.

We particularly welcome the adoption in 2024 of a strengthened information and tripartite consultation mechanism on matters relating to the ILO, which is a specific measure to reinforce the effective, representative and timely participation of the social partners. This mechanism introduces relevant improvements in consultation procedures, such as the advance submission of draft reports, the exchange of comments between the social partners, the communication of final versions before they are sent to the ILO, and the holding of specific meetings for the exchange of views.

Mexico welcomes the fact that these measures have been implemented on an ongoing basis in 2024, 2025 and 2026, addressing not only reports on ratified Conventions, but also other relevant processes such as the discussion of recommendations, and the preparation of the Governing Body and the Conference.

It is also important to note that the trade unions themselves have recognized the progress made as a result of the implementation of this new mechanism, and have indicated substantial improvements in consultation processes, which serves as valuable input for a balanced assessment of the case. At the same time, we note that some social partners have indicated areas of opportunity in the application of the mechanism, particularly in relation to the regularity of meetings and evaluation processes. We consider that these elements form a natural part of a dynamic institutional consolidation process.

Mexico considers that the progress reported reflects the clear willingness of the Government of Spain to address the observations of the Committee of Experts and progressively strengthen tripartite consultation mechanisms.

In this context, we consider that this case must continue to be addressed through constructive dialogue, which would make it possible to build on and consolidate the improvements already made, in close collaboration with the social partners. We welcome the Government's work to step up these efforts, particularly with regard to the evaluation of the functioning of the consultation mechanism and the full inclusion of the views of the representative organizations into processes related to the ILO. Mexico reiterates its trust in the value of social dialogue as a fundamental tool for building consensus and the strengthening of sound, inclusive and democratic labour systems.

Finally, we express our support for the Government of Spain in its commitment to continue complying with the Convention and further strengthening tripartite consultation mechanisms.

Employer member, Uruguay – The employers of Uruguay wish to recall that Article 2 of the Convention explicitly establishes that each Member of the ILO which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the Organization, between representatives of the government, of employers and of workers. These consultations must be conducted, in accordance with the Convention, with the representative organizations, that is, with the most representative workers' and employers' organizations, and the government. Furthermore, Article 2 also establishes that the nature and form of the procedures shall be determined in each country in accordance with national practice, after consultation with the representative organizations, where such organizations exist and such procedures have not yet been established.

In the view of the Uruguayan business sector, the concept of effective consultation is key to the correct application of the Convention. The effectiveness of consultations does not depend solely on the fact that they take place, but also on the manner in which they are conducted. For consultations to be effective, they must be carried out at an appropriate stage of the decision-making process and in a manner that enables the representative organizations to participate in an informed and meaningful manner in the consultations, and to contribute their specific perspectives. In this regard, consultations must provide a genuine opportunity to examine proposals, exchange opinions, and make observations that can be duly taken into account prior to the adoption of measures. When consultations are merely a formality or do not take place at all, once decisions have already been taken, it is difficult to ensure compliance with the objective set out in Article 2 of the Convention.

We therefore encourage the Government to continue strengthening consultation processes in order to ensure that they are not only regular, but also appropriate and inclusive, and that they enable the effective participation of the social partners. Only in this manner can tripartite social dialogue be achieved on this specific subject which gives legitimacy to the standards adopted.

Worker member, Finland – I am speaking on behalf of the workers of the Nordic countries, Belgium and France. The case before us concerns the application of a governance Convention by Spain. The Convention gives concrete expression to the principles that lie at the very core of the ILO, namely that the development, submission, ratification and supervision of international labour standards must be supported by meaningful tripartite dialogue at the national level. This is precisely why tripartism under the Convention must never be understood as a matter of mere formality.

The existence of meetings, exchanges or institutional arrangements is not sufficient in itself. Consultation, if it is to satisfy the Convention, must be real, timely and capable of

influencing the position of the Government before any final decisions are taken. Otherwise, what is presented as tripartism risks becoming no more than a procedural appearance. As was already evident in the previous discussions of this case, the situation in Spain shows that proper consultation procedures can in fact be maintained in law and in practice. That is to be welcomed.

It is also encouraging that, following the previous discussion, the Committee called on the Government to continue guaranteeing effective consultation with the representative organizations of employers and workers on the procedures required under the Convention. And more so, it must be welcomed that it is precisely what we are observing with Spain today. At the same time, this case gives the Committee an opportunity to restate a broader concern. When the Convention is implemented inadequately, it is often the workers and their organizations who first experience these consequences. Consultation may take place too late, relevant information may not be shared in time or the views of the most representative organizations may be heard without being genuinely taken into account.

In such circumstances, the process may formally exist, but the substance of tripartism is missing. For that reason, it is important to emphasize that the value of the Convention lies not only in the establishment of procedures, but in the quality and effectiveness of the dialogue that those procedures make possible. Trade unions are not incidental participants in that process. They are an essential part of the tripartite structure on which the ILO is built, and the Convention requires that their participation be meaningful in both timing and substance. In the present case, it is heartening to see that Spain is delivering and that deserves recognition.

At the same time, the Committee should remain clear that proper application of the Convention can never be taken for granted. Genuine consultation rests on sustained political commitment and respect for the role of the social partners, and even hard-won progress can quickly be undone and turned into regression.

We welcome the continued positive direction in Spain, while underlining the wider importance of this Convention. Meaningful consultation under the Convention is indispensable to the legitimacy of the standards system itself, and where consultation is weakened or emptied of substance, it is far too often the workers who bear the cost first.

Government member, Uruguay - The Governments of Uruguay and Brazil have listened carefully to the intervention of the Government of Spain and give thanks for the information provided on the application of the Convention. We believe that it is important to recall that the central objective of the Convention is to promote effective consultations between Governments and representative organizations of employers and workers on international labour standards. In this respect, we consider that the evaluation of its application should take into consideration both the challenges identified and the specific progress achieved in strengthening consultation mechanisms.

We note that Spain has reiterated its commitment to social dialogue and full compliance with the requirements of the Convention, and that since 2024 it has adopted measures to reinforce information and tripartite consultation procedures. We appreciate in particular the launching of a strengthened consultation mechanism which has extended and reinforced the participation of representative organizations of employers and workers through specific improvements to the procedures for exchanging information, making comments and dialogue between the social partners. We also note that this mechanism has been implemented continuously since 2024 with regard to the various matters relating to international labour standards, thereby reflecting both the will of Spain to institutionalize

and strengthen the consultation procedures envisaged in the Convention and its readiness to maintain open dialogue with the social partners and to continue evaluating and improving those procedures.

We wish to place emphasis on the long tradition of social dialogue existing in Spain. And we also understand that tripartite consultation procedures are by their nature dynamic and susceptible to constant improvement. We therefore consider it particularly appropriate that the efforts made by the Government to strengthen these mechanisms are recognized and supported by dialogue and technical cooperation.

We therefore encourage the Government to continue working with the representative organizations of employers and workers to further strengthen the consultation procedures set out in the Convention. We also encourage the ILO to continue providing any technical support which may be of use in consolidating the progress that has been made.

Employer member, France – This case has come back to our Committee after two years. It relates to the compliance by Spain with ILO Convention No. 144, ratified by the Member State in 1984. We are well aware that the Convention establishes the need for effective tripartite consultations between the Government, workers' unions and employers' organizations.

It is the term "effective" that requires our attention here. In accordance with the spirit of our Organization and the case law of our Committee, employers are firmly committed to social dialogue, as witnessed by the many agreements concluded in recent years. However, according to the Spanish employers' organizations, there remain significant shortcomings in Spain in the application of the Convention. A specific mechanism has been introduced to strengthen such consultation on international matters. But its operation is still incomplete, the time limits are too short, meetings are given over more to providing information than to discussion and their scope is still limited.

We believe that this is related to a structural problem, not a temporary issue, arising out of a faulty procedural approach, according to the views of the employers, which reduces consultations to mere formalities within general processes. This inadequate system has the effect of weakening the role of the social partners and may in time undermine the value of ILO instruments.

It should also be recalled that Spain is a Member of the European Union and, in that capacity, it signed the Pact for European Social Dialogue in 2025 with a view to reinforcing the role of the social partners in the development of social policy and that the Pact, in the same way as the Convention, is binding upon Member States. The Employer members therefore wish to emphasize the need for a social dialogue mechanism that is implemented more effectively, in sincere compliance with the Convention, social dialogue that is effective, and not selective or purely formal, and which is to the benefit of all the parties. We hope that this call will be heeded.

Worker member, United Kingdom of Great Britain and Northern Ireland – As we celebrate the half century of the Convention, it is an interesting opportunity to have two cases on this Convention to discuss at this centenary session of the Committee. It is undoubtedly a vital Convention, important to honour both in its letter and in its spirit of inclusion. It is recognized as a governance Convention, confirming its essential nature for the good functioning of this Organization and the effective realization of its mandate.

We note that the Committee of Experts has, for many years, taken the view that responsibility under the Convention extends beyond the provisions of its Article 5, urging

timely social dialogue on matters covered by ILO standards while it is still possible to influence policy and practice. There is no provision of course, as much as we might sometimes wish it on the Workers' benches, for governments to accept the advice we give them, but this larger interpretation places the Convention at the very heart of the relationship between governments, employers and workers and makes our work here possible.

Many of us among the social partners have had a varied experience of tripartite consultation or attempts at it over the years. While some of us enjoy long-established structured tripartite engagement, robust enough to embed the social partners in a system of meaningful consultation that can survive changes of administration, others are reliant on the good faith of officials to offer some continuity in the face of inconsistent interest at the political level of government, with the consequent limitation of impact.

Although the Convention allows for many different means of realizing its requirements, we believe that structured, regular and direct engagement, supplemented but not supplanted by other means of communicating, remains the most effective.

We are appreciative of the fact that in the United Kingdom we are working with the Government and employers to create and perpetuate new structures, including with ministerial engagement, which will allow meaningful consultation on both institutional matters and on policy and practice covered by international labour standards.

We note that the Spanish Government has initiated a structured approach, involving scheduled face-to-face meetings with additional and extensive consultation facilitated through the timely sharing of reports and ratification proposals, including the opportunity for genuine dialogue over their contents. We know from experience that new consultation processes require a reasonable time to get used to and to streamline effectively, but the approach of the Spanish Government and its social partners is clearly one that some other tripartite delegations could look to for inspiration.

I am further assured that tripartite consultation extends well beyond the confines of Article 5 and that timely dialogue does exist with the social partners on matters relating to the ILO's normative coverage.

In short, as we note the centrality of complying with the letter and spirit of the Convention, we can in the Convention's anniversary year, note with satisfaction the effective and innovative progress in Spain through this discussion.

Employer member, Germany – I take the floor as Employers' representative from Germany, but I am also speaking from a European perspective. In the European Union, one could think everything is perfect. Functioning tripartite social dialogue, regular consultations between governments and social partners, results driven processes. But also, in the European Union, not everything is perfect.

Even in the heartland of social dialogue, governments sometimes forget where we are coming from and what we may lose if we do not follow our traditions and Conventions. Effective consultations, as Article 2 of the Convention states, do not always take place as they should. The case of Spain proves this. And also, it is not always workers' rights which are not respected. Sometimes the rights of employers and their organizations may not be respected.

Article 3 states, I quote, "Employers and workers shall be represented on an equal footing." I repeat, on an equal footing. Tripartite social dialogue has to be tripartite, not favouring any of the constituents. The term "effective" is not only a judicial term. In the field of

social dialogue, the term "effective" also means a spirit, an attitude to be inclusive of different opinions and perspectives.

Tripartite consultations are not always easy, but governments must listen to other opinions and try to find a compromise. Short deadlines, no meaningful discussions, no timely involvement, simulated consultations, where no conclusions are being drawn after the consultation. There are many examples of non-effective consultations. A consultation which is merely formal or procedural, not substantial. This applies to the national level and to the international level. In some Member States of the European Union, the social partners have the feeling that they are only consulted on ILO matters when everything is already too late.

Too late in the sense that the governments of the 27 European Union Member States have already collectively determined their position on a certain matter. And after that, they consult with social partners. The Spanish case before us is probably only an example for the whole European Union. That is why we support discussions about this case in this very body.

Worker member, Argentina – The Convention has the specific objective of ensuring tripartite consultation on the ILO's standard-setting activities, not social dialogue in the general sense. It is important to bear that in mind so as to assess appropriately the case before us today. Spain ratified the Convention in 1984. And, for many countries and many workers' organizations throughout the world, Spain is one of the most solid reference models for social dialogue and tripartite consultation. It is not an idealized model, but a real model. The model of a country that has demonstrated, including in times of great difficulty, that agreements between the social partners are possible. This experience has a weight that goes beyond the Spanish border, because it helps to reinforce the argument that tripartism is not an unachievable dream, but a model that is practicable.

In this context, the situation under examination by the Committee today deserves to be assessed with precision. This case was examined by the Committee only two years ago, in 2024. On that occasion, specific recommendations were made. The Spanish Government responded by adopting a strengthened information and tripartite consultation mechanism. The Committee of Experts, in the report that is serving as the basis for our discussions today, has noted with interest the adoption of the mechanism and the improvements that it includes. The Spanish social partners have recognized significant improvements in the operation of consultations. Those of us who are closely aware of the significance of the absence of genuine tripartite consultation are able to recognize that, when progress is genuine, it has to be accepted as such.

When our Committee makes recommendations, a Government takes them into account and the supervisory bodies note specific progress, this progress needs to be reflected in the assessment of the case. If not, we will be sending a message that is of concern to us: that complying with recommendations does not lead to any appreciable difference. This message discourages precisely the approach that we want to promote.

The workers of Argentina fully support the ILO standards supervisory system. We support it because we need it. But supporting it also involves defending it from risks that weaken it from within: its use for political ends and the lack of proportionality. In many countries, inclusion in the list of individual cases before this Committee is one of the few tools available to workers.

For all these reasons, we call on this Committee to recognize the progress that has been documented and to encourage the Government to consolidate it. And we also call for reflection on how we can preserve the perception of this mechanism as it should be, that is an instrument

dedicated to cases in which the violations of international labour standards are serious and persistent.

Employer member, Norway – The Norwegian employers attach great importance to Convention No. 144 and to effective tripartite consultation on international labour standards. We also wish to acknowledge the constructive role played by the Spanish employers' organizations in social dialogue. The issue raised in this case is therefore not whether social dialogue exists formally or whether employers are committed to it. The issue is whether consultation under the Convention is effective and meaningful in practice.

From the Nordic perspective, this is serious. For consultation to be effective, it must take place at a sufficiently early stage with adequate information and reasonable deadlines. It must allow representative employers' and workers' organizations to consult their own structures and develop considered positions before the Government's position is finalized. Consultation cannot be reduced to formal information-sharing; nor should it be selective or limited to narrow reporting exercises. Its value lies in its potential to influence the outcome. If consultation takes place too late, with insufficient time or limited scope, it becomes a formality rather than a safeguard. The Norwegian employers, therefore, take note of the concerns raised by the Spanish employers' organizations, including tight deadlines, meetings that are more informative than deliberative and the lack of effective consultations on broader ILO matters of importance to the social partners.

The Convention requires a real process conducted in good faith. It does not require the Government to agree with all the views expressed by the social partners, but it does require that those views can be expressed, considered and reflected before decisions are taken. The Norwegian employers therefore encourage the Government of Spain to ensure that consultations on the Convention are genuine, timely, regular and meaningful in practice and that the social partners have a real opportunity to contribute before positions are finalized.

Government representative – I would like to give many thanks to the speakers, and particularly to the Governments of Mexico, Uruguay and Brazil. I would also like to give many thanks to the workers' organizations for their interventions, and many thanks to the Employers for their considerations. In truth, I can only say that I am completely in agreement with what has been said in this room, and particularly what has been said by the Employers. The Convention should give rise to effective and meaningful consultations which take into account the views and opinions expressed by all of the social partners.

The Spanish Government is doing this. It would be very tedious, but I could go on and give you all the dates, and almost the hours of the meetings to which the strengthened mechanism for giving effect to the Convention has given rise since 2024. Normally, the time limits are one month to send in comments. If any organization considers that they are short, they are extended, which results in a corresponding extension for the other social partners. Consultations are held on reports, on Conventions, on Recommendations, on the position of the Spanish Government, as well as on the agenda of the Governing Body and the Conference.

All possible means are used, from physical meetings to online meetings, and reports and summaries are exchanged as a function of the next round of comments. We therefore have a strong belief in the Convention, and that we are applying it effectively, and of course we will evaluate this. I believe that no instrument in any labour legislation throughout the world, wherever it is, can be evaluated after only two months, as was requested by the Spanish employers' organizations.

This tripartite dialogue based on the Convention is effective and is not selective. The most representative employers' organizations in my country, the CEOE and the CEPYME, which are represented in this room, participate in it.

None of the most representative social partners have ever been excluded, and different or worse conditions than those of the other social partners have never been set. The symmetry between the most representative trade unions and employers' organizations in the country is a true article of faith in our country. We never change the treatment on the basis of the nature of the partner.

I would also like to say, and here I am not speaking so much as the representative of the Government of Spain, but as the representative of one of the Governments that are Members of the European Union, that social dialogue in Europe, which I have also seen questioned in some interventions, is not only key to the progress of the European Union, but I also believe that it is one of the only, although I will not go as far as saying the only, regions in the world which has included social dialogue in its system of sources of law.

The system of regulation of social policy in Europe, where the social partners so wish, can be used to reach an agreement. And in practice, the Spanish presidency, with the support of the social partners, sought agreements in such key issues as telework and the right to disconnect during its presidency.

We therefore believe, with great humility, that we are clearly in compliance with the requirements of the Convention, although we are fully prepared to improve anything that is necessary and to adopt in our country decisive changes and modifications so that the Committee can consider that there is effective compliance. But I would like to make two further reflections, if you would allow me. I believe that when a country is subjected to the review of compliance with a Convention, it is not sufficient to say that social dialogue is not effective. It is not sufficient to say that social dialogue is not meaningful. It is not enough to say that the social dialogue or tripartite dialogue deriving from the Convention is selective. It seems to me that we have to be discerning with the evidence provided in support of these claims. We believe that when someone claims that the Government, or any Government, engages in selective social dialogue they should provide a minimum basis of evidence in support of these claims. When they say that it is selective or exclusive, I believe that they have to provide a solid basis and evidence that such claims are well-founded, because if not, and I say this with full respect, the Government that is sitting here has a feeling that something is being discussed that is not really happening.

And the second consideration that I would like to put forward, and I have listened with great attention to the intervention of the Spanish Employer representative of the CEPYME, with whom, and with their team, we maintain a fluid exchange of dialogue. But I cannot refrain from expressing my surprise. I believe that this Committee is very relevant and prestigious. The views that are expressed by this Committee are decisive for the future of labour law throughout the world. The views of the Committee are examined closely and seriously on the meaning and significance of Conventions and Recommendations, and for the standard that States have to comply with as Members of the ILO.

The Committee is therefore a very serious and rigorous body and, it is therefore very striking that in the Committee, which I insist is a decisive body for the future of international labour standards throughout the world, we have to participate in discussions that have more to do with national politics than with the instruments and measures which, in this case, Spain has introduced to give effect to ILO Conventions. Internal criticisms, elements related to Spanish politics, cannot be allowed to instrumentalize the Committee. I am saying this with

respect and, moreover, echoing the words of the spokesperson for Spanish employers, we have concluded around 20 agreements in Spain. Social dialogue is a method, a working method, that is normally infallible. Social dialogue means that the will of Governments has to take seriously into account the views of employers and workers, and taking seriously into account means endeavouring, wherever possible, to reach agreements, even though agreement is not the only outcome of social dialogue.

It is possible that social dialogue may not be successful, and this occurs in many cases, and the problem is not that there is no final agreement resulting from the dialogue, but in cases where the claims, views and understanding of the social partners have not been genuinely taken into account. I will give you an example: in Spain we have a regulation which requires enterprises to adopt equality plans to remove distinctions between men and women so that the gender gap disappears. These equality plans were agreed to in relation to practically all their provisions by employers, workers and the Government, with the exception of a small part of section 5. I may add that it is a vital provision to overcome the gender gap and prevent exclusion on grounds of gender in our enterprises, in respect of which there was a small disagreement concerning who, where there is no workers' representation, should negotiate the implementation of this Royal Decree. Was this not genuine social dialogue?

Sincerely, I do not believe so. Social dialogue does not consist of giving any of the social partners the capacity to veto the development of labour legislation. That is not social dialogue, not according to the ILO or the practice in any of our countries. Indeed, I call on the Committee to provide guidance to States on what is required by social dialogue, by tripartite social dialogue, and on whether social dialogue has to be respected in each and every case, and whether it is prejudiced when one of the parties does not see themselves represented at all in the final outcome.

Governments, and I will end with this, because some of the statements made by the spokesperson of Spanish employers caused me some consternation, are often required to respond, and sometimes rapidly. One of the cases referred to by the representative of Spanish employers is particularly hard for me. She spoke of climate permits and the manner in which the Government was obliged to issue an emergency decree in record time. A Royal Legislative Decree. And it did so to protect workers who had suffered the consequences of devastating flooding in the Community of Valencia, which cost the lives of 250 persons, who were trapped by the horrendous storm when travelling to and from work. That required us to adopt urgent measures to guarantee the safety of travel.

I am coming back to where I started off from. I believe, and I am saying so with sincerity, that the Government of Spain is making every effort to give full effect to the Convention, but I remain at the full disposal of the Committee, and therefore of the Spanish social partners for them to indicate what improvements can be made to the strengthened mechanism to give effect to the Convention. That is, and I am using this forum to make an offer publicly and completely formally before the Committee, I am asking the Spanish employers' organizations to send us in writing, as rapidly as possible, indications of what we can do to improve the implementation of the Convention, because what is surprising is that we have not received any indications from Spanish employers telling us how we can improve even further the application of the Convention. We are not aware of our omission, or we have not received from them any documents, comments or considerations on how we can improve the mechanism that has been in operation since 2024. In any case, as I have said, Spain will also be at the disposal of the Committee to continue learning how international legislation is a key element to guarantee in my country and the European Union as a whole the fundamental value of decent work.

This Government, of which I am a member and which I represent, has devoted itself for over six years to ensuring that decent work is not merely a passing phase, value or instrument, but that it is something living, which is found and designed in workplaces, supermarkets, factories and offices, and moreover that it is compatible with economic growth. I modestly believe that Spain has made much progress in this field, but we want to do everything we can to make progress in accordance with the guidance of the ILO, of which we are not only Members, but fervent admirers. And accordingly, we consider that it is a key instrument of the multilateral global system, which we must defend and support, and we therefore always submit to its supervisory system and we place ourselves at its entire disposal. Many thanks, Chair, it has been an honour to speak at the centenary session of this Committee.

Worker members – We wish to thank all those who have participated in this discussion, as well as the Secretary of State for Labour as the representative of the Spanish Government for the clarifications provided. During our discussions, we had the opportunity to recall that the Convention is one of the four ILO governance Conventions. Tripartite social dialogue on the reports drafted on international labour law must be regulated by procedures that ensure its effective exercise in practice, and not just in theory. We place emphasis on the efforts made by the Spanish Government to ensure that the new strengthened consultation mechanism established in 2024 results in the reinforcement in practice of the tripartite social dialogue set out in Convention No. 144. Nevertheless, we urge the Government to evaluate the mechanism regularly, with the participation of the representative organizations of workers and employers, with a view to guaranteeing its effectiveness. We also call on the Government to provide information on the measures adopted and the results of the evaluation.

Employer members – On behalf of the Employers, we want to thank the Government and the various speakers who took the floor for their interventions and the information provided, of which we have fully taken note.

The Convention has the merit of including flexible elements. However, to be effective, consultations should not be limited to purely formal approaches, but representative employers' and workers' organizations should receive full attention. The Employers' group considers it essential that the input of employers' and workers' organizations should be given serious consideration by the competent authorities.

The Employer members recommend that national authorities take the necessary and appropriate measures in consultation with representatives and organizations to ensure that more effective consultations on matters relating to the ILO are carried out with the representative employers' and workers' organizations. In this regard, we recommend the Government to carry out a thorough tripartite assessment as a matter of urgency on how its mechanism for consulting the social partners on the matters listed in Article 5 of the Convention is functioning. We call on the Government to inform the Committee of Experts, as soon as possible, of the outcome of this assessment and of the specific measures that will be taken to ensure effective consultation.

Chairperson – We have now concluded the discussion of this case. I thank the Government representative of Spain and all the speakers who took the floor for their participation.

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 that concerns remain regarding whether consultations under the Convention are conducted to ensure effective social dialogue.

Taking into account the discussion, the Committee requested the Government, in consultation with the most representative employers' and workers' organisations, to:

- **take measures to ensure that consultations on the matters covered by the Convention are sufficiently timely, effective and meaningful; and**
- **continue assessing the functioning of the consultation mechanism in respect of matters covered by Article 5 of the Convention to ensure its effectiveness to restore social dialogue.**

The Committee requested the Government to provide information to the Committee of Experts on the measures taken to implement the above recommendations, including the outcome of the assessment and any measures adopted to strengthen the effectiveness of tripartite consultations.

Government representative – Please allow me to reiterate Spain's gratitude for the work of this Committee, which is proudly celebrating its centenary this year. Its work is a keystone of the ILO supervisory system and a guarantee of the effective promotion of the fundamental principles and rights at work.

Spain maintains its solid and unyielding commitment to multilateralism in general, and in particular to the ILO's standard-setting mandate, which would not be effective without its supervisory mechanisms. We have appeared before this Committee with the greatest institutional respect and the conviction that its conclusions will strengthen compliance with ratified Conventions.

As we indicated in our initial intervention, our country views the ratification of ILO Conventions as a responsibility that requires specific measures and legislative adjustments to adapt our legal provisions to international standards.

With reference to the Convention, Spain considers that social dialogue and tripartism are essential elements of our industrial relations system. For this purpose, as already indicated, in May 2024 a strengthened mechanism was approved to improve consultation procedures with the social partners. Since then, many initiatives have been taken for the exchange of information and effective and meaningful tripartite consultations which have made it possible to strengthen collaboration on matters relating to ILO activities.

We are aware that any system can be improved. For that reason, we will continue to evaluate the consultation mechanism. From our viewpoint, the concerns that gave rise to this case have been largely addressed over the past two years and it is our intention to continue adapting the mechanism in accordance with the views of the social partners. Our objective before this Committee has been to justify the efforts made and show our readiness to strengthen appropriate, effective and meaningful consultations.

I would like to emphasize that social dialogue has been a decisive instrument in the adoption of significant reforms in Spain over recent years. The progress achieved in terms of employment, employment stability, social protection and equality have benefited from the active participation of employers and workers in the formulation of our public policies.

Finally, we reiterate our respect for this Committee and our commitment to giving effect, in good faith, to the conclusions adopted. Spain will continue to work in a constructive spirit,

in the conviction that cooperation, dialogue and respect for ILO principles are the best way of achieving progress towards decent work for all workers.

Syrian Arab Republic (ratification: 2003)

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

Written information provided by the Government

The Government wishes to express its appreciation to the International Labour Organization for its early notification mechanism and reaffirms its unwavering commitment to transparency and constructive engagement with the Organization's supervisory bodies.

Context: A fundamental transformation of circumstances

The Government underlines that the observations of the Committee of Experts for 2026 were based largely on information from the pre-liberation period (prior to December 2024), that is, the era of the defunct regime. The Government, which assumed its responsibilities at the beginning of 2025, operates on an entirely new foundation: human rights, the rule of law and transitional justice. All responses below are grounded in concrete measures implemented since the liberation.

Article 3(a) and Article 7(1): Compulsory recruitment of children for use in armed conflict and penalties

- Critical development: With the fall of the defunct regime and the dissolution of its affiliated militias, the phenomenon of compulsory recruitment of children has been brought to an end.
- Strict safeguards: The Government has taken immediate action. Service in the army and internal security forces is now entirely voluntary, and attaining the age of 18 is the sole and mandatory condition for such service.
- Accountability and transitional justice: A National Investigative Commission has been established to address crimes committed against children during the defunct regime era. This Commission is tasked with documenting past violations, including the crime of child recruitment, and with submitting case files to the competent judicial authorities, which will try those implicated in accordance with applicable laws and regulations.

Article 7(2)(a): Preventing the engagement of children in the worst forms of child labour and ensuring education

- Ensuring access to education: The Government has launched an emergency national education plan, the "All for Education" campaign (2025), to ensure the return of all out-of-school children. Concrete results achieved by April 2026 include:
  - rehabilitation and reopening of 2,236 schools;
  - return to school of over 500,000 children;
  - return to teaching of 38,000 teachers;
  - the proportion of girls in general education has reached 50.2 per cent, demonstrating the Government's commitment to girls' right to education as a key preventive tool against child labour and early marriage.

- Preventing the engagement of children in the worst forms of child labour:
  - The National Case Management System (Decree No. 1483 of 14 July 2024) has been significantly operationalized. "Child labour situation" is now recognized as a primary entry point for intervention, whereby a child removed from labour is referred directly to intensive education or vocational rehabilitation programmes.
  - The Ministry of Social Affairs and Labour has launched its Strategic Plan for 2026–28, the key components of which include: (i) an economic and social empowerment programme for women; (ii) a programme to promote decent work; (iii) enhancing corporate social responsibility; and (iv) a programme to facilitate the transition from the informal to the formal economy.
  - Strengthening compliance through awareness-raising and the development of labour inspection services to enhance transparency and integrity. To this end, the following has been achieved: 794 awareness-oriented inspection visits in the industrial and commercial sectors; 370 visits in the agricultural sector; and 1,134 visits related to occupational safety and health.
  - A total of 29,456 workers have been registered with the social security system.
  - Capacity-building for labour inspection and social security staff has been carried out in collaboration with the ILO Office in Damascus.

Article 7(2)(a) and (b): Identification, rehabilitation and reintegration of children

- Combating begging as one of the worst forms of child labour: A National Committee to address begging has been established by a decision of the Council of Ministers. Fifteen joint security campaigns have been carried out since 30 November 2025, resulting in:
  - identification of 465 cases of begging involving children;
  - placement of all identified children in qualified social welfare centres (including the Al-Kiswah Institute for Beggars, following its renovation and rehabilitation), instead of punitive prosecution;
  - provision of psychosocial and vocational rehabilitation programmes for these children, in preparation for their reintegration into education or vocational training.
- Work has commenced on a national employment and vocational training strategy to ensure the availability of decent work opportunities.
- Social dialogue with workers' and employers' organizations has been adopted as a foundation for enhancing compliance, ensuring effective implementation of the law and updating applicable laws and regulations.
- Strengthening inspection and compliance: The Ministry has intensified unannounced inspection campaigns (as detailed under point 2 above).

Article 3(a): Sale and trafficking of children (including for sexual exploitation)

- Operationalizing mechanisms: The Government has reactivated the National Committee for Combating Trafficking in Persons (chaired by the Ministry of the Interior) and adopted a new National Action Plan (2024–26) focusing on the protection of child victims of prostitution and sexual exploitation.

- Judicial prosecutions: Law enforcement authorities are dealing firmly with child trafficking offences. A total of 250 new arrests were recorded in the second half of 2025 concerning trafficking and smuggling of children, all of which are under investigation and prosecution before the competent judiciary.

Conclusion and request

The Government does not submit this note as a defensive response to the past, but rather as a progress report on achievements made in a record period of time. The circumstances on the ground upon which the Committee of Experts' observations were based have been fundamentally transformed. The Government affirms its full capacity and readiness to cooperate with the ILO and requests technical assistance in two specific areas: (i) the training of national trainers in the field of labour inspection and the governance of inspection activities; and (ii) providing technical, logistical and advisory support in the areas of policy development and strategy formulation for inspection, employment, vocational training and wages.

On the basis of the foregoing, we submit that the exceptional efforts undertaken by the new Government warrant the non-inclusion of the Syrian Arab Republic on the final list of cases to be examined by the Committee during the 114th Session of the International Labour Conference.

Discussion by the Committee

Chairperson – The second case this morning relates to the application of the Worst Forms of Child Labour Convention, 1999 (No. 182), by the Syrian Arab Republic. There are 27 speakers on the list for the discussion of this case, and the Officers have therefore decided to reduce the speaking time for individual delegations from five to three minutes. I now invite the Government representative of the Syrian Arab Republic, the Director-General of the General Establishment for Social Insurance, to take the floor.

Interpretation from Arabic: **Government representative** – We stand before your Committee today not to defend past practices associated to the foregone era, but to present an honest report of tangible results achieved on the ground in a relatively short period of time to strengthen the protection of children and advance compliance with relevant international labour standards.

Further to the written information we submitted to the Committee on 18 May 2026, we would like to point out, once again, that the observations contained in the 2026 report of the Committee of Experts on which the list of individual cases was based, and the Syrian Arab Republic was thus included in it, largely refers to events that occurred under the former regime, which came to an end in December 2024. That regime was marked by grave violations including the recruitment of children by the regime. Today, however, the Syrian Arab Republic is witnessing a completely different path. Our Government puts the rule of law, respect for human rights and the achievement of transitional justice at the heart of its action and priorities.

The concept of decent work, as translated in ILO standards, is in alignment with the direction our Government has taken, its vision of a vibrant and dynamic labour market characterized by balanced and stable industrial relations and based on effective social dialogue between representatives of workers, the Government and employers. We do not deny the existence of challenges. The legacy of the former regime remains a heavy one, especially given the pernicious socio-economic and psychological effects on our people. However, honest intentions and political will were stronger than these challenges, and the institutional reform that is ongoing by the Government has led to many achievements in a brief period of time. The

achievements include, but are not limited to, the following: for instance, we have increased wages by 250 per cent and raised the general minimum wage more than fivefold. We have drafted legislative amendments to the Labour Code and the Social Security Code to enhance workers' basic rights and to promote and develop the labour market. We have promoted compliance with the law through raising awareness of laws and regulations governing industrial relations. We have strengthened transparency in labour market oversight through efficient and effective institutions responsible for labour inspection, social security and occupational safety and health. As a result, more than 2,200 labour inspection visits were carried out, leading to the registration of 29,456 workers in the social security system. We have also promoted government strategic planning. The Ministry of Social Affairs and Labour has launched its Strategic Plan for 2026–28, which includes the Child's Protection Programme to address, among other things, the child begging phenomenon; an economic empowerment programme for women to promote decent work; and a programme to integrate workers of the informal economy into the social security system.

We have also constructively participated at the 6th Global Conference on the Elimination of Child Labour, held in February 2026 in Marrakesh, which enabled us to profit from best international experiences in this field.

I would also like to particularly thank the ILO for its cooperation, its constructive cooperation with the Syrian Arab Republic. especially in the fields related to job creation and supporting economic recovery, promoting social protection including social security and decent work, promoting labour market governance and promoting the relevant institutions in this regard and building staff capacities to consolidate their skills and expertise with regard to the needs in the labour market.

As to the Committee of Experts' observations, we would like to reiterate the following explanation once more: the data and facts being referred to are from the pre-liberation period and are closely connected to the practices of the former regime and its violations of the relevant Conventions, especially the Convention under consideration.

Therefore, the Government sees that it is important to view these observations and to read them in light of the country's political and institutional transition. It is important to respond to the following points. First, regarding the crime of child recruitment in armed conflict, this phenomenon has practically ended with the fall of the previous regime and the dissolution of its affiliated militias. Military service is now entirely voluntary, and strict oversight safeguards have been put in place at all recruitment points to prohibit the admission of any person below the age of 18.

A National Investigative Commission has also been established to investigate crimes committed against children. The Commission is mandated to document violations and refer case files to the competent judicial authorities for prosecution in accordance with the law.

Second, regarding protection and education mechanisms, the Government has launched a national campaign called "All for Education", the impact of which is already visible on the ground. As part of this initiative, 2,236 schools have been rehabilitated and reopened, enabling more than half a million children to return to school, 50.2 per cent of whom are girls. These efforts contribute not only to improving access to education but also to preventing early marriage and combating child labour. In addition, 38,000 teachers and school administrators have returned to their jobs which contributed to supporting the stability of the education system and its sustainability.

Third, on the question of an integrated system to rescue and rehabilitate children, in collaboration with our partners, we have initiated an operational process to close the Al-Hol camp and facilitated the transfer of large numbers of orphans and vulnerable children to centres operated by the Ministry of Social Affairs and Labour in order to provide them with protection and social integration. In these centres, children were immediately enrolled in intensive education, rehabilitation and psychosocial support programmes, with a view to facilitating their reintegration into their communities and ensuring their well-being and development. Moreover, in collaboration with our national and international partners, we have operationalized a national case management system through which a situation of child labour is now recognized as a priority area for intervention, including in the context of efforts to address child begging, which is considered one of the worst forms of child labour. Fifteen targeted campaigns were carried out, resulting in the removal of 465 children from street situations. These children were subsequently placed in specialized social welfare centres, which were renovated and equipped to provide the necessary care, protection and psychosocial support services. The Government has also intensified awareness-raising efforts on labour legislation and strengthened labour market monitoring and enforcement mechanisms aimed at reducing informality and preventing situations in which children are vulnerable to exploitation.

Fourth, regarding the fight against trafficking and sexual exploitation, the Government has reactivated the National Committee for Combating Trafficking in Persons and adopted a new action plan aimed at strengthening the protection of children from trafficking and sexual exploitation. Within this framework, 250 arrests related to child trafficking offences were made during the second half of 2025. All cases have been referred to the competent judicial authorities and are currently being prosecuted in accordance with the law.

In conclusion, we reiterate the full commitment of the Government to the ILO's Conventions, including Convention No. 182. This commitment stems from our conviction that the children of the Syrian Arab Republic are the country's future and that their protection is a national and ethical responsibility that is directly connected to the path of recovery and the reconstruction of our State and the rule of law in it. We reiterate that, despite the challenges left by the former regime, we have achieved a lot during a record time, which reflects our true will to drive change and reform, foster cooperation and ensure compliance with relevant labour standards. The Government reiterates its willingness to continue cooperating with the ILO and its different mechanisms. We hope that these measures and ongoing reforms in our country will be assessed objectively and in a balanced manner within the framework of this case, reflecting the progress made in strengthening the protection of children and the effective realization of their rights.

Worker members – The elimination of the worst forms of child labour constitutes one of the fundamental pillars of the ILO's mandate. The Convention, adopted in 1999 and ratified by the Syrian Arab Republic in 2003, requires Member 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. It is also an instrument of historical importance after having reached universal ratification in 2020.

This case has never been examined by our Committee, although the Committee of Experts has been making observations on it for several years. It is therefore important to highlight that the Government has recently displayed a more constructive attitude towards the ILO supervisory mechanisms, resuming dialogue and providing additional information. Furthermore, we have listened attentively to the statements before this Conference by the Minister of Social Affairs and Labour, Ms Hind Kabawat, who emphasized the Government's

desire to make progress in the recovery and build genuine partnerships with the ILO to promote decent work.

The Worker members recognize these efforts, and we are aware of the enormous difficulties facing the country after years of conflict. The Syrian Arab Republic continues to navigate a complex and fragile period of recovery. We know, as indicated by Minister Kabawat at the plenary session, that the Syrian Arab Republic continues to breathe through the rubble. The destruction of infrastructure, economic decline, the displacement of millions of persons and difficulties in reconstruction continue to affect the population deeply. This is, without doubt, a stabilization phase that remains fragile and highly uncertain and that will need a solid institutional architecture that ensures governability, effective freedoms for the whole population, judicial safeguards and the protection of human rights including, of course, the rights of the children of the Syrian Arab Republic.

The Worker members recognize all of these facts and, drawing on the values of international trade unionism that we represent in this House, will do everything possible to ensure that the Syrian workers find in us the support needed to bring about democratic values, respect for international labour standards and trade union rights and freedoms and, of course, the elimination of child labour, which is the subject of our discussion. We know all this, but it is precisely in this context where the implementation of the Convention takes on the highest priority. The children of the Syrian Arab Republic cannot wait for the perfect conditions to be protected.

In October 2025, I had the opportunity to represent the International Trade Union Confederation (ITUC) in Damascus, at the first tripartite regional forum organized by the ILO since the fall of Bashar al-Assad's regime. This meeting brought together representatives of Governments, trade unions and employers of the Syrian Arab Republic and several neighbouring countries, together with ILO specialists. Forums for dialogue of this nature are essential for promoting inclusive recovery, strengthening decent work and developing initiatives able to effectively combat child labour.

The urgent need for action is reflected in the Committee of Experts' observations. The forced or compulsory recruitment of children aged under 18 for use in armed conflict constitutes one of the worst forms of child labour set out in the Convention.

We note the information provided by the Government according to which the forced recruitment of minors has ceased and service in the armed forces is reserved exclusively for persons aged over 18. This is a positive sign, but this progress must be confirmed through sustainable, verifiable and documented results.

We also note with interest the legislative progress reported by the Government, including the Child Rights Law No. 21 of 2021 and criminal provisions that expressly prohibit the recruitment and use of minors in armed conflict. We also welcome the creation of institutional mechanisms intended to document crimes against children and refer cases to the competent authorities.

Nevertheless, the existence of regulations and institutions, although vital, is insufficient alone. The effective application of the Convention requires specific investigations, judicial proceedings and sanctions that combat impunity. The Committee of Experts continues to express profound concern at the persistent recruitment and use of children in the Syrian conflict.

Although the most recent figures demonstrate a decrease in comparison with the previous year, the number of serious violations against minors remains unacceptably high.

Even when certain incidents are not directly attributable to the state authorities, the Government remains obliged to adopt all possible measures to prevent these practices, ensure the demobilization of the minors involved and prevent new cases of recruitment. We therefore encourage the Government to continue to make progress and to provide detailed information on the investigations, proceedings, sentences and sanctions imposed in practice.

We are also concerned at the situation of children deprived of liberty owing to their suspected association with armed groups, as well as the situation of the thousands of minors who remain in camps such as Al-Hol and Roj. These children must principally be considered victims and beneficiaries of special protection. The state response should focus on their best interest, affording them psychosocial support, education, family reunification where possible and effective reintegration programmes

Another particularly concerning issue is child trafficking. The information available continues to indicate the existence of sexual and labour exploitation of minors within and outside the country's borders. The consequences of years of conflict have increased the vulnerability of many minors, facilitating abuse and exploitation. In this context, we take note of the reactivation of the National Committee for Combating Trafficking in Persons and the adoption of a national action plan intended to strengthen prevention, victim protection and the prosecution of perpetrators. These are positive measures that must be translated into concrete and sustainable results. The effectiveness of these initiatives must be measured by the real capacity to identify victims, protect them adequately and sanction those who benefit from their exploitation.

Education constitutes another key element in the application of the Convention. Access to free, quality basic education is one of the most effective tools for preventing child labour and offering development opportunities to minors. Article 7 of the Convention therefore takes on particular importance in the Syrian context. We recognize the measures communicated by the Government – many of them developed with international support – intended to facilitate children's return to school, renovate education centres and broaden learning opportunities. We also welcome the initiatives aimed at preventing school dropouts and the legal reforms that may help keep children in the education system.

However, the reality continues to be extremely concerning. Numerous schools have suffered damage or have ceased to function as a consequence of the conflict. In many areas, particularly those most affected by violence or precarious economic conditions, thousands of children continue to lack regular access to a safe and continuous education. This situation increases the risk of child labour, exploitation and recruitment.

Moreover, the Convention demands the adoption of effective measures to remove children from the worst forms of child labour, ensure their rehabilitation and promote their social integration. This obligation is particularly relevant for minors affected by armed conflict and other serious exploitation.

We note the programmes announced by the Government in the area of psychosocial support, training, community awareness-raising and the strengthening of child protection mechanisms. We also take positive note of the effort made to identify children in situations of extreme vulnerability and refer them to protection services and reintegration programmes. What will ultimately determine compliance with the Convention, however, will be the specific results obtained on the ground. It is therefore vital to have accurate information on the number of children benefiting from these programmes, the quality of the assistance received and the real impact of the measures adopted.

In conclusion, the Worker members encourage the Government to continue strengthening its cooperation with the ILO and to translate the commitments that it has assumed into tangible and lasting progress. This involves preventing and eradicating all forms of the recruitment and use of minors in armed conflict, effectively combating child trafficking, ensuring effective investigations and sanctions, broadening access to free basic education and strengthening victim rehabilitation and reintegration mechanisms. Only through concrete, sustained action will it be possible to make progress towards eliminating the worst forms of child labour and guaranteeing the children of the Syrian Arab Republic a safe, dignified future free from exploitation.

Employer members – This case relates to the application, in law and in practice, of the Convention in the Syrian Arab Republic. This universally ratified Convention reminds us of something that the Employer members have pointed out repeatedly in this Committee: ratification does not imply or ensure automatic implementation.

Indeed, according to recent global estimates, millions of children remain trapped in child labour, and humanitarian crises and armed conflicts threaten to reverse years of progress in the elimination of child labour.

This session of the Committee is taking place just a few months after the unanimous adoption of the Marrakesh Global Framework for Action against Child Labour at the 6th Global Conference on the Elimination of Child Labour, a declaration that calls for a transition from fragmented approaches to transformative, integrated action and highlights the decisive contribution of the social partners in preventing and eliminating child labour. The Employer members are committed to ensuring that the commitments assumed in Marrakesh are translated into concrete action.

This is the first time that the Committee has examined the case of the Syrian Arab Republic under this Convention since it ratified it in 2003, and it is important to highlight that the Committee of Experts issued consecutive observations between 2020 and 2025 indicating serious breaches in compliance.

We thank the Government for the additional information, which describes a fundamental transformation since the start of 2025. Without prejudice to the information brought before the Committee, the Committee of Experts' comments illustrate a situation where not only risk factors, but also practices constituting serious breaches of compliance with the Convention prevail. I am going to set out our position around the four critical pillars identified by the Committee of Experts.

Firstly, with regard to the forced recruitment of children for their use in armed conflict, we note that the Government has strengthened its legal framework. The Child Rights Law No. 21 of 2021 explicitly prohibits such recruitment, which is criminalized under the Penal Code with sentences of up to 20 years' imprisonment. However, the gap between law and practice is alarming: according to the United Nations (UN) Secretary-General's 2025 report on Children in Armed conflict, more than 1,300 serious violations against children were documented in 2024, with the recruitment and use of 527 children by various parties to the conflict verified. It is extremely concerning to the Employer members that, according to that report, at the end of 2024 approximately 1,000 children were in detention for alleged association with armed groups. Moreover, around 25,500 children with suspected family ties to armed groups continue to be detained in other camps.

The Employer members strongly deplore the use of children in armed conflict. This practice is not only one of the worst forms of child labour, but also leads to other terrible

violations such as kidnappings, murders and sexual violence. We urge the Government to ensure the immediate demobilization of all children and to guarantee that those persons responsible for their recruitment, without exception, are subject to in-depth investigations and punished with sufficiently dissuasive sanctions.

Secondly, regarding the alleged sale and trafficking of children, which are prohibited under Article 3(a) of the Convention, the Committee of Experts has expressed its deep concern at the prevalence of child trafficking in the Syrian Arab Republic. The 2024 UN joint report identifies patterns of internal and cross-border trafficking, including the kidnapping and transporting of girls for purposes of sexual exploitation. These acts have been observed both in conflict areas and in the camps in the northeast of the country. We note the reactivation of the National Committee for Combating Trafficking in Persons and the new National Action Plan 2024–26. However, the gravity of the documented facts requires a robust judicial response. It is imperative that the Government intensifies its measures to prevent the trade in persons and ensure that child victims are treated as such and receive protection and specialized rehabilitation.

Thirdly, we must analyse the allegations regarding the social integration of child victims and access to free basic education. The Employer members underline that education is the most effective preventive tool against child labour. The Committee of Experts has noted with concern that the hostilities have devastated the education system: in the northeast of the Syrian Arab Republic alone it is estimated that more than 1,000 schools have been damaged or put out of operation. While we note with interest and optimism the information from the Government on the reopening of 2,236 schools and the return of 500,000 children to classrooms through the "All for Education" campaign in 2025, we emphasize that the challenge continues to be immense. The climate of insecurity and the destruction of infrastructure continue to deprive thousands of children of their fundamental right to education. We encourage the Government to redouble its efforts to increase enrolment and reduce dropout rates, particularly among girls, whose education is key to preventing child marriage and labour exploitation.

Lastly, with regard to the obligation to provide direct assistance for the rehabilitation and social integration of children, the Employer members wish to recall that the effective elimination of the worst forms of child labour requires time-bound measures for the rehabilitation of victims. We note with interest the development of the 2022 National Action Plan to address the situation of child victims of military recruitment and the recent creation of a National Investigative Commission to address crimes against children. We call attention, however, to the lack of detailed information on the implementation of the National Action Plan, particularly on the results of this initiative and the number of children who have been effectively reintegrated.

The Employer members lend our voices to the UN's call for the authorities to facilitate the implementation of reintegration programmes in coordination with the international community. It is vital that former child combatants and victims of trafficking receive comprehensive psychosocial support and vocational training that allows them to transition effectively to a productive civilian life.

To conclude, we wish to recall that while the prosecution of perpetrators and the removal of children from the worst forms of child labour are urgent and essential measures, they do not constitute solutions on their own. In order for them to have a lasting effect, they must be accompanied by broader strategies aimed at addressing the root causes and risk factors that give rise to child labour. This means investing in free, quality education; creating an enabling

environment for sustainable enterprises that create decent work for adults and reducing the socio-economic vulnerability of families in the country. The elimination of child labour and the conditions for sustainable economic development are mutually reinforcing: one cannot be achieved without the other.

The Employer members fully recognize the exceptional gravity of the context of the socio-productive framework in the Syrian Arab Republic, while the protracted armed conflict, the humanitarian crisis, mass population displacement and the weakness of institutions have come together to create conditions that profoundly and systematically affect children's rights.

We therefore hope that the Government's commitment is up to the task, and we encourage it to continue to make progress and to accept technical assistance from the ILO to address these challenges and continue to report on the case, as well as to involve the social partners in the design and implementation of comprehensive strategies, with the aim of ensuring that the next report to the Committee of Experts reflects specific, verifiable and meaningful progress in the protection of children in the Syrian Arab Republic.

Interpretation from Arabic: **Worker member, Syrian Arab Republic** – As regards the Convention, we reaffirm our commitment to its objectives, and we believe that the observations from the report of the Committee of Experts which included the Syrian Arab Republic on the list of individual cases are, in fact, observations based on data and facts that go back to the period before 2024. That period is a very dark episode in our history during which institutions did not carry out their responsibilities and corruption and destruction reigned. Today we are very much aware that child labour is not just a violation of their rights, but it is a crime against future generations of children. For this reason, our Federation, together with its partners, considers the elimination of child labour to be a priority. We have a different institutional approach now founded on the rule of law, respect for human rights and the strengthening of justice.

For this reason, and in accordance with the principles of international cooperation and our obligations under international labour standards, we do not seek to justify the practices of the past. We are rather looking at how to strengthen compliance with international standards. To this end, a number of measures have been taken. Workers' organizations have strengthened their oversight role. For example, our trade unions are looking into the issue of child labour and child exploitation by carrying out inspections of workplaces. Trade unions have also participated in reactivating the National Committee for Combating Trafficking in Persons. We have participated in the development of economic support programmes.

Such programmes aim to extend social security and improve salaries and draft assistance programmes for vulnerable families. On the question related to education and vocational training and social integration, the Federation of Trade Unions is working on a certain number of measures. Firstly, supporting initiatives aiming at returning children to school and promoting their continued education. We also contribute to the development of vocational training programmes and support the implementation of a national case management system to address situations of child labour. We are also participating in a national campaign "All for Education" which has facilitated the return of children to school and supported the re-education of a number of children and the reopening of schools.

Combating the worst forms of child labour in a country such as the Syrian Arab Republic, which is undergoing a period of recovery, requires support and cooperation from all parties. For this reason, the trade union movement is working hand in hand with all partners and is trying to strengthen social dialogue and cooperation in the concrete application of the Convention in order to build a future that is founded on decent work and social justice. We

believe that including the Syrian Arab Republic on the list of individual cases of the Committee does not reflect the considerable progress that has been made and does not take into account the measures that have been recently applied.

At the same time, we reaffirm our continued cooperation with our national social partners with a view to continuing the process we have begun, and we also reaffirm that we are open to all forms of positive and constructive cooperation with the ILO and its different mechanisms.

On behalf of the millions of Syrian workers and on behalf of every child who was deprived of his or her childhood in the past, we hope that the clarification that we have just provided during the session will be taken into consideration and we hope that you will support us in rebuilding a new Syrian Arab Republic that is founded on respecting human rights and strengthening the rule of law.

Interpretation from Arabic: **Government member, Libya** – We welcome the report of the Committee of Experts, and we take due note of the comments made by the Government which reflects its commitment to fulfil its obligations under the provisions of the Convention.

We have taken due note of the evolving situation, which shows that there is a clear political will in the country to pursue an institutional path grounded in respect for its own sovereignty and the rule of law and the strengthening of human rights. These developments demonstrate to what degree the measures adopted are to be encouraged. Particular attention should be given to some examples. Care centres have received children, with these official centres providing a number of vital services such as rehabilitation, social support, education and healthcare for children. The involvement of children in armed groups is a phenomenon against which the authorities are working using a robust legal framework.

Other examples include the number of schools that have reopened their doors to pupils. The Government is redoubling its efforts in the area of labour inspection in a number of sectors, and at the national level we are seeing campaigns against begging and the exploitation of children related to it. National mechanisms have been established to combat trafficking, particularly of children.

So, these are measures that should all be born in mind as they illustrate that the Government is working towards a package of institutional reform which will certainly enable the country to better overcome its challenges. So, the Government needs support for institutional stability and national reform to be carried out. These are steps that we are seeing can lead the reform for social justice and respect for children's rights. Encouraging this path is the best way of ensuring sustainable respect for international labour standards.

Government Member, Cyprus – I speak on behalf of the **European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania,** the **Republic of Moldova**, the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area, as well as the **United Kingdom of Great Britain and Northern Ireland**, align themselves with this statement.

The European Union 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 in its worst forms, as enshrined in the Convention.

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 European Union and its Member States take note of the profound political change in the Syrian Arab Republic marked by the end of the Assad regime and the establishment of a transitional Government and new governmental institutions in the Syrian Arab Republic.

We recognize the efforts taken by the transitional Government to regain full control of its territory and at the same time assume serious international responsibilities and obligations despite an ongoing complex political, social and economic situation and the still-present legacy of decades of war and dictatorship.

Against this background, we welcome the Government's information on the measures taken aimed at preventing and criminalizing the recruitment and use of children in armed conflict. We also note the 2025 annual report of the UN Secretary-General on Children in Armed Conflict reporting an 18 per cent decrease in children used in armed conflict from 2023 to 2024.

We strongly urge the transitional Government to ensure that the forced recruitment of children under 18 years of age into armed forces does not occur. We call on the Government to ensure that thorough investigations and robust prosecutions of all persons who forcibly recruit children under 18 years of age for use in armed conflict are carried out and that sufficiently effective and dissuasive penalties are imposed in practice.

In line with the Committee of Experts' requests, we call on the Government to ensure that the sale and trafficking of children under 18 years of age for sexual and labour exploitation does not occur and to provide information on the measures taken in this regard. We call on the transitional Government to ensure that thorough investigations and robust prosecutions are carried out for persons who engage in the trafficking of children and that sufficiently effective and dissuasive sanctions are imposed.

We express deep concern at the large number of children who are still deprived of access to education for reasons of insecurity prevailing in the country, and we encourage the transitional Government to ensure that all necessary measures to improve access to free basic education for all children – and in particular for girls, children in rural areas and areas affected by the conflict – are taken, by increasing the school enrolment and attendance rates at the primary and lower-secondary levels and by decreasing the dropout rates.

We recommend the transitional Government to take effective and time-bound measures to prevent the engagement of children in armed conflict and to rehabilitate and integrate former child combatants.

We acknowledge the additional information submitted by the transitional Government, and we strongly encourage it to follow up on the measures laid out to fully implement the Convention in law and in practice. We encourage further exchanges between the transitional Government and the ILO with a view to implementing the recommendations of the Committee of Experts and making use of technical assistance. The European Union and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of fundamental labour standards.

Government member, Canada – I have the honour of speaking on behalf of **Japan, Switzerland** and my own country, **Canada**. We thank the Committee of Experts for its detailed observations and welcome the transitional Government's efforts to submit its report in 2025, noting that its previous report was issued in 2017.

We also thank the transitional Government and take note of the additional information provided in advance of the work of this Committee. We welcome all measures established to combat child labour, including the legislative and institutional reforms to guarantee children's

rights and the establishment of the National Investigative Commission tasked with addressing crimes committed against children by the Assad regime.

At the same time, we remain concerned by the Committee of Experts' report, which notes the ongoing recruitment and use of children in armed conflict, the deprivation of liberty of children associated with these groups, as well as the trafficking of children, including for purposes of sexual exploitation.

Achieving a reduction in human trafficking requires a sustained effort, and we strongly encourage the transitional Government to strengthen its national and institutional frameworks to ensure that any perpetrator who has committed crimes against children is brought to justice.

We therefore call on the transitional Government to accelerate the implementation of all measures to:

- ensure the full and immediate demobilization of all children from armed groups and prevent any further recruitment;
- carry out thorough investigations and prosecution of those responsible for recruiting or exploiting children and ensure the use of effective and dissuasive penalties;
- intensify efforts to prevent and eliminate the trafficking of children, including by strengthening victim identification, protections and rehabilitation measures;
- continue to provide concrete and updated information to the ILO on investigations, prosecutions, convictions and penalties imposed.

We note the measures taken to improve access to education, including with the support of international partners, and we welcome the latest results achieved by the "All for Education" campaign. However, we remain deeply concerned by the impact of conflict on educational infrastructures and access to education as we see continued attacks on schools and high numbers of out-of-school children.

We therefore urge the transitional Government to continue to take time-bound measures to ensure access to free, safe and quality education for all children as a key step to prevent the worst forms of child labour. We stress the importance of rehabilitation and social integration of children affected by armed conflict, including former child soldiers, and encourage continued cooperation with the UN in this regard.

We welcome the transitional Government's continued engagement with the ILO and the broader UN system in support of stabilization and peace. We highlight the recent visit of the UN Special Representative of the Secretary-General for Children and Armed Conflict to Syria in February 2026. We strongly encourage the transitional Government to make full use of ILO technical assistance to ensure the effective protection and respect of children's rights and, in this respect, we welcome the transitional Government's request in its official submission for support for training of trainers and the provision of technical, logistical and advisory support.

Interpretation from Arabic: **Worker member, Bahrain** – Child labour is a societal issue which requires national and international efforts. We should recognize that child labour is not a new phenomenon in the Syrian Arab Republic. The situation has deteriorated clearly as a result of the economic and social situation.

In the aftermath of the fall of the previous regime, the country has faced considerable challenges, including unemployment, poverty, damaged infrastructure and limited access to basic services. This means that many families have been compelled to rely on the income

generated by their children in order to survive. This reality has been documented in numerous reports over recent years. Years of conflict have led to widespread displacement, the destruction of livelihoods and severe economic hardship as reflected by many reports in previous years.

With the changes that have been documented and the efforts made at the national level to rebuild institutions and the rule of law, we note positive progress and a reduction in child labour over previous years. There are still challenges, but progress on the ground should be encouraged by us and supported as we see efforts to continue to combat child labour.

Our firm belief is that this is not a matter that should just be limited to comments or criticisms. It has to be turned into genuine support for the Syrian Arab Republic to allow it to continue with its efforts and ensure that there is schooling, social services and a decent life for its children. We call on the International Labour Organization and all partner organizations to continue supporting the Syrian Arab Republic so that it, in turn, can continue with its national efforts, strengthening the programmes covering children and the most vulnerable groups, and further build educational institutions to effectively fight child labour and help future generations look to a better future

Interpretation from Arabic: **Employer member, Saudi Arabia** – We must be realistic and transparent on the situation in the Syrian Arab Republic today. As a result of what happened with the previous Government, the situation is very serious, and Syrian society has suffered from many violations, not just particularly children. We have a new Government starting from 2025 who have demonstrated that they are working hard to rise to the challenge. They submitted additional information in May 2026 which demonstrates that they really are taking action with regard to international labour standards.

Now, with regard to Articles 3 and 7(a), recruitment of children by armed groups, the report notes that there are violations. These violations took place during the rule of the previous Government, and the new Government has indicated that since 2025, they have been working hard on this. Therefore, it is not fair to penalize the new Government for acts they are not responsible for, because the new Government is quite simply not responsible for these acts and they have demonstrated that they can apply the standards and legislation in an effective manner. Secondly, with regard to human trafficking, the new Government has stated that they have a new national action plan to combat human trafficking.

Regarding Article 7(c) on access to basic education, we agree that access to education is a fundamental right in the country. In the Syrian Arab Republic, we have got many poets and other well-known literary figures who have left a legacy for the world. Therefore, we all know that education is very important. The Government has also made it clear that it is taking measures to strengthen its educational system and ensure that it really is a right enjoyed by all. The Government has also said that approximately 500,000 children have returned to school and over 2,236 new schools have been opened and 38,000 teachers have been recruited with the new Government.

Next, we are talking about social reinsertion. Here, we would like to say that the Syrian people suffered considerably. There was mass destruction and many injured, and today the Syrian people require social reinsertion measures, and the report makes it very clear that the new Syrian Government has made it a priority with their 2025 National Action Plan.

We believe we should allow the new Government to continue to act in accordance with international labour standards. I am fully confident that the Government will continue to work in accordance with the principles of transparency, and we all have the right to a second chance.

Therefore, we think that the Government of the Syrian Arab Republic should be given the chance to bring peace and prosperity for their people. Therefore, bearing in mind all of the positive developments we have mentioned, we would like to ask the Committee to give the new Syrian Government a chance to prove themselves, and we call on the Organization also to provide technical assistance.

Interpretation from Arabic: **Worker member, Sudan** – The delegation of Sudanese workers is looking closely at the situation in the Syrian Arab Republic relating to the application of the Convention. We support the efforts of the Government in cooperation with the social partners, and particularly the General Federation of Workers in the Syrian Arab Republic, to combat this scourge. We have looked closely at the trade union reports that reflect a willingness to respect the need for further work with the supervisory mechanisms in order to reintegrate affected children into education, training and work. We welcome the ongoing efforts in the national committee to review policy in this area and their contributions to promote decent work and social protection. We also welcome its effort to examine the social and economic factors that push children into work.

Addressing the worst forms of child labour requires the consideration of the exceptional circumstances and the social and economic challenges that the Syrian Arab Republic has experienced in recent years which engender an impact on families and on the labour market. The most effective approach is supporting national efforts, promoting technical cooperation and capacity-building rather than just providing observations, and that is why we welcome cooperation between the Government and the ILO and the social partners.

We would like to see technical assistance, including initiatives aimed at strengthening labour inspection services and building the capacity of labour inspectors. At the same time, efforts should continue to expand social protection, improve access to education and vocational training and enhance the capacity and autonomy of trade unions so that they can play an active role in identifying and reporting violations. The General Confederation of Trade Unions in Sudan would like to express its solidarity with the workers and trade unions in the Syrian Arab Republic and supports all efforts to protect children from exploitation to ensure that they can enjoy their fundamental rights to education, development and a decent life.

Interpretation from Arabic: **Government member, Saudi Arabia** – We would like to state that there is a need to put this case in the national context. We need to see that there are public institutions that are currently being rebuilt after years of conflict, and the consequences of the conflict are still visible. The Syrian Arab Republic is going to need time and support in order to build its institutions. The country would benefit from continued technical assistance to strengthen and complement its national capacities. We are grateful for all of the efforts undertaken by the Government to build their institutions and to improve the situation of children and provide the basic services that they need. These efforts are particularly important in addressing the consequences of years of conflict and instability. We welcome the fact that the Government is open to technical assistance from the ILO, because dialogue and assistance are the way to get sustainable progress. The current challenges facing the Government at the moment require ongoing efforts to ensure social protection in order to combat the worst forms of child labour and to restore national institutions. We underscore the importance of the comments from the Committee, yet at the same time we think it is very important not to lose sight of the current situation in the Syrian Arab Republic and recognize that they need technical assistance in order to achieve stability and bring about reforms.

We support any solution that will bring stability and prosperity to our brother country of the Syrian Arab Republic.

Worker member, France – We would like to raise an issue that is both documented and urgent: in the Syrian Arab Republic, child labour in the construction and reconstruction sector constitutes a risk that increases as international investment accelerates.

The Syrian Arab Republic is facing infrastructure damage estimated at 10 times its gross domestic product. As reconstruction gains momentum – with the re-establishment of World Bank funding after the settlement of the country's arrears in May 2025 and the European Union's contribution of €620 million for 2026–27 – construction has become one of the main sectors attracting child workers. Witnesses on the ground in January 2025 reported children working on bombsites, extracting iron from destroyed buildings, carrying heavy loads and manoeuvring machines without any protective equipment. One witness described a boy of seventeen years killed when a building collapsed on top of him. This boy had left school after losing his whole family in the conflict. This is the human face of the unimaginable situation that occurs when labour inspection is absent and when child protection does not reach building sites.

At the global level, 13 per cent of child workers work in industry, including construction. In the Syrian Arab Republic, widespread poverty, destroyed schools and a reconstruction sector in rapid expansion create conditions that enable the exploitation of children on building sites. We wish to highlight that the ILO's April 2026 programme on decent work for peace integrates child labour prevention and occupational safety and health training for entrepreneurs in the reconstruction sector. That Initiative is a positive model that should be extended.

We urge the Government to deploy its labour inspection system on building sites, particularly those financed by public funding. We also call on it to ensure that the Ministry of Social Affairs and Labour draws up specific protocols to identify and protect children in the reconstruction sector. Lastly, we call on the Government to report to the Committee of Experts on the inspections carried out, violations identified and sanctions imposed.

Government member, Pakistan – Pakistan acknowledges the ongoing efforts of the Government to strengthen child protection and advance reforms in line with its obligations under the Convention. We recognize the significant measures undertaken by the current authorities as well as the Government's constructive engagement and cooperation with the ILO. The Government of Pakistan supports a constructive, balanced and objective consideration of this individual case, taking into account the ongoing reforms and evolving circumstances in the Syrian Arab Republic. We emphasize the importance of dialogue, technical cooperation and respect for national circumstances in promoting international labour standards.

Worker member, Senegal – We would like to address the matter of sexual violence against children in the Syrian Arab Republic, a serious violation that intersects directly with the worst forms of child labour under Article 3(a) and (b) of the Convention and that the Committee of Experts has highlighted with the greatest concern.

Sexual violence against children is a persistent characteristic of the conflict in the Syrian Arab Republic and is perpetrated by several parties. The 2026 Report of the UN Secretary-General on conflict-related sexual violence documented that in 2025 survivors continued to face serious structural obstacles in access to justice: fears for their safety, social stigmatization and an almost total collapse of medical and psychological services in the affected areas. Factions operating under the Syrian National Army have been involved in cases described as serious violations.

An information note issued by the British Government in March 2026 confirms that, as recently as August 2025, the UN Security Council noted that no effective or sustained measures had been taken to prevent sexual violence against children or ensure accountability for perpetrators.

We recognize that significant progress has been made by the new authorities. Following the creation of a national transitional justice committee, the Syrian authorities participated in workshops in Damascus in 2025 specifically addressing guarantees of transitional justice measures for conflict-related sexual violence, including criminal responsibility. The authorities later requested additional support from the UN in 2026. We welcome this engagement as a concrete sign of commitment.

The structural gaps remain serious, however. Medical and psychological services for survivors are notoriously lacking. Crimes are under-reported owing to stigmatization and fear. Accountability mechanisms are in their infancy.

We urge the Government to ensure that transitional justice mechanisms fully cover crimes of sexual violence committed against children. We urge the Government to ensure that the perpetrators are prosecuted and subject to effective and dissuasive sanctions. And we urge the Government to ensure that child victims have access to medical, psychological and legal services in all affected areas and to report to the Committee of Experts on the measures adopted and the results obtained.

Interpretation from Arabic: **Government member, Morocco** – Allow me first to express my gratitude to the Syrian Government for the detailed and useful information provided. This information reflects a clear willingness to work with the ILO mechanisms and to launch a reform process aiming to strengthen child protection and to ensure respect for the relevant international standards.

We welcome the vital role played by the Committee of Experts and the Committee on the Application of Standards as two essential mechanisms for supporting Member States in strengthening respect for international standards and embedding the principles of decent work and social justice.

Morocco's statement takes into consideration the specific nature of the Syrian case and the situation that the country is going through: profound political and institutional changes and transformations. This poses serious humanitarian and social challenges. We therefore believe that this case should be examined with objectivity and balance, while taking into account the Committee of Experts' observations on one hand, and the efforts made on the ground on the other.

In this context, we welcome the firm willingness expressed by the Syrian Government to erase the traces of the past, particularly by strengthening the rule of law and human rights protection, rebuilding State institutions and strengthening cooperation with the ILO. We also welcome the specific measures adopted in child protection, ensuring their social integration and bringing an end to the worst forms of their exploitation.

The Kingdom of Morocco expresses its profound commitment to protecting children from the worst forms of labour. We therefore believe that support for institutional stability and national reform in the Syrian Arab Republic will contribute directly to child protection, the consolidation of social justice and respect for fundamental labour rights.

In conclusion, the Kingdom of Morocco reiterates its full support for the reform process pursued by the Syrian Arab Republic. We call on the ILO to continue to provide technical

support and support in strengthening national capacities and for the promising efforts made. This assistance will afford the Syrian people, particularly its children, a seamless transition to a more equitable future that guarantees human dignity

Interpretation from Chinese: **Government member, China** – China thanks the Syrian representative for the information shared. The Middle East is currently facing sustained tensions with negative impacts spreading and seriously undermining regional peace and stability. As an important country in the region, the Syrian Arab Republic faces the daunting task of post-conflict reconstruction. The Syrian people have endured prolonged war and suffering. They urgently desire peace and development.

We note that the Government is committed to constructive cooperation with the ILO and its supervisory mechanisms and has made active efforts in child protection, the elimination of child labour and other areas. China believes that the Syrian Arab Republic's transition process should be Syrian-led and its future can only be decided by the Syrian people. The Syrian Arab Republic has a weak economic foundation, and restoring state order, particularly improving child protection systems and mechanisms, will take some time. Therefore, we call on the Governing Body to strengthen engagement with the Government and provide technical assistance based on the country's actual needs, helping it to further align its national legislation and practice with its obligations towards the ILO and steadily enhance its compliance capacity.

Interpretation from Arabic: **Government member, Jordan** – Today we address a category of children that is being looked at under Convention No. 182, and these children are considered at specific risk. We are talking about internally displaced children after more than 14 years of conflict. Displacement is not an emergency in the Syrian Arab Republic. It is a structural reality, and it is one that places millions of children in conditions of acute vulnerability to the worst forms of child labour. The scale is staggering.

Millions of children have experienced violence firsthand, witnessed the killing of family members or been separated from their parents. Displacement furthermore drives families into poverty, destroys access to education and dismantles the social protection networks that ordinarily shield children from exploitation. When a family loses its livelihood, children become earners. When schools are destroyed or inaccessible, children fill their hours with work, and when communities are fragmented, traffickers recruit and those who profit from child labour move in. The Committee of Experts has specifically flagged that internally displaced children face heightened risks of child labour resulting from loss of parental livelihood, trafficking, sexual and gender-based violence and early and forced marriage.

These are not isolated risks, either. They are interconnected, mutually reinforcing and overwhelmingly concentrated among the most vulnerable children in the Syrian Arab Republic today. We note that the Government has taken steps to reach displaced children through education campaigns and case-management mechanisms, and we encourage these efforts to continue and expand the operationalization of protection structures that orient vulnerable children towards support rather than punitive responses; this is precisely the right approach and should be applied systematically across all displacement settings.

We urge the Government to ensure that child protection services actively reach internally displaced children in all areas, including informal settlements and hard-to-access zones. We urge the Government to ensure that displaced children are prioritized in education, psychosocial support and reintegration programmes, and we urge the Government to report to the Committee of Experts with data on these children.

Interpretation from Arabic: **Government member, Algeria** – Algeria highlights the importance of respecting the provisions of ratified Conventions. We also believe that constructive dialogue and cooperation between Member States and ILO bodies constitute the best means of addressing the challenges under examination. In that regard, Algeria encourages the Office to continue to provide support and technical assistance to the Syrian Arab Republic to help strengthen its national capacities and support its efforts to apply the provisions of the Convention and address the current challenges.

Worker member, Norway – I speak on behalf of the Nordic trade unions. We would like to address the forced recruitment and use of children in armed conflict, one of the most severe forms of child labour under Article 3 of the Convention. We took careful note of the information provided by the Government in its written observations: forced recruitment of children has ceased, and military and security service is now strictly voluntary and exclusively for persons of 18 years and above. Furthermore, a National Investigative Commission has been established to document crimes committed against children and transmit cases to the competent judicial authorities. We acknowledge these as significant commitments that go in the right direction.

The legislative framework supports these commitments: the Child Rights Law No. 21 of 2021 expressly prohibits child recruitment in combat; and section 488 of the Penal Code provides for 10 to 20 years' imprisonment for child recruitment. The 2022 National Action Plan, signed between the Syrian National Army and the UN to end and prevent child recruitment, is a further concrete step. The new authorities have also agreed with the UN to develop their own governmental action plan on grave violations against children. Notwithstanding these positive developments, 527 children were still verified as recruited and used by various armed factions in 2024. The Committee of Experts has not received information of any investigation, prosecution or conviction under section 488 of the Penal Code. The full demobilization of all children from all armed forces and groups has not yet been confirmed.

We urge the Government to ensure the full and immediate demobilization of all children still associated with any armed force or group. We urge the Government to ensure that the National Investigative Commission effectively transmits cases to the judicial authorities and that proceedings are initiated. And we urge the Government to report to the Committee of Experts on the number of investigations conducted, prosecutions brought, convictions handed down and penalties imposed in practice.

Interpretation from Arabic: **Government member, Jordan** – The ILO takes an interest in dialogue and cooperation among the tripartite constituents, and it assists Member States in honouring their commitments using a practical, constructive approach that considers the situation on the ground and supports reform processes. Jordan therefore believes that the Committee should take into consideration the recent transformation seen in the Syrian Arab Republic, as well as the Government's efforts to address the legacy of the past and guarantee child protection.

Jordan takes note of the Government's report of the measures adopted to re-enrol children in school, strengthen inspection mechanisms, combat begging and exploitation and create social protection centres for at-risk children. We believe that it is necessary to ensure technical cooperation with the ILO, which would allow Syrian national capacities to be strengthened and conformity with Convention No. 182 to be ensured. In conclusion, we reaffirm our support for the dialogue and cooperation process, and we invite the Committee to adopt a balanced approach that supports the reforms and capacity-building, as well as national efforts as per the reports submitted by the Syrian Arab Republic.

Worker member, South Africa – The UN Secretary-General's 2025 report on Children in Armed Conflict verified 3,343 grave violations against 3,209 children in the Syrian Arab Republic in just over two years. Thousands of children affected by conflict, trafficking, sexual violence and exploitation are still waiting for comprehensive rehabilitation. Many are waiting in camps. Many are waiting in silence.

We acknowledge that the current authorities inherited a devastated country and a broken child protection system. The 2022 National Action Plan for child victims of military recruitment, the training of officials, the establishment of transitional justice and missing persons bodies and the orientation of vulnerable children towards protection rather than punitive responses – these reflect a direction of travel that we do not dismiss. Direction, however, is not yet destination.

The central challenge is the gap between frameworks and outcomes. The Syrian Arab Republic has policies. What is not yet visible is evidence that they are working at scale. We are not aware of comprehensive, verified data on how many children have actually been rehabilitated, how many reintegrated into their communities, how many are receiving sustained social support and which regions services reach – and where they do not. That absence of data makes accountability impossible.

We urge the Government to implement the 2022 National Action Plan with urgency and to report to the Committee of Experts with concrete results: numbers, regions, services delivered. The report of the Committee of Experts urges the Government to ensure that the transitional justice mechanism explicitly covers crimes committed against children and that perpetrators face effective and dissuasive sanctions. It also urges the Government to ensure that no child who has survived conflict, trafficking and exploitation is met with a punitive response where a protective one is required. The new Government authorities have shown willingness. What the Syrian Arab Republic's children now need is capacity turned into delivery and commitment turned into outcomes.

Worker member, Pakistan – We will address child trafficking in the Syrian Arab Republic – a worst form of child labour under Article 3(a) and (b) of the Convention, and one that has reached catastrophic proportions after 14 years of conflict. We took note of the Government's written observations. The national anti-trafficking committee has been reactivated. A new National Action Plan for 2024–26 has been adopted with a specific focus on child victims of sexual exploitation. Arrests have been made and proceedings initiated. These are steps in the right direction. But steps are not enough when the scale of the crisis demands urgent and sustained actions.

The numbers tell a devastating story. As of January 2025, approximately 25,000 children remained in the Al-Hol and Roj camps in northeastern Syrian Arab Republic, some of them unidentified trafficking victims. More than a decade after the ISIS attack on the Yazidi community, between 2,800 and 3,000 Yazidis remain missing – 1,300 of them children. An estimated 6,000 women and children, mainly Yazidis, have been sold into sex trafficking. These are not historical footnotes. They are open wounds. The forms of trafficking are multiple and overlapping: sexual exploitation in exchange for food or money; forced early marriage to armed group members leading to sexual slavery; forced labour in begging rings; and an alarming new form – children in displacement camps forced to perform for hours on digital platforms, their earnings seized by operators. Child trafficking in the Syrian Arab Republic has entered the digital age.

The legal framework exists. The Prevention of Human Trafficking Act of 2010, the Child Rights Law No. 21 of 2021, and the four-pillar National Plan to Combat Trafficking provide a

foundation. But a foundation is only as strong as what it is built upon. We urge the Government to report to the Committee of Experts with concrete data on the 2024–26 Plan: investigations, prosecutions, convictions and children referred to protection services. We urge the Government to ensure rehabilitation centres are operational across all affected governorates. And we urge the Government to address the structural drivers – displacement, poverty, camp conditions – that leave Syrian children acutely exposed: 25,000 children in camps cannot wait.

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC)** – A country emerging from over a decade of conflict with shattered institutions and an immense humanitarian legacy. The return to dialogue with the ILO supervisory bodies after years of absence is itself a meaningful step. And we do not underestimate it. The legislative foundations are real. The Child Rights Law No. 21 of 2021, the Penal Code provisions imposing 10 to 20 years' imprisonment for child recruitment, the 2022 National Action Plan and the national back-to-learning campaign which all reflect a genuine orientation towards protection.

There are still many challenges. And these must now be followed by implementation. The scale of what remains is immense. In 2024 alone, 1,301 grave violations against 1,205 children were verified in the Syrian Arab Republic under the former regime. Many children remain out of school. And all of this requires an immediate and quantifiable answer with specific outcomes.

We know that the Syrian trade unions are working with the new Government to guarantee the protection of children against all forms of exploitation. And we urge the new Government to guarantee the full and immediate demobilization of all children and to end the forced recruitment of children under 18. We call for thorough investigations and prosecutions with effective and dissuasive sanctions. We call for the full implementation of the 2022 National Action Plan with concrete reporting to the Committee of Experts on the children rehabilitated, reintegrated and receiving psychosocial support.

We also call for children in camps and detention to be treated as victims, not criminals. And we call for sustained efforts to restore access to free basic education for all children, particularly girls and those in conflict-affected areas. We encourage the Government to make full use of ILO assistance in pursuing these objectives. The children of the Syrian Arab Republic, as we know, deserve support. We believe that the Government should benefit from support from all relevant international organizations to combat this scourge. The children of the Syrian Arab Republic have waited too long. And now good faith must be measured in results.

Observer, Education International – Education International reiterates that access to quality, free public education is key to preventing the worst forms of child labour, in line with the Convention. We recognize the Government's efforts: an emergency education plan, stabilization campaigns and the rehabilitation of schools which facilitate the return of students and teachers. We also welcome the unified school calendar and membership of the Global Partnership for Education. The situation remains critical, however: thousands of schools have been damaged or destroyed, millions of children remain outside the school system, and attacks against education are increasing. Access must be inclusive and equitable, including education in mother tongues to prevent exclusion. We urge the Government to accelerate the rehabilitation of schools, ensure educational reintegration – especially for displaced children – enforce the minimum age for marriage of 18 years and provide disaggregated data.

Interpretation from Arabic: **Government representative** – We believe that we have heard an important interactive dialogue which emphasizes the importance of dialogue and the exchange of expertise in order to ensure the effective application of international labour standards. The delegation of my Government has listened very closely to all of the comments

and recommendations made during this sitting. We would reiterate that the Government of the Syrian Arab Republic looks forward to working openly and transparently in the spirit of constructive cooperation based on our commitment to continuing reforms and enhancing respect for relevant international labour standards.

The Syrian delegation has outlined a fundamental reality. The period included in the report of the Committee of Experts belongs to the past. The serious violations which are emphasized there ended at the end of that period. Today, the approach in the Syrian Arab Republic is completely different. The Government is working to implement a national approach to protect the rights of children, safeguard their dignity and promote the rule of law and accountability, supporting reconstruction efforts and recovery.

We also seek to strengthen collective work and social dialogue among the various partners. It is for this reason that the delegation I represent asks that due consideration is given to the national context, as well as the ongoing political and institutional transformation when examining this case. What is happening in the Syrian Arab Republic and what happened in the previous period was a reflection of a genuine determination to apply and consolidate sustainable relations between workers and employers. We are aware that we have challenges. The destruction caused by the former regime is not something that can be repaired overnight. However, what we are seeing today is clear evidence that the current reform process currently underway in the Syrian Arab Republic is a serious undertaking, as demonstrated by the following measures: the implementation of projects in schools and access to free basic education for children, the work on the ground to protect children, the activation of inspection and case management systems to reinforce social protection and the existence of a clear political determination to provide effective reports and effectively counter impunity.

We would like to reaffirm that our cooperation with the ILO will continue. We will certainly benefit from its expertise and technical assistance which will contribute to promoting decent work, respect for international labour standards and the achievement of effective social dialogue in accordance with the commitments of the Government and the requirements of the national authorities. All of the comments and recommendations from this discussion will be taken very seriously by the competent national bodies and be considered in the context of a collective approach with effective social dialogue with representatives of employers and workers. We will benefit from the effect of these recommendations as we seek to promote a mechanism for promoting the implementation of the Convention as a part of our Strategic Plan for 2026–28. We will take home to Damascus a message of support and reassurance to the people and children of the Syrian Arab Republic. We will tell them that the Committee on the Application of Standards is working to ensure that children's rights are protected. We would like to underline the Syrian Arab Republic's commitment to cooperating with the ILO, to continuing the development of an administrative legal institutional framework to promote coordination between the various international partners as we continue partnering and cooperating with the representatives of workers and employers in the various stages of application.

To conclude, we very much hope that the Committee will take into account the significant challenges facing the Syrian Arab Republic as well as the reforms that we have managed to put into place in just a short period of time under very complex circumstances. It is our conviction, in the interests of fairness and in the light of the measures that have already been taken during the current period, that this case should not be included in the list of individual cases. Nevertheless, we believe that a dialogue- and cooperation-based approach would be better to address recovery and initiate reforms. We open a new chapter today based on reform, recovery

and social protection. Our children remain at the heart of this approach and one of its first priorities.

For us, the ILO is a key partner in these efforts, and we are confident it will continue to support us throughout this period of recovery.

Employer members – The Employer members thank the Government for the information supplied, its firm commitment and its confirmation that its administration has been founded on respect for human rights and the rule of law since early 2025. At the same time, we recognize the complexity of the situation on the ground and the ongoing hostilities in certain parts of the country following the political transition of December 2024.

In this context, given the extreme seriousness and persistence of the violations documented by the ILO supervisory bodies and the UN, we cannot settle for good intentions. There is an urgent need to ensure that the mentioned improvements to gaps in compliance with the Convention are supported by measures that ensure its full respect both in law and in practice.

This case not only raises profound concerns at the violation of the rights of children, but also has a profound impact on the economic and social recovery of the Syrian Arab Republic. The Employer members firmly believe that a healthy labour market and sustainable development cannot be built on the backs of children exploited in war or through trafficking. The Employer members therefore recommend that this Committee's conclusions include the following points.

With regard to the demobilization of children involved in armed conflicts, we urge the Government to guarantee the immediate release of all children associated with armed forces or groups, as well as those detained for suspected family ties to armed groups, and to ensure that robust judicial investigations that lead to real and dissuasive sentences for recruiters are carried out.

In terms of protection for trafficking victims, we urge the Government to implement, without delay, the National Plan to Combat Trafficking, prioritizing the identification of at-risk children in camps and conflict zones. We request the Government ensure that thorough investigations and robust criminal proceedings are carried out and that all persons responsible are prosecuted and sufficiently effective and dissuasive sanctions imposed. We also encourage the Government to accept technical assistance from the ILO in this matter and continue to provide detailed information on the number of investigations conducted, prosecutions brought and sentences handed down.

Regarding the breaches in compliance linked to the social integration of child victims and their access to education, we encourage the Government to make the utmost effort to increase school enrolment and reduce dropout rates, and to gather solid statistical data that allow for disaggregation by gender and region. The Employer members reiterate our position that while the prosecution of perpetrators and the removal of children from the worst forms of child labour are urgent and essential measures, they do not constitute solutions on their own. In order for them to have a lasting effect, they must be accompanied by broader strategies aimed at addressing the root causes and risk factors that give rise to child labour. We encourage the Government to design policies to support micro, small and medium-sized enterprises in the country to reduce poverty and factors of vulnerability affecting Syrian families.

We welcome the Government's request for technical assistance and urge the Office to prioritize institutional strengthening, governance training and support for the design of strategies to promote small and medium-sized enterprises and provide vocational training

intended to reduce socio-economic vulnerability among families in the country and remove young people from the worst forms of child labour. The Employer members hope that the Government's commitment is up to the task, and we encourage it to intensify and coordinate efforts in the public sector with the social partners to eradicate this scourge and guarantee protection for children from all forms of child labour.

Worker members – We thank the Government representative for the information that he was able to provide to us during this discussion. We also thank the other speakers for their contributions. As we have heard, despite an extremely difficult context, the Syrian Government has recently resumed more constructive dialogue with the ILO supervisory bodies. This commitment is a positive sign.

It must now be translated into specific verifiable and sustainable measures to ensure the effective application of the Convention. To this end, the Government must adopt all the necessary, immediate and effective measures to ensure the total and immediate demobilization of all children and to bring an end to the forced or compulsory recruitment of children under 18 years of age to armed forces and armed groups. To that end, it might be useful to recall everything that we commemorate on the World Day against Child Labour and refer at this point, as suggested by the Syrian Government, to the Marrakesh Global Framework for Action against Child Labour adopted at the ILO's 6th Global Conference on the Elimination of Child Labour, held in Morocco in February 2026. The Framework for Action encourages us to prioritize the elimination of child labour, recalling target 8.7 of the 2030 Agenda for Sustainable Development which consists of bringing an end to child labour in all its forms. As the international campaign promoted by the ILO says, let us show a red card to child labour, let us mobilize people around the world to fight child labour and demand specific measures as part of a shared commitment. In this way we must also strengthen the call for effective measures, social protection and quality education in the Syrian Arab Republic.

We take note of the legislative developments that have already occurred, including the Child Rights Law No. 21 of 2021 and article 488 of the Penal Code which prohibit the recruitment and use of minors in armed conflict. Nevertheless, a legal framework, as important as it is, must be applied effectively in practice. The Government must therefore ensure that all persons who recruit or use children aged under 18 years in armed conflict are investigated and prosecuted thoroughly and that sufficiently effective and dissuasive sanctions are imposed in practice.

It is also important to have accurate information on the number of investigations conducted, prosecutions brought, convictions handed down and penalties imposed. Mechanisms to identify, protect and refer children affected by conflict, as well as the authorities' capacity to implement legislation, must therefore be effectively strengthened.

It will also be vital for the Government to provide regular, detailed information on progress so that the commitments that it has expressed may be evaluated according to concrete results. We highlight the existence of the 2022 National Action Plan to address the situation of child victims of military recruitment. The Plan must be implemented fully, in a coordinated manner and with measurable results to prevent the recruitment of children, remove them from such situations and ensure their rehabilitation and social integration. As we have seen, access to free basic education continues to be one of the most effective means of preventing the worst forms of child labour. Despite the efforts reported by the Government, and with the support of international partners, it is vital that it continues and intensifies the necessary measures to improve access to free basic education for all children. This is

particularly true for children in rural areas and in conflict-affected zones, where hostilities, damage to schools and insecurity continue to seriously hinder school enrolment.

In that regard, the Government should provide accurate information on the results achieved, particularly in relation to enrolment, school attendance and school dropout rates at the primary and lower-secondary levels to measure the real impact of the measures announced. These measures are essential for increasing school enrolment and attendance, reducing dropouts and preventing children's exposure to the worst forms of child labour, including in contexts of conflict and displacement.

Beyond prevention, the Government must continue to adopt effective, timely measures to remove children from armed conflict and ensure their rehabilitation and social integration, including psychosocial support, case management mechanisms and suitable reintegration programmes. The high number of children deprived of liberty owing to their alleged association with armed groups, as well as the situation of children in camps such as Al-Hol and Roj, require us to keep firmly in mind that they must be treated primarily as victims and not as criminals.

We therefore urge the Government to provide information on the measures adopted to protect them; facilitate their release, when possible, in line with international law; and guarantee conditions coherent with their best interests and their future reintegration. It would be useful for the Committee of Experts to have any information on the measures adopted in that regard, as well as on the number of children who have truly benefited from rehabilitation and social integration.

We are also deeply concerned at the scale of trafficking in minors in the Syrian Arab Republic for the purpose of sexual and labour exploitation. The Government should adopt the necessary measures to prevent the sale and trafficking of children aged under 18 years and effectively protect victims. It is therefore important that the Government provides information on the measures adopted, including under the National Action Plan on trafficking, and ensures that the perpetrators are investigated and prosecuted thoroughly, with sufficiently effective and dissuasive sanctions imposed in practice.

To implement all these recommendations, we call on the Government to continue its cooperation with the ILO and seek the ILO's technical assistance to strengthen the effective application of the Convention in law and in practice.

Chairperson – We conclude the discussion of this case. I thank the Government representative of the Syrian Arab Republic and all the speakers who have taken the floor today for their participation.

Conclusions of the Committee

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

While taking note of the complex national situation, the Committee expressed its deep concern at the continued recruitment and use of children in armed conflict, the prevalence of child trafficking, and the large number of children deprived of liberty and access to education.

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

- **take measures to ensure the full demobilization of all children recruited or used in armed conflict and to prevent any further recruitment, to ensure that thorough**

investigations and prosecutions are carried out with effective and dissuasive penalties, and provide statistical information, disaggregated by sex and region, on the results achieved;

- **intensify efforts to prevent, investigate and prosecute the sale and trafficking of children, ensure that child victims are identified, protected and rehabilitated, and provide statistical information, disaggregated by sex and region, on the results achieved;**
- **strengthen measures to prevent the engagement of children in the worst forms of child labour by improving access to free basic education, particularly in areas affected by conflict, and provide information on school enrolment, attendance and dropout rates at the primary and lower-secondary levels;**
- **ensure the implementation of effective and time-bound measures for the rehabilitation and social integration of children removed from the worst forms of child labour, including former child combatants, and provide information on the results of the National Action Plan 2024–2026, and the number of children rehabilitated and reintegrated.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Interpretation from Arabic: **Government representative** – I am delighted to take the floor on behalf of the new Government of the Syrian Arab Republic which reflects the will of the people. The promotion of decent work on the basis of international labour standards is a core objective and among the major areas of work of our Government. We envision the development of an effective, active labour market and want to put in place stable labour relations, on the basis of social dialogue, that operate properly between workers, employers and government representatives.

The Government will continue to engage in cooperation with the social partners, deploying every possible effort to bring an end to the worst forms of child labour in the territory of the Syrian Arab Republic as we endeavour to do away with the practices of the former regime and the effects they have had on society and children in particular. We pay particular attention to the future of the younger generation. They will be building a new Syrian Arab Republic. We have taken steps, and we will endeavour to put this into practice in the interests of our country and of our children, who we want to protect and educate in the best possible circumstances. And we will endeavour in this vein to apply international labour standards, and we thank the ILO for its cooperation with our country in many areas.

We trust that we will receive assistance to this effect with appropriate timelines following the discussion of the case in this Committee. Lastly, we would like to reiterate the Government's full commitment to the application of all ILO Conventions, particularly Convention No. 182. The children of the Syrian Arab Republic are the future of the Syrian Arab Republic and its prosperous future.

Togo (ratification: 1983)

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

Written information provided by the Government

Article 5(1) of the Convention: Effective tripartite consultations

The Government has always organized its participation in the International Labour Conference on a tripartite basis, not only by covering the expenses of the social partners in full, but above all by involving them in advance in the examination and analysis of all reports to be considered by the Committee. The items placed on the agenda are shared. Reports on ratified and unratified Conventions are also shared, although it is regrettable that workers' organizations struggle to submit any amendments or observations they may wish to make. Prior to departure for the Conference, the Government organizes meetings with all participants. The Government endeavours to ensure the application of the Conventions that it has freely ratified and does not hesitate to seek support from the Office in case of major difficulties.

The Government has not denounced any ILO Convention to date. All standards adopted at the Conference are submitted to the competent national authorities, namely the National Assembly, for information purposes. The most recent Convention concerning biological hazards and its Recommendation have also been submitted, and the acknowledgement of receipt from the National Assembly will be transmitted to the Office as soon as it is available.

Article 3(1): Free choice of representatives of employers and workers

In order to ensure the free choice of representatives of employers and workers, in accordance with Article 3(1) of the Convention, the Labour Code provides for the following provisions:

- Section 12: "The employer or his representative may not employ any means of pressure in support of or against any trade union organization. Any measure taken by the employer contrary to the provisions of the preceding paragraph shall be considered null and void and shall give rise to penal sanctions and the payment of damages".
- Section 13(1): "The founders of any trade union shall file with the competent authority the statutes, the minutes of the constituent general assembly and a list containing the full names, dates and places of birth, nationalities, places of residence, status, professions/occupations and the criminal records of the persons who, in whatever capacity, are responsible for its administration or management".

With regard to the comments made concerning section 3 of Decree No. 2022-022/PR of 23 February 2022 and section 14 of the Labour Code, the Government has taken note thereof and will take all necessary measures to comply with the provisions of Article 3 of the Convention.

Article 4(2): Financing of any necessary training of participants in consultation procedures

In order to support and promote trade union activities, the Government allocates an annual budget of 150 million CFA francs to workers' and employers' organizations. Part of this

budget is used to finance the participation of 14 trade union officers and eight employers at the Conference, and in worker training. Unfortunately, it has been observed that these trade union officers attach little importance to such worker training and may instead use the funds for other activities, as no activity reports have been submitted to the Government following their disbursement. Nevertheless, the Government spares no effort to involve employers' and workers' organizations in various training and capacity-building activities for actors in the world of work whenever necessary.

Articles 5(2) and 6: Consultations at regular intervals – production of an annual report

The National Council for Social Dialogue (CNDS) holds two annual sessions, and extraordinary sessions when necessary. The most recent session of the CNDS was held in September 2022. The following topics were addressed:

- status of implementation of the memorandum on the national education sector;
- situation in the health sector;
- social grievances, including issues relating to the high cost of living;
- impact and implications of the security situation in the subregion and in Togo.

It should be noted that, since November 2022, Togo has engaged in a process aimed at re-establishing its social dialogue. This took the form of a national forum on social dialogue bringing together the social partners and civil society actors. At the conclusion of these discussions, the parties signed a road map containing several measures, including the adoption of a social stability and inclusive growth pact, and the reinvigoration of the CNDS. Subsequently, a tripartite committee comprising representatives of the Government, employers and workers was established by order of the Minister for Labour and Social Dialogue (Order No. 3302/MFPTDS/SG/DGT establishing the tripartite technical steering committee for the implementation of the social stability pact). The objective of the committee is to oversee the work relating to the adoption of a social stability and inclusive growth pact. A national consultant has been appointed. The committee has already provisionally approved the consultant's work. The next stage will be the final approval of the document.

Discussion by the Committee

Chairperson – The fourth case of the day concerns the application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), by Togo. For the discussion on this case, there are 18 speakers registered on the list of speakers. On this basis, the Officers have decided to reduce the maximum speaking time of delegates speaking in their individual capacity from five to three minutes.

I will now invite the Government representative of Togo, the Secretary-General of the Ministry of Civil Service, Labour and Social Dialogue, to take the floor.

Government representative– First of all, we welcome the work of the members of the Committee, which allows us to provide you with further information on the efforts of the Government and to receive your feedback in order to make improvements.

For the Government, freedom of expression and the respect and guarantee of fundamental rights are essential conditions that enable the social partners to establish and operate free, independent and representative organizations. They also foster the promotion of dialogue and regular consultations at the national level between the public authorities and

workers' and employers' organizations, which are important drivers of government action in Togo.

To facilitate a better understanding of the case under discussion, allow us to recall the following.

In the framework of the implementation of the Convention ratified by our country in 1983, the Government has adopted important measures through legislation, regulation and agreements:

Firstly, there are several provisions at the constitutional level:

- article 5(1) on the free expression of thought;
- article 9 on the freedom of assembly and demonstration;
- article 10 on associations;
- and article 19(2), which stipulates that workers may form trade unions and join trade unions of their choosing.

In addition to the Constitution, there is also legislation, in particular the Act of 18 June 2021 issuing the Labour Code (in this regard, see section 212, titles XI and XII; and chapters I, II and IV of title II).

The Government has implemented regulations. In this regard, we draw attention to the Decree of 13 March 2007 on the structure and operation of the National Council for Social Dialogue (CNDS). There is also the Decree of 23 February 2022 on the powers, structure and operation of the National Labour Council (CNT).

In addition to decrees, we also have several government orders that have been implemented by the Government to further give effect to this Convention. We also have provisions under collective agreements. There are several of these provisions, which we mentioned in our document.

Besides the provisions contained in the Constitution, legislation and regulations, it is also necessary to note the establishment of several consultation bodies; committees and executive boards have been set up on a tripartite basis. In this regard, I would like to cite the National Committee for the Management of the Apprenticeship, Training and Professional Development Fund. There is the executive board of the National Social Security Fund. There is also the steering committee for the Decent Work Country Programme (DWCP), the National Steering Committee to Combat Child Labour and the Labour and Social Dialogue Committee.

As part of the ongoing process to establish the Economic and Social Council in our country, which involves in particular the social partners, it should be noted that the social partners were included in the decision to set up the Council, which comprises the social partners and also civil society representatives. The Council is an advisory body responsible for issuing opinions and recommendations on draft legislation and regulations, and on public policies that have an impact, in particular, on economic, social and environmental matters. Through its action, the Economic and Social Council contributes to strengthening citizen participation and to informing public decision-making.

Furthermore, true to its commitment to dialogue and consultation as drivers of economic and social development, the Government involved the social partners in the national consultations conducted in May 2026, as part of the road map 2026–2031, which is a strategic reference document for public action. This participative approach demonstrates the

willingness of the authorities to promote the collective ownership of development guidelines and to strengthen the inclusion of the different stakeholders in the national planning process.

Concerning the comments made on Article 4(2) of the Convention in relation to the financing of any necessary training of participants in consultation procedures, the Government, allocates an annual budget of 150 million CFA francs to workers' and employers' organizations, in order to support social dialogue and strengthen the capacities of the social partners. Part of this budget is used to finance the participation of 14 workers' representatives and 8 employers' representatives at the International Labour Conference, as well as various trade union and vocational training activities.

The Government welcomes this ongoing support and attaches particular importance to building the capacities of professional organizations. However, the Government notes that the information on the use of the funds allocated to training activities and the results achieved is not systematically communicated after disbursements are made. Improved communication of activity reports would allow for a more comprehensive assessment of the impact of the actions undertaken and for the identification of any additional support needs. The Government remains fully committed to promoting capacity-building among stakeholders in the world of work and continues to closely involve workers' and employers' organizations in the various training and skills development initiatives implemented, as needed.

Concerning the comments on Articles 5(2) and 6 of the Convention, with regard to consultation at regular intervals and the production of an annual report, we indicate that the CNDS holds two annual sessions, and extraordinary sessions when necessary. The most recent session of the CNDS was held in September 2022. The following topics were addressed:

- the status of implementation of the memorandum on the national education sector;
- the situation in the health sector;
- social grievances, including issues relating to the high cost of living; and
- the impact and implications of the security situation in the subregion and in Togo.

It is important to note that, since November 2022, our country has engaged in a process aimed at re-establishing its social dialogue. This took the form of a forum on national social dialogue bringing together the social partners and civil society actors. At the conclusion of these discussions, the parties signed a road map containing several measures, including the adoption of a social stability and inclusive growth pact, and the reinvigoration of the CNDS.

After the National Social Dialogue Forum, a tripartite committee comprising representatives of the Government, employers and workers was established by order of the Minister for Labour and Social Dialogue. The objective of the committee is to oversee the work relating to the adoption of a social stability and inclusive growth pact. A national consultant has been appointed. The committee has already provisionally approved the consultant's work. The next stage will be the final approval of the document.

Concerning the comment on Article 5(1) of the Convention regarding effective tripartite consultations, the Government has always organized its participation in the Conference on a tripartite basis, not only by the expenses of the social partners in full, but above all by involving them in advance in the examination and analysis of all reports to be considered by the Committee.

The items placed on the agenda are shared. Reports on ratified and unratified Conventions are also shared, although it is noted that workers' organizations struggle to

submit any amendments or observations they may wish to make. Prior to departure for the Conference, the Government organizes meetings with all participants. The Government endeavours to ensure the application of the Conventions that it has freely ratified and does not hesitate to seek assistance from the Office in case of major difficulties.

The Government has never denounced any ILO Convention. All standards adopted at the Conference are submitted to the competent national authorities, that is, the National Assembly, for information purposes. The most recent Convention concerning biological hazards and its Recommendation have also been submitted.

On Article 3(1) concerning the free choice of representatives of employers and workers, the Labour Code sets out the following provisions:

Section 12: "The employer or his representative may not employ any means of pressure in support of or against any trade union organization. Any measure taken by the employer contrary to the provisions of the preceding paragraph shall be considered null and void and shall give rise to penal sanctions and the payment of damages". This is the substance of section 12.

Section 13(1): "The founders of any trade union shall file with the competent authority the statutes, the minutes of the constituent general assembly and a list containing the full names, dates and places of birth, nationalities, places of residence, status, professions/occupations and the criminal records of the persons who, in whatever capacity, are responsible for its administration or management".

The Government has taken note of the comments made concerning section 3 of Decree No. 2022-022/PR of 23 February 2022 and on section 14 of the Labour Code, and will take all necessary measures to comply with Article 3 of the Convention.

Social dialogue is an ongoing process requiring the constant commitment of all stakeholders. The Government remains open to contributions from the social partners and other stakeholders.

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 issues that may arise in the implementation of international labour instruments.

Social dialogue cuts across all ILO instruments. This Convention directly addresses the need to organize social dialogue. It has also been acceded to by many ILO Member States, with already 159 ratifications to date. Ratification of the Convention is essential, as is its observance in law and in practice. Today we are going to examine the application of the Convention by Togo, which the country ratified in 1983. This case has not yet been discussed by our Committee. However, two recent comments by the Committee of Experts, first in 2024 and subsequently in 2025, have indicated persistent difficulties.

The main issue in the case of Togo remains the absence of effective tripartite consultations on all of the matters set out in Article 5(1) of the Convention. The additional information provided by the Government indicates some institutional activity but it does not address the underlying concerns raised by the Committee of Experts.

The Government indicates in the written information provided that the CNDS usually holds two annual sessions and that it can also convene extraordinary sessions. However, the most recent session mentioned was held in September 2022 and the topics addressed – the education sector, health sector, high cost of living and the security situation – are related to

social dialogue in its broader sense, thus failing to show that the consultations required by the Convention effectively covered international labour standards.

Added to this is institutional uncertainty. The Government previously cited the National Taskforce on International Labour Standards (CNIT), responsible for drawing up reports and the consideration of ratifications, but it now refers to a process of re-establishing social dialogue initiated in November 2022, a national forum and a tripartite committee responsible for drafting a social stability and inclusive growth pact. These initiatives may be useful, but they do not yet clarify which entity conducts, on a regular and structured basis, the consultations specifically required by the Convention.

The Government states that it organizes its participation in the Conference on a tripartite basis, that it shares the items placed on the agenda, discusses certain reports prior to departure for Geneva and submits adopted standards to the National Assembly for information purposes.

It also underscores that it has not denounced any Convention and indicates that it seeks support from the Office in case of difficulties. These elements are a step in the right direction but are not enough to determine the existence of consultations covering, on an ongoing and documented basis, each of the five subjects set out in in Article 5(1), in particular, the re-examination of unratified Conventions and of Recommendations to which effect has not yet been given, and the provision of specific information on the content and outcomes of discussions.

In other words, it is not enough to cite meetings, information-sharing or joint participation in the Conference. The Convention requires an identifiable mechanism, regular consultations, verifiable reports and traceable outcomes for each of the subjects covered. Yet, the information provided by the Government remains incomplete and insufficiently convincing in light of the requirements of the Convention.

The Government also indicates, in the written information submitted to our Committee, that, regarding the necessary training of participants in consultation procedures under Article 4(2), it allocates an annual budget of 150 million CFA francs to employers' and workers' organizations, part of which is used to finance participation in the Conference and training activities. However, it admits that this training is not properly structured or monitored, and that no clear mechanism has been established yet to ensure, in collaboration with the representative organizations, the effective financing of the training required by the Convention.

Beyond the effectiveness of consultations, the case of Togo also raises a key issue concerning Article 3(1) of the Convention: the free choice of the employers' and workers' representatives called upon to participate in these procedures.

Concerning the free choice of representatives, the Government rightly cites the safeguards provided for in section 12 of the Labour Code against any pressure from employers, and section 13 concerning the filing of statutes and information on trade union leaders. These provisions are evidence of an existing legal framework but do not entirely address the issue identified by the Committee of Experts.

The main obstacle remains the restrictions set out in section 14 of the Labour Code, which are reproduced in section 3 of Decree No. 2022-022/PR. The Government states that it has taken note of the comments made on this matter and commits to taking the necessary measures to comply with Article 3 of the Convention. This commitment is a positive step, but it must now lead to concrete changes, in order to ensure that the free choice of representatives

is guaranteed not only in principle, but also in practice. Compliance with the Convention means that employers' and workers' representatives must be freely chosen by their representative organizations, in law and in practice, without disproportionate restrictions that could undermine the independence or representativeness of the social partners.

What we expect is clear: accurate and verifiable information on the competent body, the frequency of consultations, the content and outcomes of those consultations, the follow-up to discussions, the financing arrangements for the necessary training, and the concrete measures taken to remove the legal barriers to the free choice of representatives. These commitments must now be translated into measurable progress, in order for tripartite social dialogue in Togo to fully comply with the requirements of the Convention.

Employer members – The Employer members have noted with interest the information shared by the Government. Togo ratified Convention No. 144 in 1983. This case has never been discussed by the Committee. The Committee of Experts has made two observations concerning this case: the first in 2024, and the second in 2025. Before turning to the specific issues at hand, the Employer members want to reiterate the importance of Convention No. 144, one of the four ILO governance Conventions. One hundred and fifty-nine ILO Member States have ratified Convention No. 144 since its adoption 50 years ago. Convention No. 144 promotes effective tripartite consultations on ILO standards-related matters and helps ensure that both employers' and workers' organizations have a voice on decisions related to international labour standards at the national level. The Convention embodies the ILO's founding principle of tripartism. As the ILO has noted itself, this Convention plays a strong role in promoting informed policy decisions, building trust among Governments and social partners, and ensuring compliance with other ILO Conventions and Recommendations.

Turning to the issues at hand, this case concerns two issues. The first issue concerns the effectiveness of the Government's tripartism consultations. The Committee of Experts noted that, based on the minutes from the sessions of Togo's National Council for Social Dialogue (CNDS) for 2020, 2021 and 2022, that the Government's consultations with social partners do not appear to address all of the matters required under Article 5(1) of the Convention. This observation follows the Committee of Experts' 2024 observations that it had made repeated and unanswered requests for detailed information on tripartite consultations.

Article 5(1) of the Convention commits ratifying States to operating procedures which ensure effective consultations between representatives of the Government, employers and workers regarding various matters that support international labour standards, including, among other things:

- government replies to questionnaires concerning the International Labour Conference;
- proposals in connection with the submission of Conventions and Recommendations;
- measures to propose ratification or implementation of unratified Conventions and Recommendations or, conversely, denunciation of ratified Conventions.

It also includes consultation regarding questions arising out of the reports submitted to the Office under article 22 of the Constitution of the ILO.

We have taken note of the Government's response, including that since November 2022, Togo has engaged in a process aimed at re-establishing its social dialogue. For example, it has established the CNIT, whose mandate includes preparing technical files for reports on ILO instruments and proposals for the ratification of unratified Conventions. We welcome the Government of Togo's indication that employers' and workers' organizations participate in

preparation for the International Labour Conference and the Government's contribution, for example, in covering the expenses of social partners. We also welcome the Government's willingness to seek ILO technical assistance.

At the same time, the Employer members recall that the Convention protects and promotes effective tripartite consultations. The Convention does not prescribe a particular institutional model. What matters is that effective tripartite consultations are held on each of the matters set out in Article 5(1). These consultations should give genuine consideration to the positions of social partner organizations. We take note of the Government's observation concerning difficulties it has encountered in obtaining comments from social partners. This underlines the importance of bolstering efforts to strengthen the capacity of all representative organizations to participate effectively in consultation procedures on Article 5(1) matters. We therefore encourage the Government, in consultation with the ILO and the most representative social partner organizations, to ensure that effective tripartite consultations take place on each of the matters set out in Article 5(1) of the Convention. We further encourage the Government to provide detailed reports to the ILO describing these consultations, the participants, and the outcomes.

The second issue identified by the Committee of Experts' concerns the ability of employers' and workers' groups to freely choose their representatives. The Committee of Experts has noted that the Labour Code protects against employer interference in trade union organizations. However, the Committee of Experts also notes that section 14 of the Labour Code and a Decree from 2022 – which together restrict access to union leadership for those who have been convicted of certain offences involving the loss of civic rights or correctional penalties – could have the effect of limiting eligibility for certain individuals for union leadership. The Committee considered that these restrictions could undermine the principle of free choice and affect representativeness in consultation processes. The Employer members recall the importance of the most representative employers' and workers' organizations having the ability to freely choose their representatives, as set out in Article 3(1) of the Convention.

We note and welcome the Government's stated commitment to take all necessary measures to ensure compliance with that Article in response to the Committee's observation. In response, we encourage the Government to coordinate with the ILO to provide detailed information on the measures that it has implemented, or plans to implement, to achieve compliance with Article 3(1) of the Convention. We look forward to hearing from other groups in respect of this case.

Worker member, Togo – Togo ratified the Convention in 1983. Over 40 years after its ratification, the question that arises today is not whether tripartite consultation institutions exist on paper. The real question is whether the Government really believes in social dialogue, because the application of the Convention does not consist of creating structures, but of making them live. It does not consist of occasionally organizing forums or meetings, but of institutionalizing dialogue. It does not consist of informing workers once decisions have been made, it requires workers to be consulted before decisions are made. And it is precisely in this respect that Togo is today at fault.

The Government may recall the creation of the CNDS in 2007, the CNIT in 2008, or even the organization of the National Social Dialogue Forum in 2022. But the reality is quite different. The Committee of Experts has already noted that the minutes of the sessions of the CNDS between 2020 and 2022 do not show that the subjects covered by Article 5 of the Convention were examined in practice. In other words, the institution created for the examination of international labour standards did not really cover international labour standards. Here is the

first contradiction. The Government has created dialogue institutions without allowing them to fully carry out their mission.

The second contradiction is even more striking. A budget item continues to be envisaged for the operation of the CNDS, But, actual consultations have practically ceased since 2021. The institution exists in administrative terms, but it no longer really functions in practice. Now, a budget item is not social dialogue. A budget item is not consultation. A budget item is not the proof of compliance with an international convention. What is the use of maintaining a vehicle that never leaves the garage? The Workers therefore have good reason to raise a simple question: is the objective to promote dialogue, or merely to keep up appearances? Even the study missions organized in Algeria, Senegal and Benin have not resulted in the rekindling of a real tripartite dynamic, and the institution remains paralysed. It is the same old story.

In reply to the comments of the ILO, the Government indicated that the CNIT meets once a year prior to the International Labour Conference. And yet, the Decree governing the CNIT provides for two meetings a year. Even more surprising is that the CNIT has never actually been established. We are no longer faced with mere administrative weakness. We are confronted by a piece of institutional fiction. Reference is being made to bodies that are not operating. Reference is made to consultations that are not being held. Mechanisms are being referred to which essentially only exist on paper.

The most revealing example undoubtedly concerns the revision of the General Public Service Regulations. When a trade union leader asked to see their text before they were adopted, he received the response: “In matters of legislative reform, the Government does not indulge in co-production.” This phrase deserves our full attention, as it goes to the heart of the problem. The Convention is precisely based on the idea that labour legislation should not be formulated unilaterally. It should be the outcome of a process of consultation between governments, employers and workers.

If consultation is perceived as a constraint rather than an obligation, the problem is not of a technical nature. The problem is political. And yet, after keeping the workers away from the process, the Government declared that the reform had been carried out following broad consultation. And here is the third contradiction. Workers are refused access to the text, because they are told that they have been consulted. They are excluded from the process, and then it is claimed that dialogue took place. And finally, they are asked to have confidence in a process from which they have been deliberately excluded.

The consequences of this situation are not theoretical. When tripartism is weakened, violations increase. When consultation disappears, disputes are intensified. When social dialogue becomes an exercise in keeping up appearances, rather than a real practice, industrial relations inevitably deteriorate. And that is exactly what is being experienced today by the workers of Togo. The industrial relations climate is increasingly reflecting a culture in which dialogue is limited, rather than encouraged.

The examples brought to our attention are not isolated incidents. They are the symptoms of a deeper problem, namely the progressive shrinking of the space accorded to social dialogue. Let us take the case of the SUNU Bank Togo. Forty-two workers, including six trade union officers and 27 women, were dismissed under the pretext of economic difficulties. And yet, the audit by the Banking Commission of the West African Economic and Monetary Union (WAEMU) concluded that the bank’s difficulties were mainly the result of managerial issues. But beyond the legal aspects of this case, there remains a fundamental question: where was the social dialogue? In a healthy industrial relations system, crises are first dealt with through consultation, negotiation and efforts to find common solutions. The fact that a crisis of this

significance resulted in large-scale dismissals rather than negotiated solutions bears witness to the weakening of the culture of dialogue that the Convention aims to promote.

The same conclusion has to be drawn in the case of the Société Nouvelle Industrie. On 9 January 2026, eight workers, including three union delegates, were dismissed for having participated in a strike ten months previously. When union officials are punished for representing workers, the consequences go well beyond the persons concerned. The message sent out to workers as a whole is clear. Representation is becoming risky. Participation is becoming dangerous. Keeping silent is becoming safer than talking. And fear is the enemy of social dialogue.

The same logic applies to the restrictions imposed on trade union meetings. In October 2025, the security forces encircled a private location in order to prevent the holding of a union meeting. However, according to the Government's own interpretation, simple prior notification would have sufficed. This is not just a question of public freedoms. It is also a matter of social dialogue. Unions must be able to meet, consult their members, draw up their positions and build consensus before entering into discussions with employers and the public authorities. Without holding consultations with the workers, there can be no genuine tripartite consultation. It is difficult not to see the irony.

A Government that regularly refers to dialogue as evidence of its compliance appears to be increasingly ill at ease when workers talk among themselves. The problem that is before us today goes well beyond simple procedural issues. The real issue is that of credibility. A tripartite institution that does not meet is not dialogue. Consultation that excludes workers is not consultation. A reform drawn up without real participation is not tripartism. An inactive institution does not become effective because it has a budget.

The Convention had the ambition of promoting trust between governments, employers and workers. In Togo, this trust is being progressively eroded because institutions are becoming merely symbolic, whereas they should be tools. The Government cannot go on claiming the existence of structures as proof of compliance, when even the substance of dialogue is disappearing. The workers of Togo do not need more dialogue mechanisms. They need institutions that work. They do not need more statements in support of dialogue. They need dialogue itself. It is for that reason that we are calling on the Government to re-establish effective tripartite consultations, make the existing institutions fully operational, guarantee the real participation of the social partners in labour reforms and fully respect the letter and the spirit of the Convention.

Togo is not suffering from a lack of structures. It is suffering from a lack of political will to make them work. And for as long as this political will is lacking, compliance with the Convention will remain more apparent than real.

Government member, Morocco – I have the honour of taking the floor on behalf of the Government delegation of the Kingdom of Morocco. In the first place, we wish to thank the Government for the detailed information provided to the Committee. The information reflects a willingness to cooperate with the ILO supervisory machinery and a commitment to continue strengthening social dialogue in a spirit of openness, responsibility and dialogue with the social partners. We take this opportunity to reaffirm our respect for the essential role of the Committee, as its work is a supporting tool for continuous improvement by Member States.

This Convention occupies a special position in the ILO standards system as it sets out an essential requirement for social governance, namely effective tripartite consultation. In this regard, the Moroccan delegation notes with interest that Togo has in place a significant legal

and institutional framework offering the necessary fundamental guarantees for the exercise of social dialogue.

We also welcome the existence of tripartite consultation bodies, and particularly the CNDS and the CNT, as well as the progress and dynamism seen in collective bargaining. We also take due note of the considerable financial efforts made by the Government to strengthen the capacities of the social partners.

The delegation of Morocco supports the efforts made by the Republic of Togo to consolidate tripartite social dialogue and reinforce the application of the Convention. It invites the ILO to continue its technical assistance to Togo in support of the reforms that have been launched, the strengthening of social dialogue institutions and the sustainable promotion of decent work.

Worker member, Burkina Faso – The examination of the case of Togo in relation to the present Convention goes to the very heart of the ILO's DNA, namely tripartism and social dialogue. Ratified over 40 years ago, this fundamental Convention sets out clear obligations which, unfortunately, have remained largely theoretical in practice in Togo. Successive reports of the Committee of Experts bring to light persistent failures of compliance in three essential areas.

First, the absence of effective and regular consultations. Article 5 requires consultations at appropriate intervals (at least once a year) on the reports due to the ILO and proposals for the ratification or denunciation of Conventions. And the finding is that, for decades, the Government of Togo has confined itself to reiterating institutional information without demonstrating the existence of effective consultations on specific subjects. The meetings of the CNDS cannot serve as a smokescreen if they do not explicitly cover the ILO standards agenda.

Second, the free choice and independence of representatives. Social dialogue cannot exist without independent and freely chosen social partners. Once again, we see that certain national legal provisions and administrative practices have led to interference in the free choice of union and employer delegates.

Third, the lack of information and resources. For tripartism to function, the partners need to be trained and provided with information in a transparent manner. In conclusion, we note that social dialogue is not a mere administrative formality or a box to be ticked for international reports, it is a tool of economic stability and social justice.

Based on the above, and in order to be in compliance with the Convention, the Government is requested to: guarantee without delay the holding of specific, systematic and effective tripartite consultations; bring its regulations into conformity (and particularly Decree No. 2022-022/PR and the Labour Code) to ensure strict compliance with the independence and freedom of choice of workers' and employers' organizations; re-energize and re-equip the CNDS; and request ILO technical assistance for the design of a capacity-building programme for the tripartite constituents.

Government member, Zambia – Zambia thanks the Government representative for the information provided during this discussion. We welcome the progress made in strengthening the legal and institutional framework for social dialogue, including the operation of tripartite consultation mechanisms, efforts to promote collective bargaining, and initiatives aimed at enhancing the capacity of workers' and employers' organizations. These measures demonstrate Togo's commitment to advancing the principles of the Convention. Zambia notes with appreciation the Government's candid acknowledgement of the challenges that remain

in ensuring full implementation of the Convention. We consider this openness and willingness to engage constructively with social partners to be a positive demonstration of the Government's commitment to continuous improvement and effective tripartite dialogue.

Zambia believes that continued technical assistance and capacity-building support from the Office is important in assisting Togo to consolidate the gains achieved and overcome the remaining challenges. We, therefore, encourage the Office to ensure that, notwithstanding current financial constraints, Member States continue to receive the support necessary for the effective implementation of international labour standards. We encourage the Government, together with employers' and workers' organizations, to continue promoting constructive social dialogue in the spirit of tripartism and cooperation.

Worker member, Belgium – In accordance with Convention No. 144, States are required to implement effective tripartite consultation procedures covering five subjects: standard-setting items; the submission of texts; the re-examination of unratified standards; reports on ratified Conventions; and denunciations. The consultations must be effective, held in good faith and precede decision-making. The social partners must receive information in a timely manner so that they can express their opinions, and their views must be taken seriously.

The Committee of Experts notes, from the minutes of the sessions held in 2020, 2021 and 2022, that the consultations held by the CNDS in Togo do not address the matters covered by the Convention.

Togo provides substantial details in its additional information regarding: the inclusion of the social partners by organizing meetings prior to the Conference; the sharing of reports on the Conventions – though it notes the difficulties experienced by trade unions in providing their observations; and the submission of adopted standards to the National Assembly. It should be acknowledged that the consultations described seem incomplete and ineffective. They clearly do not allow the social partners to express their viewpoints.

Furthermore, no detailed information is provided on the concrete measures taken to facilitate and ensure consultations, or on their content or outcomes. The information provided by Togo also indicates that the CNDS has not met since 2022.

The absence of tripartite consultations in accordance with the Convention is also a reflection of the concerning restrictions of the right to collective bargaining and freedom of association in Togo. The Labour Code was revised in 2021 without any genuine social dialogue. The trade unions were involved only in a formal capacity, with no access to the discussions or to the texts. Moreover, the amendments requested by the Committee of Experts in order to ensure that the Labour Code is consistent with freedom of association were ignored. As such, the 90-day deadline for the registration of trade unions, the restrictions on the appointment of representatives, the obligation to renew trade union mandates after five years, and the definition of essential services remain unchanged.

Furthermore, violations of trade union rights are regularly reported by workers' and civil society organizations. These violations are part of a broader trend of the closing of civic space in Togo, with the prohibition of collective action and peaceful protest, arbitrary arrests and the excessive use of force against protesters by the security forces, as was the case during the protests in the summer of 2025.

In this context, it is all the more important for the Government of Togo to fully ensure the effective application of the Convention in law and in practice.

Government member, Gabon – Gabon is honoured to take the floor before this august assembly in order to support the replies provided by the Republic of Togo to the comments of the Committee of Experts.

The Gabonese delegation welcomes the ongoing efforts of the Government of Togo to firmly establish a culture of social dialogue and tripartism within its labour market governance, thereby elevating consultation to the status of strategic driver of stability and economic progress. Gabon notes with satisfaction that Togo has a sound legal framework, underpinned by fundamental constitutional guarantees and reinforced by a modern Labour Code since 2021.

Togo's institutional architecture, which is supported by key operational bodies such as the CNDS and the CNT, clearly demonstrates a genuine political will to systematically include the social partners in major social policy decisions. The vitality of this model is strikingly illustrated by the recent developments in sectoral collective bargaining, which were achieved in May 2026 with the signature of a new inter-occupational collective agreement in Togo.

The effective implementation of the Convention requires strong and well-equipped social partners. In this regard, Gabon welcomes the annual financial support of 150 million CFA francs granted by the Government of Togo to employers' and workers' organizations in order to strengthen their capacities and their participation in ILO bodies. This reflects concrete and measurable commitment with regard to Article 4 of the Convention.

Lastly, the Gabonese delegation wishes to underscore the constructive attitude and openness of the Government of Togo. By taking formal note of the comments of the ILO supervisory bodies concerning Decree No. 2022-022/PR and section 14 of the Labour Code, and stating its willingness to review the necessary adjustments in close collaboration with its social partners, Togo reaffirms its unwavering commitment to the principles of the ILO. In the light of the foregoing and given the collaborative efforts undertaken to conclude a social stability and inclusive growth pact, Gabon encourages the Committee on the Application of Standards to give due credit to Togo's achievements. We invite the ILO and the international community to give priority to technical assistance in order to support the country in the consolidation of its achievements.

Worker member, Botswana – I take the floor on behalf of the workers of Botswana. Togo ratified the Convention in 1983, thus undertaking to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organization set out in Article 5(1), between representatives of the Government, employers and workers. The ratification was a further undertaking that the representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organizations, where such organizations exist as set out in Article 3.

The Committee of Experts raises two issues of concern. In effective tripartite consultations contrary to Article 5(1). The obstacles to freedom of choice of trade union representatives brought in by section 14 of the Labour Code and reiterated in section 3 of Decree No. 22 of 2022. It is our firm view as workers of Botswana that social dialogue remains the most effective tool and/or solution to the matters raised by the Committee of Experts in any democratic society. Social dialogue provides a platform to solve existing conflict and also avert conflicts that may exist in future.

What then is needed for social dialogue to thrive in Togo? The Government must take deliberate steps to ensure that the CNDS is effective and serves its mandate as determined by

social partners. Whatever report or document that comes out of this structure or any social dialogue structures, must reflect the needs and aspirations of both Government and social partners. These will include submissions under article 19 reports as per the ILO reporting guidelines. Representatives to social dialogue structures must be chosen by social partners independent of Government scrutiny and interference. These representatives must have the freedom to express the will and aspirations of their constituents without any fear of intimidation and/or without any hindrance or obstacles that may come with the law as shown in the Committee of Experts' report.

Lastly, a social dialogue structure must be resourced in order to serve its purpose effectively. An under-resourced structure risks failing on its mandate and subsequently, the collapse of social dialogue is total. We therefore urge the Government to ensure that there are meaningful consultations among social partners; that the social dialogue space is free from intimidation and social partners are free to choose their representatives as they deem fit and appropriate and this must be done through tripartite reformation of the Labour Code.

Worker member, South Africa – Effective social dialogue between governments, and employers' and workers' organizations is essential for advancing social justice, fostering inclusive economic growth, improving wages and working conditions, and supporting sustainable enterprises. As a cornerstone of good governance, social dialogue creates the conditions necessary to achieve decent work for all while promoting social peace, stability, and effective labour market governance. However, these can only be possible in an environment where there are free and independent workers' and employers' organizations.

In South Africa, after the end of the apartheid regime in 1994, one of the first tasks of the new democratic Government was to ensure protection of workers' rights in line with 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 to institutionalize social dialogue in line with Convention No. 144. Section 23 of the new Constitution of the Republic of South Africa, which is the supreme law of our land, guarantees to every worker the right to form and join trade unions, to participate in the activities and programmes of a trade union, and to strike.

In order to give effect to section 23 of the Constitution of the Republic of South Africa, Parliament passed the Labour Relations Act No. 66 of 1995. Chapter 2(4) of the Labour Relations Act provides that every member of a trade union has the right to: participate in its lawful activities; participate in the election of any of its office-bearers, officials or trade union representatives; and stand for election and be eligible for appointment as an office bearer or official. These provisions provide protection against interference by the Government and employers, and guarantee workers and trade unions their independence.

While we appreciate the establishment and/or existence of the CNDS in Togo, we wish to remind the Government that the absence of free and independent trade unions is a clear contradiction of the provisions of the Convention. The Committee on Freedom of Association has consistently emphasized that freedom of association can only exist where fundamental civil liberties are respected. These liberties include freedom of expression, freedom of assembly, freedom of movement, and protection from arbitrary arrest or detention. Trade unions play a vital role in representing and protecting workers' interests. However, workers and their organizations cannot effectively exercise their rights if union leaders and members face intimidation, harassment, censorship, or restrictions on peaceful meetings and demonstrations in Togo. According to the Committee on Freedom of Association, the Government has a responsibility to ensure an environment in which trade unions can operate

freely and independently. Respect for civil liberties is therefore not only a human right but also a necessary condition for genuine trade union freedom and effective social dialogue. We therefore respectfully call upon the Government to ensure that representatives of employers and workers are freely chosen, in accordance with Article 3(1) of the Convention.

Worker member, Democratic Republic of Congo – Togo ratified the Convention over 40 years ago. Today, it is no longer a question of finding out whether tripartite institutions exist or not. The true question is whether social dialogue really works. The Convention does not simply call for the creation of structures. It requires effective, regular and meaningful consultations with the social partners before decisions are taken. This is precisely where the problem lies.

The Government refers to the CNDS, the CNIT and various dialogue initiatives. However, the Committee of Experts noted that the meetings of the CNDS do not show that the subjects covered by Article 5 of the Convention were examined in practice. In other words, the institutions exist but they are not fulfilling their core mission.

The first contradiction is that, while dialogue institutions exist, they are not fully functional. The second contradiction is that budgets continue to be allocated to these structures despite the fact that effective consultations have practically come to a halt in the past few years. A budget item is not social dialogue. The Government refers to a budget item, but this is not social dialogue. An inactive institution does not become effective simply because it receives funding.

The situation is particularly concerning in the context of the revision of the General Public Service Regulations. When a trade union asked to see the draft text before it was adopted, he was reportedly told that the Government did not indulge in the “co-production” of legislation. This response highlights the heart of the problem.

The Convention is based precisely on the idea that labour reforms must be developed in consultation with the social partners and not be imposed unilaterally. The workers of Togo do not need new structures. They need institutions that really work. We therefore request the Government to re-establish effective tripartite consultations, to ensure that existing institutions are fully operational and that the social partners are genuinely included in all labour reforms. Togo does not lack structures. It lacks political will to make them work.

Worker member, Kenya – I speak on behalf of the Kenyan workers under the auspices of the Central Organization of Trade Unions (COTO). We are worried to note that Togo does not respect or believe in the Convention and the spirit of the tripartism that they effectively ratified in 1983. To achieve industrial peace and effectively implement the Convention, Togo has the option to draw important lessons from our peers like Kenya, where social dialogue has played a significant role in fostering stable labour relations and promoting inclusive decision-making. Kenya’s experience demonstrates that successful tripartism is built on mutual respect among the Government, employers and workers.

Social dialogue has been strengthened through a robust legal and institutional framework that recognizes the legitimacy of social partners and guarantees their meaningful participation in labour and economic policy discussions. Our strength is in national constitution and legislations. A key factor in Kenya’s success has been the recognition and engagement of representative organizations like COTO and the Federation of Kenya Employers (FKE). Through regular consultations, these institutions have provided a platform to address labour issues, disputes and building consensus on matters of national importance. This collaborative approach has contributed significantly to industrial peace and social stability. Kenya also

demonstrates the importance of continuous dialogue and building trust among tripartite partners.

Effective social dialogue requires more than formal structures. It depends on a genuine commitment to consultations, compromise and respect for differing views. When social partners are treated as equal, they become active contributors to economic development and social cohesion. Further, Kenya has invested in capacity-building and training for government officials and employers' organizations, and guaranteed trade unions their freedoms. These efforts have enhanced the ability of parties to participate effectively in tripartite consultation and to engage constructively in policy discussions.

The experience of Kenya, as well as those of other countries like South Africa, Sweden, Germany and Australia, demonstrates that strong social dialogue and effective tripartism promote labour rights, economic growth and social stability. Finally, meaningful social dialogue can only flourish where social partners are respected and their rights are protected. Unfortunately, the current environment in Togo does not appear conducive to constructive social dialogue. Restrictive legislation affecting trade union assemblies and the dismissal of trade union leaders undermines confidence and weakens the foundation of tripartism. The Government must take concrete steps to create an enabling environment for dialogue by respecting the rights of workers and employers to freedom of association, the right to organize and collective bargaining. These fundamental rights are not only essential for compliance with the Convention but are also the cornerstone for lasting industrial peace and sustainable development.

Worker member, Spain – The Committee of Experts notes, with regard to the Convention, that the consultations held by the CNDS did not address the subjects set out in Article 5 of the Convention.

Furthermore, the workers of Togo have reported the absence of effective consultations on the replies to questionnaires concerning the Conference, the submission of Conventions and Recommendations to the national authorities, the examination of unratified Conventions, and on the drafting of reports on the application of international labour standards.

These are not side issues. This is the core of tripartite participation in the activities of the ILO. We are talking about the forum in which the social partners can express their views on the ratification of Conventions, the examination of international labour standards and the manner in which these standards are applied at the national level.

The consequences of these gaps in tripartite consultation can be particularly serious for the most vulnerable workers. When trade unions cannot participate fully in the processes provided for by the Convention, the concerns and needs of those who are least able to make their voices heard risk being overlooked in discussions on the development and implementation of international labour standards, as may be the case for workers in the informal economy, women, young people and children engaged in child labour.

The Committee of Experts also raised concerns about the free choice of workers' and employers' representatives in consultation processes. In particular, it noted that certain restrictions established in legislation may impede the free choice required to ensure an effective representation in these processes. The representativeness and independence of those participating in consultation mechanisms are essential conditions for social dialogue to be credible, inclusive and able to produce legitimate results.

Tripartite consultations are not merely an administrative formality. We therefore request the Government to take the necessary steps to ensure effective consultations on all the matters

under the Convention and to ensure the free and independent participation of representative organizations.

Worker member, Argentina – I am speaking on behalf of the confederations of Argentina affiliated to the Trade Union Confederation of the Americas (TUCA) with reference to the failure of Togo to comply with the present Convention.

First, I wish to note that this Convention is recognized in the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, as one of the most significant standards from the viewpoint of governance, as social dialogue and tripartite consultation are indispensable conditions for the legitimacy, effectiveness and sustainability of labour policies.

The ILO has also reaffirmed within the context of the Decent Work Programme and the principles to promote recovery and development that public policies must be built on the basis of social dialogue and tripartism as essential tools to link social progress with economic development. Among these principles, emphasis is placed on the need to strengthen labour institutions, maintain effective public services, extend social protection and ensure that decisions that have an impact on employment and working conditions are adopted through participatory and institutionalized processes. The Convention is precisely the instrument through which these objectives can be materialized within the ILO standards system.

However, the matters covered in the present case show a different reality. The Committee of Experts has indicated that the existing institutions have not adequately covered the matters set out in Article 5(1) of the Convention, including essential issues such as replies to Conference questionnaires, the examination of Conventions and Recommendations, the consideration of unratified instruments and supervision of the application of international labour standards.

It also draws attention to the failure to give effect to Article 3(1) of the Convention since, although the report emphasizes that the legislation provides protection against interference by the employer, there remain legal restrictions which may limit the free choice of union representatives.

We can see from the report of the Committee of Experts the commitment expressed by the Government to giving effect to the Convention, and we therefore encourage it to avail itself of ILO technical assistance. Nevertheless, as has been noted, the persistence of repeated observations shows that expressions of intent are not sufficient.

We therefore call for the Government to be urged to adopt specific and verifiable measures to ensure regular, institutionalized and effective tripartite consultations, and the free election of representatives, and to provide dialogue mechanisms with adequate resources and the respective reports on the progress achieved.

Government representative – Above all else, we wish to say that the Government does not acknowledge the words attributed to it in relation to the formulation of the General Public Service Regulations, which are reported to have been spoken by a member of the Government. We also wish to reaffirm that the processes of the formulation of the General Public Service Regulations and the Labour Code have been carried out in compliance with the procedures and laws that are in force.

As you know, Togo is always open to dialogue and consultation. In this respect, the Government accords particular importance to the quality of the dialogue with its tripartite partners, in the conviction that dialogue is one of the most powerful tools for the construction of solid, legitimate and sustainable public policies. Since the ratification of the Convention, our country has been engaged in a deep-rooted process of transformation. This process is not only

based on legislation, but is also structural and institutional. It is intended to give full effect to the principles of participation, transparency and shared responsibility which form the very basis of the spirit of the Convention.

Over recent years, Togo has embarked upon a coherent series of constitutional, legislative and regulatory reforms intended to consolidate social dialogue. These reforms have made it possible to clarify the roles, strengthen procedural guarantees and improve the representativeness of the social partners. The revision of the labour legislation, the adoption of new texts on social governance and the modernization of consultation mechanisms have contributed to the development of a more conducive environment for the expression of the concerns of workers and employers. This progress bears witness to the Government's willingness to make social dialogue a central pillar of national governance. The establishment and operationalization of tripartite mechanisms have been a major step forward. These mechanisms, which are now fully functional, allow the regular and effective participation by the social partners in decision-making processes. They provide an institutionalized space in which views can be compared, harmonized and translated into specific policies.

The adoption of collective agreements in several sectors also shows the increasing maturity of social dialogue in Togo. These agreements negotiated in a spirit of compromise and responsibility are reinforcing legal security and contributing to the stability of industrial relations.

In our awareness that the quality of social dialogue also depends on the competence of the actors, the Government intends to strengthen the necessary training for participants in consultation procedures. This training will make it possible to improve understanding of international labour standards, strengthen negotiation capacities and promote a culture of constructive dialogue.

Since 2022, a new rebuilding phase has been launched through the organization of the forum, to which we have referred. This high-level mechanism for exchanges with ILO support offered the opportunity to draw up a shared diagnosis of the challenges that remain and identify agreed paths for improvement. The ongoing formulation of a social stability and inclusive growth pact is one of the most promising results of this process. The pact is intended to develop a more peaceful social climate, promote the competitiveness of enterprises and ensure a more equitable distribution of the benefits of growth. It is a strategic instrument which reflects the will of Togo to include social dialogue in a long-term perspective.

Togo is ultimately offering a strong reaffirmation of its commitment to compliance with the Convention and the promotion of inclusive, structured and effective social dialogue. The progress achieved, in terms of the reinforcement of the institutional and legislative framework, the adoption of regulations, the conclusion of collective agreements and the establishment of operational tripartite bodies, bear witness to the Government's constant determination to consolidate consultation mechanisms. The Government remains fully ready to continue its reforms, reinforce the transparency and effectiveness of tripartite consultations and work with employers' and workers organizations. Togo will remain resolutely engaged in the promotion of modern, inclusive and constructive social dialogue, in the conviction that consultation, mutual respect and the process of seeking consensus are determining factors in the implementation of lasting solutions and the achievement of a society built on greater justice, solidarity and resilience.

Employer members – The Employer members would like to thank all of the speakers who took the floor. We also thank the Government for the information that it has provided. We welcome the Government's commitment to social dialogue and take note of its recent efforts

to strengthen tripartite engagement. In closing, and in light of the 50th anniversary of the Convention this year, we would also like to reiterate the importance of this Convention and its embodiment of the principle of effective tripartism.

The Employer members request the Government to, first, provide more detailed information regarding its consultations in respect of its obligations under Article 5(1) of the Convention. Second, to provide more detailed information on how it plans to bring its law and practice into line with its commitments under Article 3(1) of the Convention. Third, continue to work with the most representative organizations of employers and workers. And fourth, if necessary, to avail itself of ILO technical assistance to further strengthen its consultation and reporting mechanisms. We trust that the Government will implement such recommendations in a timely manner to achieve full compliance with the Convention, both in law and in practice.

Worker members – Following this discussion, one conclusion stands out: the commitments expressed must now be translated into specific, verifiable and lasting action in order to ensure full compliance with the Convention by Togo. We call on the Government to establish, without delay, effective, regular and duly documented tripartite consultations on all the matters covered by Article 5(1) of the Convention.

It is also important for the Government to clarify, in practice and in its institutional organization, the body which is responsible for holding these consultations and to ensure that they include a precise agenda, full reporting and outcomes that can be traced. Social dialogue in the broad sense cannot in itself cover the specific consultations required by the Convention.

With reference to the necessary training for participants in the consultation mechanisms, it would be useful for the Government to provide information on the measures taken or envisaged with employers' and workers' organizations to ensure the financing of their training.

We also call on the Government to take the necessary measures to ensure in law and in practice the free choice of employers' and workers' representatives participating in tripartite consultation procedures, in accordance with Article 3(1) of the Convention. In this regard, the restrictions set out in the national legislation, which are such as to impede this free choice, will have to be re-examined and brought into conformity with the requirements of the Convention. We therefore expect the Government to provide the Committee of Experts with detailed information on the measures adopted or envisaged, and on the content and outcomes of the consultations held on each of the matters covered by Article 5(1) as a basis for a full and objective assessment of the progress achieved.

As recalled by the Committee of Experts, the Government may find it useful to avail itself of ILO technical assistance to bring the institutional and legal framework into compliance and improve the effectiveness of the tripartite consultations envisaged by the Convention. It is now necessary for these commitments to be translated into specific progress so that tripartism in Togo remains fully in compliance with the requirements of the Convention in the long term.

Chairperson – We have now concluded the discussion of this case. We thank the representative of the Government of Togo and all the delegates who took the floor.

Conclusions of the Committee

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

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

- **provide detailed and up-to-date information on the manner in which tripartite consultations are carried out in practice on all matters covered by Article 5(1), including the content of consultations, the actors involved, and their outcomes;**
- **take further steps, in consultation with the most representative employers' and workers' organizations, to ensure that effective and inclusive consultations are systematically held on all matters, in a timely, effective and meaningful manner and in line with Article 5(1) of the Convention;**
- **provide information on the measures taken or envisaged to bring law and practice into conformity with Article 3(1), including with respect to ensuring the free choice of representatives of employers' and workers' organizations;**
- **strengthen the capacity of the institutional framework and the engagement of the most representative employers' and workers' organizations, including by providing financial resources and training so as to facilitate their effective functioning and participation in the consultation machinery and processes.**

The Committee requested the Government to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement these recommendations and the results achieved.

Government representative – Once again, the Government would like to sincerely thank the members of the Committee for this opportunity which has enabled the Government to provide further information on the situation and on the application of the Convention.

The Government duly notes the subsequent conclusions and will ensure that the necessary measures are taken, in consultation with the employers' and workers' organizations. In this regard, given the deadline that has been set, that is, September 2026, the Government would like to very humbly request that it be allowed more time to discuss the matter internally with the social partners. We would like the Committee to examine this request for additional time in order to review the matter more closely.

Turkmenistan (ratification: 1997)

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

Written information provided by the Government

The Government has undertaken significant steps to fulfil its obligations under the Convention, within the framework of the road map for cooperation between the Government and the ILO for the period 2024–25 and for 2026, following the submission of the regular report under this Convention presented in accordance with the provisions of article 22 of the ILO Constitution as of 1 September 2025.

The Government, jointly with the social partners, has carried out certain activities guided by the road map.

Improvement of legislative acts on forced labour and child labour issues and ratification of priority international labour standards

- Amendments and additions to article 406 of the Labour Code concerning forced labour and child labour were prepared and adopted at a session of the Parliament on

22 November 2025. The amendments to the Code were introduced in accordance with the recommendations of ILO experts following the legislative review.

- Approval of the Concept for the Development of the Labour Market of Turkmenistan until 2030. The Concept provides for work aimed at:

  (a) improving labour relations and labour legislation;

  (b) modernizing occupational safety and wage systems;

  (c) expanding digital services;

  (d) strengthening cooperation with international organizations, including the ILO, as well as accession to ILO Conventions.

At present, the Government, jointly with the social partners, is actively cooperating in promoting measures aimed at ratifying the Protocol of 2014 to the Forced Labour Convention, 1930, the Social Security (Minimum Standards) Convention, 1952 (No.102), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention,1969 (No. 129), as noted above. Ratification of these Conventions will play an important role in achieving the established goals of preventing violations of labour legislation, ensuring the enforcement of laws and holding those responsible accountable.

The 2014 Protocol and Convention No. 102 were coordinated with the relevant ministries and agencies of the country and submitted to the Government for ratification.

Increasing wages for pickers

In December 2024, an ILO wage specialist conducted a visit to the Mary and Lebap *welaýatlar* [provinces]. The purpose of the visit was to analyse data in order to develop substantiated recommendations for establishing attractive wages for cotton pickers in Turkmenistan in accordance with the capacities of farmers. In line with the recommendations of the ILO, the possibility of increasing wages for pickers is currently being examined.

In this regard, on 6 May 2026, a meeting was held via videoconference between representatives of the Ministry of Labour and Social Protection and representatives of the ILO. The meeting was aimed at discussing mechanisms for establishing decent wages in order to encourage voluntary cotton picking and fair remuneration. This work will continue during the forthcoming mission of ILO experts to Turkmenistan at the end of May 2026 and will include subsequent concrete steps to determine increased wages for cotton pickers.

Reforming the labour inspection system

At present, the Government is considering the issue of reforming the labour inspection system with a view to increasing its effectiveness. In this regard, from 24 to 27 March 2026, an ILO specialist mission on labour regulation, labour inspection and occupational safety and health took place in Ashgabat. Within the framework of the mission, a bilateral meeting was held at the Ministry of Labour and Social Protection, as well as a tripartite seminar with the participation of relevant representatives of the Ministry on the fundamental Conventions in the field of occupational safety and health, namely the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

The seminar enhanced the understanding and awareness of national stakeholders regarding the practical implications, requirements and implementation of the fundamental ILO instruments, in support of their ratification and implementation by the Government.

Raising awareness on child labour and forced labour issues

Reforms in the field of child labour and forced labour require large-scale awareness-raising activities among various stakeholders and at different levels of governance. Practices of mobilization through institutions, once considered normal, must be eradicated. Such changes in practices cannot be achieved within a short period solely through amendments to legislation. They must be accompanied by explanatory and awareness-raising activities targeting both officials and the population as a whole. Accordingly, awareness-raising activities are being carried out at the national and *welaýat* levels.

During the mission of ILO specialists from 14 to 20 April 2026, the Ministry of Labour and Social Protection and the ILO organized, under the auspices of the Interdepartmental Commission on Ensuring the Fulfilment of Turkmenistan's International Obligations in the Field of Human Rights and International Humanitarian Law, round tables in the *welaýatlar* centres of Mary, Dashoguz, Lebap, Balkan and Ahal. These round tables were carried out with the participation of representatives of the *welaýat* and *etrap* (district) administrations (*häkimlikler*) and relevant departments of the ministries and agencies of Turkmenistan, as well as representatives of the Ministry of Foreign Affairs in the *welaýatlar*, the National Trade Union Centre and the Union of Industrialists and Entrepreneurs.

Heads of the relevant departments of the Ministry of Labour and Social Protection of the Population, the Ministry of Agriculture, the Ministry of Education, the General Prosecutor's Office, the Ministry of Internal Affairs, the Ministry of Textile Industry in the *welaýatlar*, as well as other relevant ministries participating in the implementation of the road map of joint activities between the Government and the ILO for 2026, were also invited to the round tables.

Participants were acquainted with the results of the Survey on Employment and Working Conditions during Cotton Harvesting in Turkmenistan conducted in 2025, discussed the identified trends, noting the progress achieved and the areas requiring further improvement. In addition, during the meeting, the relevant provisions of ILO Conventions on child labour and forced labour were discussed, and international examples of the inclusion of labour provisions in trade and investment agreements were presented. In total, approximately 350 participants in five *welaýatlar* took part in the above-mentioned activities.

Members of the Interdepartmental Commission on Ensuring the Fulfilment of International Obligations also presented information on the measures being implemented to create decent working conditions and protect the rights of all parties to labour relations in accordance with the ILO Conventions ratified by Turkmenistan.

Capacity-building for the prevention of child labour and forced labour and the implementation of reforms

Capacity-building activities constitute an integral part of the reforms. They form the basis for the legislative changes planned for the subsequent period and are based on the study of good practices at the regional and global levels, taking into account the specificities and interests of Turkmenistan.

Thus, on 14 and 15 May 2026, within the framework of the visit to Turkmenistan by specialists on forced labour issues from the ILO, a two-day seminar on forced labour issues was conducted for representatives of certain supervisory and law enforcement bodies.

The seminar strengthened the capacity of law enforcement bodies in receiving and responding to complaints, conducting investigations, prosecuting responsible persons, as well as ensuring the protection of complainants.

This is only one example of a capacity-building activity, which will be followed by a series of training sessions and seminars planned for 2026–27.

Data

The Government uses reliable data for the formulation of labour policies and reforms, and in particular for the prevention of child labour and forced labour. One such source is the Survey on Employment and Working Conditions during Cotton Harvesting in Turkmenistan, conducted in accordance with the ILO methodology during the period from September to November 2025.

Based on the results of the observance conducted within the framework of the road map, a report of the International Labour Organization was prepared.

According to the report, the Government demonstrated significant progress in preventing forced labour during cotton harvesting. The latest report notes tangible progress in certain aspects of working conditions, particularly in the area of wages, which indicates that recent measures and policy adjustments are yielding results in practice.

One example is the increase in wages for cotton pickers compared to previous years.

In addition, compared to 2024, access to personal protective equipment for surveyed cotton pickers improved, and relatively high indicators were recorded in the area of water provision.

However, in order to ensure further sustainable success, the Government will continue its efforts to strengthen the rule of law, enhance transparency and ensure decent working conditions. Thus, the following are necessary:

- the adoption of stronger systemic measures to ensure the effective enforcement of the legislative prohibition of child labour and to eliminate the root causes of this problem;
- continuous oversight, clearer accountability mechanisms and full implementation of the obligations on the prevention of forced labour envisaged under the road map.

Regular monitoring of the implementation of the road map measures

On 11 and 12 March 2026, during the visit to Turkmenistan of the ILO delegation headed by the Regional Director of the ILO Regional Office for Europe and Central Asia, bilateral meetings were held at the Cabinet of Ministers, the Mejlis, the General Prosecutor's Office, the Ministry of Foreign Affairs, the National Trade Union Centre and the Union of Industrialists and Entrepreneurs of Turkmenistan.

On 12 March 2026, a round table was held at the Ministry of Foreign Affairs of Turkmenistan with the participation of relevant heads and representatives of the ministries and agencies of Turkmenistan, during which the results of the implementation of activities within the framework of the road map for cooperation between the Government of Turkmenistan and the ILO for 2026 were summarized and further steps for cooperation were discussed.

Priority actions to strengthen the policy framework for the prevention of mobilization and child labour

Prevention of the practice of forced labour within the framework of Activity 1.1 of the road map

For the purpose of legislatively establishing norms prohibiting forced or compulsory labour during cotton harvesting, a draft resolution of the President of Turkmenistan on measures for the highly organized harvesting of cotton was prepared jointly with the relevant ministries and agencies, as well as with the social partners, and submitted to the Government for consideration.

It is important to note that a new ILO project funded by the European Union, entitled "Promoting Decent Work and Preventing Child Labour and Forced Labour in Turkmenistan", has been launched. The project covers a wide range of issues related to ensuring citizens' rights in the sphere of labour and is particularly aimed at preventing child labour and forced labour, as well as promoting decent work, especially in the cotton sector of Turkmenistan.

The project will contribute to:

- further improvement of legislation;
- strengthening institutional capacity;
- development of practical mechanisms for preventing child labour and forced labour and promoting decent work.

It should be particularly noted that the implementation of the project is carried out with the support of the European Union and in close cooperation with international and national partners.

Such an approach ensures the comprehensiveness and sustainability of the achieved results.

Discussion by the Committee

Chairperson – We will begin our examination of the first case, which relates to the application of the Abolition of Forced Labour Convention, 1957 (No. 105), by Turkmenistan. We have 20 speakers on the list for the discussion of this case, and the Officers have therefore decided to reduce the maximum speaking time for individual delegates from five to three minutes. I now invite the Government representative of Turkmenistan, the Deputy Minister of Labour and Social Protection of the Population, to take the floor.

Interpretation from Russian: **Government representative** – Turkmenistan sees the work of the ILO supervisory bodies as a process of partnership and collaboration. Therefore, today I would like to speak candidly not only about the progress achieved, but also about our future plans in this regard. Turkmenistan ratified the Convention in 1997 and reaffirms its commitment to fully complying with it, both in law and in practice.

The Government, in cooperation with the ILO, is consistently implementing a series of road maps for cooperation for 2023, for 2024–2025, as well as the most recent phase, 2026. One of the practical mechanisms for the implementation of the measures covered by the 2023 road map was the signing of a Memorandum of Understanding between the Government of Turkmenistan and the ILO on observing recruitment and working conditions during the cotton harvest in Turkmenistan.

Under this mechanism, consistent observance of recruitment and working conditions during the cotton harvest is undertaken with the participation of international ILO experts. On the basis of this Memorandum, in 2025 alone 40 observers visited Turkmenistan. These comprised ILO observers and international experts.

It should be noted that no national system is perfect, and each system requires further improvement in light of new challenges and accumulated experience. In this regard, I would like to underscore, in particular, Turkmenistan's openness to constructive engagement and consistent cooperation with the ILO and its supervisory bodies, as evidenced by what I have just said.

At the same time, with regard to the report of the Committee of Experts, we would like to note that certain assessments and information contained therein, in our view, do not fully reflect the current situation and the results of work achieved by Turkmenistan in recent years. In this regard, we would, therefore, like to focus on some specific activities and results achieved, which, we hope, will provide a more complete picture.

We highly appreciate the work undertaken by the ILO to observe recruitment and working conditions in the cotton harvest. At the same time, it should be noted that such observations are, by their nature, selective studies aimed first and foremost at identifying potential risks and problematic areas. Therefore, Turkmenistan considers it important to continue working with the ILO in order to collect data that will offer the broadest possible picture of the situation in different regions of the country.

The Committee had previously made reference to the need for a clearer and more enforceable ban on forced and child labour. And in this connection, a key response was the amendments made to the Labour Code, which strengthened the legal certainty and enforceability of the ban on forced and child labour in line with ILO recommendations. In particular, in July 2024, amendments were made to the list of work in harmful and hazardous conditions, prohibiting the employment of persons under the age of 18 in such work. This list now includes cotton pickers and cotton growers.

Also, following the recommendations of the ILO made in November 2024, amendments were made to articles 8 and 23 of the Code with regard to forced and child labour. These changes were not done in isolation. They are part of a broader reform of labour legislation enshrined in the Concept for the Development of the Labour Market of Turkmenistan until 2030, which involves the improvement of labour relations, the modernization of the remuneration system and labour protection, the development of digital services and the deeper cooperation with the ILO.

In line with ILO recommendations, a draft decree of the President of Turkmenistan has also been prepared, providing for a direct ban on any form of forced mobilization of workers to participate in the cotton harvest and establishing the inadmissibility of forced or compulsory labour.

In addition, the issue of accession to the Protocol of 2014 to the Forced Labour Convention, 1930, as well as the Social Security (Minimum Standards) Convention, 1952 (No. 102), is in the final stages of approval. Progress is also being made on accession to the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

As such, the recommendations of the Committee of Experts have been transformed into concrete legislative changes and long-term institutional frameworks.

The reform of the labour inspection system is considered one of the central elements of our current policy. The ILO mission in March 2026 confirmed the need to further strengthen institutional capacity, and these recommendations have already been translated into practical work through training activities and a review of approaches to inspection oversight. In particular, in March 2026, with the assistance of ILO specialists, work began to reform the labour inspection system; a tripartite seminar was held on the fundamental Conventions, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

On 14 and 15 May 2026, representatives of supervisory and law enforcement agencies attended a seminar on forced labour, which strengthened their capacity to receive and review complaints, conduct investigations, bring perpetrators to justice, as well as protect complainants. It should be underscored that capacity-building activities are viewed by the Government as a systemic and essential part of ongoing reforms which set the basis for subsequent legislative and institutional changes.

At the same time, capacity-building efforts are accompanied by practical measures to ensure state oversight of compliance with labour laws. In 2025, for example, the labour inspectors of the Ministry of Labour and Social Protection carried out 3,867 inspections, which revealed violations of labour laws in 2,352 cases. Following the inspections, 3,040 administrative sanctions and other enforcement measures provided for by Turkmenistan's legislation were imposed on the violators.

These activities are part of a broader programme of cooperation with the ILO aimed at strengthening the capacity of law enforcement and supervisory agencies. This will be pursued in 2026–27 through a series of thematic training sessions and practical activities.

At the same time, work is under way to expand the available mechanisms for workers to seek redress and protect their rights. As part of the implementation of the road map for cooperation with the ILO, particular attention has been paid to improving complaint-handling procedures and ensuring access to effective legal remedies. To this end, ILO representatives undertook special consultations with the Office of the Ombudsman and also the judiciary and law enforcement authorities.

A further step was the strengthening of the institutional capacity of the Office of the Ombudsman. In 2024, a special sub-office on human rights in the private sector was set up within the Office of the Ombudsman, and the authorities of the Ombudsman were broadened to cover the review of complaints in connection with the activities of enterprises and organizations, regardless of their form of ownership. Particular attention has been paid to examining international experience in terms of access to complaint mechanisms, protection of complainants and building workers' trust in complaints procedures. The consultations also explored possible approaches to further developing channels for information and grievance submission, including mechanisms that ensure the confidentiality of complainants and are consistent with international practices for the protection of labour rights.

The comments of the Committee of Experts and the ILO's observations underscore the importance of eliminating structural factors that may cause a risk of involuntary labour. In response, Turkmenistan has undertaken systemic work to reform wage mechanisms in the cotton sector as a key preventive measure. It should be noted that work in this area is being done in close cooperation with the ILO. In particular, on the basis of the ILO's wage analysis and subsequent consultations, work began in 2026 to set up a more transparent and economically sound remuneration system for cotton pickers.

It should also be noted that a significant proportion of seasonal work in the cotton sector is carried out by individuals seeking to earn additional income. This is precisely why the Government is paying special attention to improving the wage system for cotton pickers and creating conditions that make voluntary employment in this sector more attractive. In this context, we would like to point out that in the reporting period, wages in the cotton sector increased twofold over the 2023–24 period.

However, we note that this is not the limit, and the Government will undertake further work gradually to increase this wage figure. We proceed from the assumption that increased wages, improved working conditions and broader opportunities for seasonal employment are the most effective instruments for preventing any risk connected with involuntary labour.

In addition, the mechanization of agricultural work is continuing steadily. We see mechanization as a crucial factor in sustainable reduction in the need for manual labour and minimizing risks connected with recruiting workers during the harvest season. As part of this comprehensive effort, the Government is consistently investing in equipment, implementing reforms in the agricultural sector and improving procurement policies.

Changing entrenched practices cannot be achieved through legislative amendments alone and must be accompanied by outreach efforts. As such, from 14 to 20 April 2026, round table discussions were held in five *welaýatlar* of the country under the auspices of the Interdepartmental Commission on Ensuring the Fulfilment of Turkmenistan's International Obligations in the Field of Human Rights and International Humanitarian Law, with the participation of approximately 350 representatives of government agencies, the prosecutor's office, relevant ministries, trade unions, and business representatives. These sessions discussed the findings of the 2025 observance of recruitment and working conditions during the cotton harvest and identified areas for further improvement.

Further to this work, representatives of local authorities and relevant agencies organized additional events to raise awareness among the local populations. In addition, in the middle of June this year, similar events are planned in more than 15 *etraplar* across all five *welaýatlar* of the country.

Cooperation with the ILO and other international partners remains a key element in implementing the recommendations of the Committee of Experts.

A new ILO–European Union project launched on 13 May of this year to promote decent work and prevent child and forced labour in Turkmenistan for the period 2026–27 serves as further confirmation of international support for ongoing reforms. This project will serve as a valuable complement to the existing road map and contribute to further improving legislation, strengthening institutional capacity and developing practical mechanisms to prevent child and forced labour.

The Government will continue its technical cooperation with the ILO, remain open to monitoring the application of the provisions of the Convention and stands ready to consider any constructive proposals to improve this work.

In conclusion, I would like to assure you that Turkmenistan will continue to attach particular importance to social and economic justice, guaranteeing fundamental human rights and freedoms. We view our cooperation with the ILO as long term, systemic and based on mutual trust.

Employer members – We thank the Government for the information that it has shared. Turkmenistan ratified the Convention, one of ten fundamental Conventions, in 1997. The

Convention calls for the eradication of forced labour. This marks the fifth time that this case has been discussed in this Committee. The Committee of Experts has issued observations on this case nine times. This history highlights the persistent nature of the issue of forced labour in the cotton sector in Turkmenistan.

At the outset, the Employer members want to re-emphasize our commitment to the abolition of forced labour. We have affirmed and continue to affirm our belief that we as social partners cannot turn a blind eye to any form of forced labour. The abolition of forced labour is essential for the promotion of decent and humane work, sustainable economic development and respect for the rule of law.

Before discussing the issues in the case at hand, it is also important to recall the context. Turkmenistan is one of the largest producers and harvesters of cotton in the world. The economy is largely state-driven and, as we have observed previously in this Committee, there are concerns about the independence and autonomy of the country's social partner organizations.

The supervisory bodies of the ILO have long expressed concerns about this case. However, we also note that the situation has evolved since this Committee's 2021 Conclusions, which called on the Government to eliminate forced labour in the cotton harvest. The Employer members were initially encouraged that the Government took up this Committee's call for action, including engaging with the ILO on a structured programme of collaboration in 2023 resulting in the first formal framework for joint action, the road map for cooperation.

That road map set out a framework to support the elimination of child labour and forced labour and is structured around four pillars: first, priority action to prevent child labour and forced labour; second, legislative reform; third, strengthened enforcement mechanisms; and, fourth, broader policy measures, including research and enhanced social dialogue.

Significantly, the road map also introduced the ability for the ILO to conduct independent observation of recruitment and working conditions in the cotton harvest. This cooperation has enabled the ILO to systematically document practices related to forced labour, child labour and broader working conditions in cotton fields and public institutions.

Despite the Government's initial progress, we note with concern that the Committee of Experts highlighted in its 2025 report a persistent violation of the Convention, specifically Article 1(b) of the Convention, which prohibits the use of forced and compulsory labour as a method of mobilizing and using labour for the purposes of economic development.

For example, the Committee of Experts cited the ILO's 2025 report on observance of recruitment and working conditions during the cotton harvest in Turkmenistan, which noted that public sector employees, prisoners, military conscripts and others continue to be forcibly mobilized to harvest cotton or pay for a replacement worker.

It is important to mention the observation that this mobilization disproportionately impacted women, who account for the majority of public sector workers and who are over-represented in low-wage roles, such that it is more challenging to hire replacement pickers. In fact, the ILO's 2025 observance report found that more than 90 per cent of the cotton pickers surveyed were women, in contrast to the gender profile for farmers interviewed, of whom only 32 per cent were women.

The Committee of Experts also took note of the International Trade Union Confederation's (ITUC) observations regarding poor working conditions, including being forced to work in extreme temperatures, a lack of personal protective equipment, limited written contracts and

wages below the living wage. The Committee of Experts further noted the observation that there was no Presidential decree that had been issued explicitly prohibiting forced mobilization.

The Employer members welcome the continued engagement of the Government with the ILO under the road map. In particular, we take note of the extension of the road map until the end of this year and the ongoing cooperation of the Government in preparing for the ILO observance of recruitment and working conditions during this year's harvest.

We also note from the Government's written response to this Committee that it has amended its Labour Code to address forced labour and child labour issues. We further acknowledge that the Government and the ILO have collaborated on and engaged in bilateral discussions, high-level missions, regional awareness-raising initiatives, political dialogue and technical assistance activities.

We look forward to the Government's continued cooperation with the ILO and its cooperation with the European Union on the recently announced project promoting decent work and preventing child and forced labour in Turkmenistan, which further aims to address the issues we are discussing here today.

However, we express ongoing concern and regret about the observations of the Committee of Experts, especially in light of the ILO's 2025 observance report which included the following findings: a finding of a persistent pattern of public employee involvement in cotton picking; a noted increase in individuals saying that they would face negative consequences for refusing work in 2025 as compared to 2024; despite possible progress compared to the 2024 harvest, the practice of paying to avoid cotton picking conscription, which continues to affect a notable share of cotton pickers; perhaps most concerning from the report, the increase in the percentage of field visits which observed children workers being present – this number increased from 23 per cent in 2024 to 38 per cent in 2025, and while the Government has recognized cotton picking and growing as harmful and hazardous work that is prohibited for people under 18, children continue to participate, whether incited by challenging economic conditions or hired or sent as replacement workers; and lastly, a particular concern, the documented increase in interference with the ILO observance activities in 2025. Notably, interference was reported in approximately one-third of visits nationwide. The Employers note that Government interference undermines collaboration with the ILO and with the social partners.

While we note the positive outcomes of the report, such as an increase in wages and reports of higher access to water and food for workers, we remain deeply concerned that initial progress is regressing. These improvements cannot offset the concerns raised by the regression in core indicators of forced labour and interference. The persistence of these practices indicates that additional efforts are needed to ensure that legal and policy reforms translate into concrete results in practice. Government cooperation is welcome, but it must be attended by concrete results. We look forward to hearing the views of the other groups in this case.

Worker members – Our Committee is once again called upon to examine the application by the Government of the Convention. Two years ago, we stressed the seriousness of the situation and called for urgent measures. This return of the case for our further consideration shows that this is not an isolated incident, but rather a structural problem rooted in the very organization of cotton production.

Two years later, it is clear that, despite the commitments made and the efforts undertaken, particularly with the involvement of the ILO, the indicators of forced mobilization in the cotton harvest remain significant. We recognize that important steps have been taken in the recent period: the 2024–25 road map, now extended until the end of this year; the ILO's technical missions; awareness-raising activities in the regions; exchanges with the Ombudsman, judicial authorities and law enforcement bodies; as well as direct observations conducted during the 2024 and 2025 harvests testify to a framework of cooperation that is now structured and sustained.

This framework has the merit of having clearly identified the areas in which action is required: the prevention of forced mobilization, the improvement of recruitment and working conditions, access to remedies and the strengthening of institutions and social dialogue.

The additional written information provided by the Government also confirms the extent of the work under way: amendments to the Labour Code adopted in November 2025, reflection on the reform of labour inspection, the preparation of a draft Presidential decree, discussions on wages, the training of supervisory and prosecution authorities, new regional round tables in 2026 and the launch of a cooperation project supported by the European Union. However, these are largely processes, preparations or capacities under construction rather than results demonstrated on the ground.

Compliance with the Convention depends not only on ad hoc adjustments, but on a review of the political and administrative framework that governs the cotton harvest. As long as production targets continue to be implemented at all levels and regional and local authorities – and those responsible for public institutions – remain involved in their implementation, there is still a risk of pressure on the workforce. Each link in this chain must therefore be clearly associated with the prohibition of forced labour and must be held to respect it in practice. This is the heart of the problem.

While the Government highlights legislative, institutional and methodological progress, the observations of the Committee of Experts and the findings collected by the ILO both continue to report, in 2024 as in 2025, indicators of forced mobilization at a similar level.

The 2025 report of the ILO observance of recruitment and working conditions in the cotton harvest in Turkmenistan, recently published, on 1 June 2026, highlights in this respect that important challenges remain to eliminate practices of forced mobilization in the cotton harvest. This ILO report confirms the findings of the latest report of Cotton Campaign released on 12 May this year which highlighted a deterioration of the situation in 2025 compared to 2024.

Public sector workers were still mobilized or forced to pay to be replaced. Allegations also concerned conscripts, detainees and persons administratively sanctioned, and adverse consequences would have continued to threaten those who refused to participate in the harvest. In other words, the announced reforms are not yet producing the corrective effect expected in practice.

Admittedly, some adjustments are reported, particularly in terms of remuneration and, according to the Government's written information, a relative improvement in access to personal protective equipment and water supplies. These developments must be noted, but they cannot obscure the essential point: the working and living conditions of cotton pickers remain deeply worrying, written contracts remain rare, remuneration remains insufficient to guarantee truly free and decent work, and the very existence of pressures to participate in the harvest undermines any partial improvement in material conditions.

In addition, there is another major reason for concern, that is, the persistent interference in data collection noted during the ILO's observance missions in 2024 and again in 2025. When the documentation of facts remains impeded, it compromises not only transparency but also the very ability to assess the progress announced.

The Government indicates that a draft Presidential decree on the organization of the cotton harvest has been prepared. But as it stands, what matters is not the existence of a project, it is the rapid adoption of a clear, public and effectively applied act, expressly prohibiting any forced mobilization.

The case of Turkmenistan has been coming back to the Committee repeatedly for several years, having been discussed in particular in 2016, 2021, 2023 and 2024. The persistence of this problem cannot be ignored. It shows that we are no longer faced with a one-off implementation deficit, but with a long-standing and persistent structural problem that now requires verifiable results.

In this context, the extension of the road map to 2026, the ongoing technical assistance and the new European Union funding are important levers, but they also reinforce the Government's requirement for accountability for the concrete effects of this cooperation.

That is why we urge the Government to immediately transform commitments, consultations, training and projects into effective guarantees for workers. The explicit prohibition of any forced mobilization for the cotton harvest must be adopted and implemented, pressure and paid substitutions must be brought to an end, labour inspection and complaint mechanisms must be strengthened, effective investigations and sanctions must be guaranteed, and cooperation with the ILO and the social partners must finally lead to the full implementation of the Convention in practice. It also implies promoting genuine freely chosen employment, continuing and expanding awareness-raising activities at all levels, and including reforms in a real tripartite social dialogue, which is the only way to produce lasting solutions.

The lack of tangible results may be explained by the absence of fundamental freedoms in the country. This remains an obstacle to ending forced labour. The free exercise of fundamental freedoms in Turkmenistan could serve as a catalyst for change. Yet, civil society cannot freely engage in monitoring the situation in the country, and workers are still denied their fundamental rights to organize independent trade unions. We invite the Government to change its policies towards the exercise of fundamental rights and freedoms in the country as a way towards the elimination of forced labour.

In the light of the findings presented to us, our message must be clear: the commitments, the road maps and the support missions cannot hide the urgency of the situation. There is no longer time for intention or experimentation; it is time to be effectively compliant. Workers in Turkmenistan need concrete results now.

The next step should not be measured solely by the initiatives announced, but by the actual changes on the ground, in the fields, in public institutions and in the lives of the workers concerned.

Interpretation from Russian: **Employer member, Turkmenistan** – Allow me, on my part, to provide some comments on the information of the Committee of Experts with regard to Turkmenistan's implementation of the provisions of the Convention. I should note that cotton growing is one of the traditional and economically significant sectors of Turkmenistan. In recent years, there has been consistent expansion of the private sector and farm holdings involved in this production. In order to increase the efficiency of agricultural production, the

State is creating favourable conditions for agricultural producers, including the free provision of land plots for a period of up to 99 years, as well as access to preferential credit lines for the development of farm holdings and the acquisition of equipment, with interest rates of around 1 per cent per annum for up to ten years. As a result of these measures, entrepreneurs and farm holdings have been actively investing in the development of the cotton sector.

Currently, a significant amount of modern equipment is used in agriculture, including more than 3,000 units of agricultural equipment acquired by entrepreneurs. At the same time, the expansion of the fleet of modern equipment continues alongside the equipment procured by the State.

In addition, the private sector is actively involved in the modernization of agricultural production. Investments by entrepreneurs in modern equipment and technology are aimed not only at increasing labour productivity, but also at further reducing the need for manual labour.

In the country, there is a system for exempting agricultural producers from a number of taxes and fees when growing the main agricultural crops, including cotton and wheat. Currently, around 340 *dayhan* [farmers' associations] are operating in the country, which are being consistently transferred to the management of the private sector. This reflects a consistent policy to develop entrepreneurship in the agricultural sector. For private agricultural producers, efficiency of production, crop quality and business sustainability in the long term are of key importance. With this in mind, employers are interested in attracting motivated workers on a voluntary basis, putting in place the conditions to enable their labour resources to be retained. In such conditions, the economic activity of private agricultural producers is based on economic efficiency, long-term investment and sustainable development of production, which objectively does not presuppose the use of forced forms of labour recruitment, but rather creates demand for regulated and contractual labour relations. Private employers do not have any administrative powers to mobilize workers and are interested in establishing stable labour relations based on voluntary employment and compliance with labour legislation.

The use of seasonal labour takes place on the basis of labour contracts. Workers are guaranteed appropriate working conditions, including personal protective equipment, food, transportation and, where necessary, temporary accommodation.

Employers themselves are interested in further improving the conditions of work and wages of workers, since competitive conditions of employment are the basis for attracting the labour force needed during the season of agricultural work.

As a representative of the Union of Industrialists and Entrepreneurs of Turkmenistan, I would like to emphasize that the country's private sector consistently adheres to the principles of social partnership and participates in the implementation of national labour reforms. The Union brings together a significant part of the country's private employers and has mechanisms for considering requests and complaints received from members of the Union and concerning members of the Union, which contributes to an additional level of internal control over compliance with labour legislation and the principles of good-faith business practice.

Through the regional structures of the Union, employers have the opportunity to seek consultations on matters with regard to the implementation of labour legislation and to receive clarifications on matters concerning compliance with international labour standards.

It is necessary to note the Union's involvement in awareness-raising activities among employers, including explanatory work within the framework of the Tripartite Commission for the regulation of social and labour relations. As part of this work, particular attention is paid to the inadmissibility of child and forced labour, compliance with legislative requirements in the field of employment and occupational safety and health, as well as raising employers' awareness of international labour standards.

The Union of Industrialists and Entrepreneurs of Turkmenistan is also actively involved in the implementation of activities provided for under the road map for cooperation between Turkmenistan and the ILO, including participation in monitoring and information activities in the field.

Employers' representatives have participated in meetings and consultations with ILO experts, training activities and discussions of practical measures aimed at improving labour conditions in the cotton sector. We see this type of cooperation as an important element in the further development of social partnership and in strengthening a culture of compliance with labour rights. Thus, representatives of the private sector see cooperation with state bodies and the ILO as an important instrument for further improving labour relations and strengthening the principles of decent work in the country.

The employers of Turkmenistan affirm their readiness to continue participating in the implementation of joint activities with the Government, trade unions and the ILO aimed at improving working conditions, developing voluntary employment and strengthening the principles of decent work in the agricultural sector.

Interpretation from Russian: **Worker member, Turkmenistan** – On behalf of the National Trade Union Centre of Turkmenistan, I express appreciation to the ILO for its consistent work to promote the principles of decent work, social justice and fundamental rights in the sphere of labour. As is well known, trade unions in all countries of the world, while maintaining common goals and tasks in protecting the rights and interests of workers, carry out their activities taking into account the national specificities of each country.

Historical, cultural and socio-economic conditions determine the forms and directions of their work, while their commitment to international labour standards remains unchanged. The National Trade Union Centre of Turkmenistan has consistently been in favour of the goals and principles of the Convention and considers the ensuring of free and voluntary labour as an essential condition for sustainable development and social stability.

During the reporting period, the trade unions of Turkmenistan continued their work to strengthen social dialogue, develop social partnership and promote international labour standards in close cooperation with the Government, employers' organizations and the ILO. A mechanism of great importance in this regard was the Tripartite Commission for the regulation of social and labour relations, whose activities contribute to constructive dialogue between the social partners and the development of agreed solutions on current issues in the field of labour and employment.

Trade union organizations in Turkmenistan carry out public oversight of compliance with labour legislation, the conditions of collective agreements and occupational safety and health requirements. Significant attention is paid to the legal education of workers and to raising their awareness of labour rights and guarantees. Collective agreements are in force in most enterprises and institutions in the country and constitute an instrument for regulating social and labour relations and ensuring social guarantees for workers. An important area of activity of the National Trade Union Centre of Turkmenistan is participation in the implementation of

the road map for cooperation between Turkmenistan and the ILO. As part of this work, trade unions participate in information and awareness-raising activities, training programmes and consultations aimed at raising awareness among workers and trade union activists of the inadmissibility of any form of forced labour, with particular attention paid to the Convention. Round tables and seminars took place in 2025, and the National Trade Union Centre, together with the Bureau for Workers' Activities (ACTRAV), carried out 15 such events. Further development of the cooperation between the trade unions of Turkmenistan and the ILO may take new forms of partnership.

For the first time in the history of the trade union movement in Turkmenistan, ACTRAV and our trade union centre signed and successfully implemented a joint activities plan, and this work is being pursued this year on the basis of what has already been done. A series of activities has been undertaken, including various events in cooperation with the States of Central Asia and elsewhere.

In April 2026, our centre was involved in an occupational safety and health event together with counterparts from Central Asia. Further such events are also planned, not only in Central Asia but also beyond our region, involving our members. Continuation of this work is part of the joint action plan between ACTRAV and our union centre until 2027, which sets out future areas of work involving, for example, training of trade union activists and workers on fundamental labour principles.

In recent times, trade unions have also been involved in training at the International Training Centre of the ILO in Turin. This is the first time for us.

We particularly value the support of the ILO and ACTRAV which is making a major contribution to strengthening the rights of workers and their upholding in law and practice. Particular attention is paid to labour protection and public oversight, particularly in potentially hazardous conditions in agriculture.

In the run up to the cotton harvest campaign, we have sought to take additional measures to protect workers in this area, to protect them from hazardous conditions in the cotton fields, including various forms of personal protective equipment, masks and so on, to ensure that their health can be preserved and also to uphold the basic labour rights of workers in this branch.

We believe that upholding the Convention can be achieved through mutual trust and cooperation between partners to ensure that all basic fundamental rights and freedoms are observed. The National Trade Union Centre of Turkmenistan reaffirms its commitment to the principles and values of the ILO and expresses a willingness to actively participate in the promotion of decent work, social justice and the fundamental rights of workers. We also stand open to further dialogue with the ILO and international organizations and invite them to ask about this purpose, as appropriate.

Government member, Cyprus – I have the honour to speak on behalf of **the European Union and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania,** the **Republic of Moldova**, and the European Free Trade Agreement (EFTA) country **Norway**, member of the European Economic Area, align themselves with this statement.

The European Union and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights and the abolition of forced or compulsory labour in all its forms, as enshrined in the Convention. 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 European Union is dedicated to supporting the Government's efforts to transition towards a more sustainable, green economy while simultaneously enhancing its business environment. This is one of the reasons why the European Union actively supports the Government's dialogue with the ILO and the Organization's activities in monitoring the cotton harvest in the context of forced and child labour. We are also ready to support further the implementation of the road map of cooperation between the ILO and the Government, extended until the end of 2026, which focuses on the strengthening of legal and policy frameworks, labour inspection, awareness-raising and the promotion of an enabling environment for effective social dialogue.

Our support has been concrete, in the form of the ILO–European Union project Promoting Decent Work and the Prevention of Child and Forced Labour in Turkmenistan. The €2 million project until 2027 was launched on 13 May 2026. Implemented in partnership with the Government, the project will support ongoing efforts to strengthen the legislative framework, enhance institutional capacity and advance the ratification and implementation of key ILO instruments, including the Protocol of 2014 to the Forced Labour Convention, 1930, the labour inspection Conventions, the occupational safety and health Conventions and social security Convention No. 102. We look forward to the project's contribution to the effective prevention and elimination of forced labour and child labour in line with international labour standards.

While the European Union and its Member States recognize the commitment and cooperation of the Government in this important endeavour, we must also note with serious concern the ILO's 2025 report on its observance of recruitment and working conditions in the cotton harvest in Turkmenistan, published on 1 June 2026. Both the Committee of Experts and this report illustrate how many major challenges in the elimination and further prevention of child labour and forced labour remain.

We note that the Committee of Experts has pointed to persistent forced labour in cotton production and called for its elimination in law and practice. We urge the Government, in cooperation with the ILO and social partners, to ensure the full elimination of forced and compulsory labour in the cotton sector.

We remain concerned by reports that public sector employees, including school, hospital and enterprise staff, were mobilized during the 2024 and 2025 harvest or pressured to pay for replacement pickers. We are also concerned that women were disproportionately affected, and by allegations concerning the mobilization of prisoners and military conscripts. No person should face coercion or penalties linked to forced mobilization in cotton production.

We recall the importance of eliminating the compulsory quota system and ensuring that no one is punished for failure to fulfil production quotas. We therefore urge the Government to issue, as a priority, the Presidential decree prohibiting coerced mobilization for the cotton harvest and to ensure its implementation at all levels.

We are also concerned by interference during data collection affecting the ILO observance teams, while they were gathering information during the cotton harvest monitoring exercise.

We also note with concern the difficult and dangerous conditions faced by cotton pickers, including extreme temperatures, lack of food and water, poor sanitary conditions, limited access to protective equipment, insufficient written contracts and remuneration that does not ensure a living wage. We call on the Government to improve recruitment and working conditions and to ensure that all labour in the cotton harvest is genuinely voluntary. We also urge the Government to strengthen labour inspection, law enforcement and complaints mechanisms, and to ensure effective remedies and protection against retaliation.

We further underline the importance of accountability. We urge the Government to investigate allegations of forced labour, to prosecute and sanction appropriately any public official involved and to ensure that enforcement mechanisms operate effectively in practice. We also encourage continued awareness-raising and meaningful engagement with independent employers' and workers' organizations.

The European Union and its Member States will continue to follow the situation closely and remain committed to supporting the effective application of fundamental labour standards. And in this context, we would like to recall the European Union's Forced Labour Regulation, which introduces a ban on products made with forced labour, ensuring they cannot be sold in the European Union market, which will enter into full force in December 2027.

We take note of the additional written information provided by the Government and of its stated intention to cooperate with the ILO. We call on the Government to translate this cooperation into concrete progress. We urge the Government to intensify this engagement within a cooperation framework, extended to 2026 to implement the recommendations of the Committee of Experts and ensure compliance in law and practice with the Convention.

Government member, United Kingdom of Great Britain and Northern Ireland – I am speaking on behalf of the **United Kingdom** and **Canada**. We have been engaged directly on the issue of forced labour in Turkmenistan's cotton harvest for several years. We thank the Government for the recent written information provided on its implementation of the Convention. We note that the information highlights several measures undertaken by the Government with the aim of addressing the observation of the Committee of Experts, including via the road map for cooperation activities between the ILO and the Government for 2024 to 2026, which was adopted after the ILO high-level mission in February 2024.

The Turkmen Parliament's prohibition of child labour in the cotton harvest is commendable and highly encouraging. This must be backed by thorough implementation and enforcement of this and other labour laws to ensure that all employees are adults, participating by their own choice and are paid a fair wage. This action, along with steps to increase the price paid to farmers and salaries of farm workers, is an essential step to ensure that all cotton harvesters are working in the sector by their own volition.

We also note the wider developments outside the scope of the Convention, such as technical assistance to increase victims' access to effective remedies, and Turkmenistan's National Action Plan for Combating Trafficking in Persons for 2025–29.

While we are pleased to see progress, we still remain deeply concerned and we strongly urge the Government to take immediate and effective action to:

- ensure that legislative protections for workers are enforced across all farms, ensuring labourers are adults working by their own choice, under the correct working conditions and receiving correct fair payment;
- continue to work constructively and collaboratively with the ILO, the United Nations Resident Coordinator, independent social partners and other development programmes;
- continue to avail itself of ILO technical assistance for the Convention, the other relevant Conventions outlined in the road map and accession to the Protocol of 2014 to the Forced Labour Convention, 1930.

With committed action and support from partners including the ILO, the Government can eliminate forced labour and improve recruitment and working conditions across all sectors, including in the cotton sector.

We hope that the Government's next report to the Committee of Experts will highlight the full implementation of the road map and further positive developments towards the elimination of forced labour in Turkmenistan.

Employer member, United States of America – It was my distinct honour to serve as our Employer spokesperson for the case involving Turkmenistan during the 2024 discussion at the Committee. I was heartened that, during the discussion of the case, the Government expressed its understanding and acknowledgement of the scale of the problem in its country. It gave every indication that its engagement was meaningful and real and that it wished to take measured steps to better investigate and remediate the issues regarding forced labour in its cotton harvesting. We continue to welcome that engagement, both past and present, and we wish to thank the Government for its participation in this Committee and with the ILO more broadly. We nonetheless and respectfully request the Government do more to transform its substantial engagement into more concrete results. This is, of course, a complex problem that is made much more complex by Turkmenistan's critical reliance on cotton exports for its country.

The United States took a direct step to ban the import of Turkmen cotton in 2018. There is also much more occurring with the private sector to ensure that cotton associated with retail and other goods is not the product of forced labour. We take no pleasure in recounting economic sanctions against a State like Turkmenistan, but acknowledge that such steps can manifest positive change, or at least facilitate policy that is designed to further compliance with the Convention.

So where to from here? Governments and the social partners will almost certainly continue to press until material and measured steps can be reported. With this in mind, we recall that the 2024–25 road map contained, among other components: first, the preparation of a presidential decree as a first step towards legislative reform, as well as public awareness; second, strengthening the enforcement of legislative and international labour standards, including the contemplation of an industry-wide grievance mechanism.

At the risk of being prescriptive, we note that the combination of public pronouncements from leadership, in combination with further public awareness and legitimate grievance mechanisms, can be powerful first steps. Indeed, to this end, we note the Government's department for the protection of human rights and our wish to better understand any obstacles and whether complaints from public sector workers, which would include workers in the cotton industry, have been or could be taken.

Beyond these steps, we would further ask that the Government allow the ILO to independently and fully collect data or information and to fully support workers in engaging with the ILO.

Government member, Kazakhstan – Kazakhstan expresses its support for the Government's efforts to ensure the effective implementation of the Convention. We take note of the issues raised by the Committee of Experts and welcome the Government's constructive engagement with the ILO supervisory bodies. Kazakhstan recognizes the importance of eliminating all forms of forced or compulsory labour. At the same time, we believe that the implementation of international labour standards should take into account national legal systems, institutional capacities and socio-economic conditions. In this regard, we encourage the Government to continue strengthening its legal and institutional framework, in cooperation with the technical assistance of the ILO and social partners, where appropriate. We are confident that the Government will continue its constructive cooperation with the ILO to ensure the effective implementation of the Convention.

Worker member, Denmark – I will be speaking on behalf of the Nordic, the French and the Italian workers, as well as the workers of the General Union of Workers (UGT), Spain.

Forced labour is one of the most serious violations of fundamental rights at work. The Convention requires the abolition of forced or compulsory labour, including where it is used as a method of mobilizing labour for economic development. In Turkmenistan, this issue remains deeply concerning. The Committee of Experts has once again expressed concern about the continued use of compulsory labour in cotton production. When workers in other professions are forced to either pick cotton or to pay for replacement pickers, under threat of consequences at work or in their daily life, this can never be considered voluntary employment. The situation is, of course, made even more serious by the reported involvement of children in the cotton harvest. Children should be in school and protected from hazardous work.

Forced labour cannot be ended only through general commitments. There must be clear regulations prohibiting coerced mobilization, effective complaint mechanisms, labour inspection and real sanctions where officials or institutions impose forced labour. Furthermore, workers, farmers, journalists, human rights defenders and labour rights monitors must be able to speak freely and report violations without fear of retaliation.

Cotton produced through forced labour does not remain only a domestic issue; it also creates serious risks for global supply chains. It can enter textiles, garments and other products sold internationally. This means that violations committed in the fields may be carried through supply chains and reach consumers and companies far beyond Turkmenistan.

This is why Governments are increasingly taking action. For example, the United States of America has banned products made with Turkmen cotton; Canada and Mexico have banned goods made with forced labour. In the European Union, the Forced Labour Regulation will fully apply from 2027, prohibiting goods made with forced labour in the European Union market.

These developments send a clear message: no company, buyer or government should or will benefit from cotton produced through forced labour. Global supply chains must be based on decent work, transparency and respect for fundamental labour rights. For this reason, eliminating forced labour in Turkmenistan's cotton sector is not only important for the workers directly affected, it is also necessary to ensure that international markets are not built on coercion and exploitation.

We urge the Government to take immediate and effective measures to ensure the complete elimination of forced labour, to protect children and workers from exploitation, to cooperate fully with the ILO and independent social partners and to ensure that cotton from Turkmenistan is produced in full respect of the Convention. Workers must not be forced to pick cotton. They must not be forced to pay others to pick cotton. And they must not face punishment for refusing forced labour.

Government member, Switzerland – Switzerland supports the statement made by the European Union and wishes to make the following points. Switzerland takes note of the measures announced under the road map for 2024–25, particularly the cooperation with the Office and certain initiatives intended to improve working conditions in the cotton sector. We also note institutional developments, including in the area of preventing forced labour.

Nevertheless, Switzerland expresses its deep concern at the persistence of the widespread use of forced labour in cotton production, as noted by the Committee of Experts and by this Committee in June 2024. Indicators of forced mobilization continued to be observed in the 2024 and 2025 harvests, including the compulsory participation of public sector workers, conscripts, prisoners and other vulnerable groups.

Switzerland also deplores the reports of coercive practices, such as the requirement for workers to pay for a replacement in order to escape the harvest, as well as threats of sanctions if they refuse to participate. Furthermore, we are concerned at the difficult working conditions, including exposure to extreme temperatures, a lack of adequate protective equipment and limited access to decent living conditions.

Switzerland notes with concern that, despite the priorities set out in the road map, no Presidential decree explicitly prohibiting the coerced mobilization of workers for the cotton harvest has been adopted to date. We also underline concerns relating to interference in observation activities and the lack of registered complaints, which raises questions regarding the effectiveness of complaints mechanisms.

In this context, Switzerland urges the Government to redouble its efforts for the total elimination of the use of forced labour in line with the Convention, including by promulgating a Presidential decree explicitly prohibiting the coerced mobilization of workers for the cotton harvest. We particularly encourage the authorities to abolish the quota system, guarantee that no one is forced to participate in this activity and strengthen labour inspection.

Lastly, Switzerland encourages the Government to pursue and strengthen its cooperation with the Office and the social partners in a spirit of transparency and dialogue in order to ensure the full application of the Convention in practice.

Worker member, Switzerland – The Committee of Experts has once again rightly raised the issue of violations of the Convention in the cotton sector in Turkmenistan. Public sector employees continue to be required to pick cotton or to pay for replacement pickers, under threat of penalties such as wage cuts, termination of employment or other sanctions.

Women are disproportionately impacted by the forced labour system in Turkmenistan. More than 90 per cent of cotton pickers surveyed in the ILO's 2025 observance mission report were women. Women make up the majority of workers in healthcare and education. Women are also over-represented in low-wage civil service jobs such as caretakers in residential buildings, school janitors or hospital orderlies. They are thus less able to afford payment for replacement pickers than male public sector employees. It has also been reported that police have forced women accused of prostitution to work in cotton fields. Women in Turkmenistan face restrictions in public life and lack representation. This increases the risk of gender-based violence, including sexual harassment, during cotton picking. There are no independent women's rights organizations able to raise such complaints openly.

Cotton pickers do not have safe and healthy working conditions. In August, temperatures frequently reach 40 degrees Celsius. In open fields without shade, workers often lack adequate access to safe drinking water, sanitation facilities, protective equipment, as well as information and warnings regarding the use of chemicals. We also note with concern that child labour continues to be documented, despite strengthened legal prohibitions introduced by the Government in 2024.

The ILO's 2025 observance report states that the share of field visits during which observers reported the presence of children increased from 23 per cent in 2024 to 38 per cent in 2025. Child labour in cotton picking is directly linked to the forced labour system, as many children pick cotton to earn income as replacement pickers for mobilized workers, to replace their relatives and to support their families in meeting assigned quotas.

We recognize that the Government has accepted engagement with the ILO to address forced labour and has allowed the ILO to monitor the harvest. However, Turkmenistan continues to severely restrict civic freedoms, which makes it impossible for civil servants

themselves to challenge the forced labour system. We therefore call upon the Government to take all necessary measures to ensure the complete elimination of compulsory labour, in particular with regard to public sector workers in cotton production, and to protect children from related child labour.

Interpretation from Russian: **Government member, Belarus** – At the outset, I would like to thank the Government for the information supplied. We welcome the effort of Turkmenistan to apply the Convention and the measures being taken to improve national legislation and its application in accordance with international labour standards.

We note the constructive cooperation between the Government of the country and the supervisory bodies of the ILO and the Office, including the implementation of the joint road map and strengthening of technical dialogue with the ILO. We see this as a good example of the openness and responsibility of the Government in its implementation of international obligations. We note with appreciation the efforts of the authorities aimed at preventing forced labour, increasing awareness among workers and employers with regard to labour rights and also the development of national oversight and monitoring mechanisms in the labour sphere. The gradual development of the national labour system and the strengthening of institutional capacity will require time, consistency and support from the ILO.

We are convinced that continuing constructive dialogue and cooperation will contribute to Turkmenistan's further progress in implementing the Convention and achieving decent working conditions for all workers.

Worker member, Kingdom of the Netherlands – I speak on behalf of Dutch and Belgian workers. The Government maintains comprehensive control over the cotton production system. Forced labour is a direct outcome of the state organization of production. The State owns agricultural land and leases it to farmers, determines which crops must be cultivated – primarily cotton, wheat and rice – and sets annual production quotas. It also fixes the prices at which it purchases cotton from farmers and controls the cost and availability of essential agricultural inputs, including machinery, irrigation water, fuel, fertilizers, pesticides, seeds and defoliants.

During the 2025 cotton season, tenant farmers continued to face serious obstacles in accessing agricultural inputs and machinery. These difficulties, driven by entrenched corruption, abuse of authority and preferential treatment of politically connected landholders, affected farmers throughout the production cycle – from sowing to harvesting – and undermined their ability to meet state-imposed quotas.

In addition to state-controlled pricing that often fails to cover production costs, some farmers faced arbitrary deductions at state cotton collection points. In the Mary *welaýat*, for example, officials reportedly reduced the recorded weight of delivered cotton by 90 to 160 kilograms per tonne, citing moisture content or impurities without conducting any verifiable testing. As a result, many farmers received even lower payments for their harvests.

Debts accumulated during one season are frequently carried over to the next, trapping farmers in a cycle of dependency and economic vulnerability. Often, they must sell their livestock to pay off the debts. Following the 2025 harvest, reports indicated an increase in the number of farmers who returned their leased land to the State and sought work abroad, including in Uzbekistan, the Russian Federation, Belarus, Poland and Türkiye. Their decision reflects the growing inability to sustain their livelihoods under the current cotton production system.

We urge the Government to build on the initial measures taken during the 2023 and 2024 cotton harvests to address state-imposed forced labour. These efforts should be expanded through comprehensive reforms that tackle the structural causes of coercion, strengthen the rights and economic security of farmers and workers, ensure fair access to agricultural inputs and markets and permit independent monitoring, reporting and accountability throughout the cotton sector. Only by addressing these root causes can Turkmenistan create a cotton industry that is fair for farmers, permitting a sustainable livelihood that is free from forced labour.

Worker member, Germany – I speak on behalf of workers in Germany, Canada and the American Federation of Labor and Congress of Industrial Organizations. We remain gravely concerned about the state-imposed forced labour of public sector employees in cotton picking, which continued on a widespread and systematic basis during the 2025 harvest.

The Government has also prohibited and banned all mechanisms of oversight, all sources of objective and independent information. There are no legal mechanisms to challenge forced labour, as prosecutors and courts are not independent. The Government continues to restrict civil space and freedoms, including freedom of expression and freedom of association. In such an environment, civil servants have no possibility to refuse to either pick cotton or pay for replacement pickers. Reporting on forced labour in the cotton harvest, as well as taking photos or videos thereof, remains highly dangerous. In one documented case from 2025, a citizen filming state employees weeding cotton fields was arrested for several hours by an officer of the Ministry of National Security and released only after his phone was searched and the video deleted.

The Government has made no public statement prohibiting forced labour. No complaint mechanisms exist for workers or farmers, and no officials responsible have been held accountable. The country's only trade union structure, the National Trade Union Centre, does not protect workers from forced labour. On the contrary, it is part of the system itself, providing lists of potential victims of forced labour and collecting money from state employees to hire replacement pickers. This state-controlled body monopolizes trade union activity in Turkmenistan.

Ending forced labour requires urgent reforms that empower workers and farmers to exercise their rights and enable the establishment of independent trade unions beyond the National Trade Union Centre. It also requires independent media and initiatives for human rights that can operate freely and report violations without fear of retaliation. We therefore call on the Government to initiate such reforms to eradicate forced labour. Independent labour monitors, independent trade unions, journalists and human rights defenders should operate freely to document and report labour conditions without fear of reprisal. We further urge the Government to involve international social partners in the reform process, in line with the 2024 Committee conclusions and the full application of the Convention.

Worker member, Poland – On behalf of the Independent and Self-Governing Trade Union Solidarność from Poland, I welcome the opportunity to contribute to this discussion. Our intervention is grounded on the objective findings of the independent monitoring of the 2025 cotton harvest in Turkmenistan.

The evidence demonstrates that the state-imposed forced labour system remains deeply embedded, driven by authoritarian control and institutional corruption. In 2025, the State mobilized public sector employees – including teachers, doctors and workers at utility organizations – and conscripts to pick cotton or extorted them to pay for replacement cotton pickers. At the same time, state production quotas do not reflect the harsh realities of climate change, rising temperatures and water scarcity. Instead of receiving structural support,

farmers are forced to pay bribes to local officials just to access irrigation water to meet these rigid state mandates.

We welcome the fact that in 2024 and 2025, the Government allowed the ILO to monitor the harvest. This is a vital step towards formal engagement. However, persistent interference remains a critical challenge. In 2024, independent monitors reported instances where public healthcare employees were prevented from meeting with the ILO, while those permitted to speak were coached to falsely claim that no mobilization had occurred. This exemplifies what the ILO itself has recognized: that state-imposed forced labour operates within a "pervasively coercive wider social context" where a lack of civic freedoms renders victims unlikely to speak freely. Furthermore, in Turkmenistan, independent domestic monitors face immense personal risk to document forced labour conditions.

The 2025 harvest also demonstrated that purely "technical" solutions, such as mechanization, cannot resolve the root causes of forced labour. Lacking the ability to challenge forced labour by state authorities, public sector workers were still forced to clean harvesting machines and hand pick the cotton left behind. As the regional experience of Uzbekistan has shown, economic and technical adjustments fail to achieve decent work without the expansion of workers' fundamental rights.

Progress requires addressing the root causes. We urge the Government to deepen its cooperation with the ILO by prioritizing fundamental rights, specifically freedom of association, freedom of expression and collective bargaining. True reform must empower workers, grant genuine autonomy to farmers and allow independent monitors to operate freely without fear of retaliation.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – I am speaking on behalf of the IUF, Education International and the Cotton Campaign, a global coalition working to end forced labour in cotton production in Central Asia. We welcome the Government's engagement with the ILO and its willingness to participate in dialogue. However, the Government's written information focuses heavily on process – round tables, draft measures and future consideration – rather than on concrete action to end the long-standing state-imposed forced labour system. This gap between process and implementation was clearly reflected in the 2025 harvest.

Despite ongoing cooperation with the ILO, officials continued to mobilize school teachers, kindergarten staff, nurses, utility workers and other public institution employees to pick cotton or pay for replacement pickers. Workers continued to face pressure and threats, including loss of wages, disciplinary consequences or fear of losing their jobs.

The ILO's 2025 observance report confirms that forced mobilization of workers in the harvest continues. We are also concerned by the increase in interference during the ILO observance mission. This raises questions about the Government's political will to cooperate with the ILO and end forced labour.

We are deeply concerned that, despite legal prohibitions introduced in 2024, child involvement in cotton picking in fact worsened in 2025. Children often end up in the fields because they replace adults mobilized to pick cotton or because poverty pushes families to rely on their labour.

The Government reports the preparation of a draft Presidential decree on organizing the cotton harvest in 2026. To meaningfully address state-imposed forced labour, such an unequivocal decree must make it clear that the use of forced labour in the harvest, or money

extortion, are prohibited. A political statement is already envisaged in the road map that the Government signed with the ILO, but this commitment remains unimplemented.

Effective implementation of the road map requires the development of grievance mechanisms, protection from retaliation and accountability for officials responsible for forced mobilization. The Government has failed to implement any of these steps. Finally, in Turkmenistan, trade unions do not protect workers from forced labour. Instead, they are often involved in the forced labour system by collecting money from workers or drafting mobilization lists in the workplace.

The Government should take urgent steps to introduce meaningful reforms that address root causes of forced labour, reforms that emphasize fundamental rights, especially freedom of association, freedom of expression and collective bargaining rights.

Interpretation from Russian: **Government representative** – Allow me, on behalf of the delegation of Turkmenistan, to thank all those who have taken part in this discussion for their statements, proposals and recommendations. We have listened carefully to the representatives of governments and workers' and employers' organizations, and all the comments made in the course of the discussion will be objectively studied and considered from the point of view of their practical use in future work.

Turkmenistan reaffirms its commitment to the obligations arising from the Convention and stands ready to continue consistent work for its practical application in cooperation with the ILO. We have taken on board the assessments expressed during the discussion with regard to the further improvements of mechanisms to prevent forced labour, the strengthening of law enforcement practices, the enhancement of the efficiency of complaint handling and the expansion of access to legal remedies. These areas of work are already covered by the current cooperation between Turkmenistan and the ILO, and they will remain among our priorities.

We would also like to underscore that Turkmenistan continues to work further to bolster the legal and institutional guarantees aimed at preventing any form of forced labour. In this connection, measures are being consistently implemented to improve the legal framework, including draft regulations aimed at further reinforcing the prohibition of forced labour in cotton harvesting. At the same time, work continues to develop mechanisms for submitting and reviewing complaints, ensuring access to legal remedies and strengthening the capacity of competent authorities to respond to potential labour rights violations. We would like to underscore that the road maps for cooperation between Turkmenistan and the ILO are not just formal documents, but an effective mechanism to define joint priorities and practical steps.

We stand convinced that, for sustainable results to be achieved, there is a need for consistent and long-term work. Further progress can only be achieved though the ongoing constructive cooperation by all interested parties on the basis of the objective data, the results of practical work and mutual trust.

Worker members – We thank the Government for the information that they have provided, and likewise all the distinguished colleagues who contributed to this discussion. Our Committee has returned repeatedly to the case of Turkmenistan, and this recurrence confirms that the problem is not episodic, but structural. While we recognize the steps taken by the Government in cooperation with the ILO, the findings before us show that indicators of forced mobilization in the cotton harvest remain present at a troubling level. The observations of the Committee of Experts and the ILO's 2025 observance report both make clear that progress in process and cooperation has not yet translated into sufficient change in practice. Public sector workers continue to be involved in the harvest, some workers still report pressure or adverse

consequences for refusing to participate, and the practice of paying for a replacement has not been eliminated.

The Government must now turn commitments into enforceable guarantees.

First, it should urgently adopt and implement a clear, public Presidential decree expressly prohibiting any coerced mobilization for the cotton harvest. This is a central recommendation of the Committee of Experts and a priority that also appears in the 2025 observance report.

Second, the Government should address the structural drivers of coercion by ensuring that no worker is threatened with punishment, loss of wages, salary cuts, job-related consequences or social penalties for refusing to pick cotton, and by ending the practice whereby workers must pay to avoid participation or send a replacement in their stead.

Third, the Government should continue to review the production system that creates pressure throughout the cotton chain. As long as production targets and administrative expectations continue to weigh on regional authorities, institutions and farmers, the risk remains that this pressure will be transferred to workers. The recommendations of the Committee of Experts regarding the quota system therefore remain highly relevant.

Fourth, clear instructions must be issued and enforced at every level of administration, and any public official involved in forced mobilization must be effectively investigated, prosecuted and sanctioned. Strengthening labour inspection, law enforcement, complaints handling and access to remedies is essential if the prohibition of forced labour is to be effective in practice.

Victims of forced mobilization must have access to confidential complaints mechanisms, protection against retaliation and effective remedies. At the same time, the Government should ensure that labour monitors and observance teams can operate without interference, since transparency is indispensable to measuring real progress on the ground.

The 2025 observance report also shows that improvements in wages and some welfare conditions have not yet been matched by adequate contractual and occupational safeguards. The Government should therefore improve recruitment and working conditions through wider use of written contracts, better wage protection, stronger occupational safety and health measures and the reliable provision of food, water and personal protective equipment.

We are also bound to express serious concern at the increase in children's presence in the cotton fields recorded in 2025. The Government should strengthen enforcement of the prohibition on child involvement in cotton picking, research and address the root causes identified and ensure that preventive action is integrated into the broader implementation of the road map.

Finally, continued cooperation with the ILO and genuine engagement with employers' and workers' organizations must remain at the centre of the response. Awareness-raising, social dialogue, fair and transparent recruitment systems and stronger protection frameworks for complainants and victims should all be pursued as part of a coherent effort to secure full compliance with the Convention in law and in practice.

In short, the Government has before it a clear set of priorities: prohibit coerced mobilization explicitly, remove the pressures that sustain it, protect workers who refuse, investigate abuse, improve recruitment and working conditions, prevent child labour and ensure transparent implementation with the support of the ILO and the social partners.

The message of this Committee should therefore be clear: the time has come for tangible, verifiable and lasting results. Road maps, missions and legislative discussions are important,

and these efforts must be maintained; the Government should keep engaging with them, but they must now lead to measurable changes in the fields, in public institutions and in the daily lives of workers in Turkmenistan.

To implement all these recommendations, we call on the Government to accept an ILO technical advisory mission with the support of the ITUC and the International Organisation of Employers. We indeed feel that the persistence of the issues in Turkmenistan demands a multi-stakeholder approach where both international workers' and employers' organizations need to be involved in a sustained and recurrent institutionalized ILO effort to work towards the definitive elimination of forced labour in the country.

Employer members – The Employer members would like to thank the speakers who took the floor for their interventions. We also thank the Government for the information it has provided and its ongoing commitment to cooperation with the ILO supervisory system and to the eradication of forced and child labour in Turkmenistan. In closing, 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 target the most vulnerable categories of society or are orchestrated by central authorities. Thus, our position is aligned in this regard with the Committee of Experts. While we welcome the Government's willingness to collaborate with the ILO, we remain concerned about the persistent gap between this stated willingness and tangible on-the-ground results.

The Employer members thus request the Government to: ensure the complete abolition of all forced labour in Turkmenistan by enforcing national laws that prohibit the use of forced and child labour in alignment with ILO Conventions, including through effective enforcement and accessible complaints mechanisms; continue taking measures to raise public awareness of the prevention of forced mobilization in cotton picking and to improve the recruitment and working conditions of cotton pickers; and continue engaging with the ILO to ensure the full application of the Convention in law and in practice, including the full implementation of the outstanding elements of the road map for cooperation. This includes issuing a public statement condemning forced labour in the cotton sector, including the practice of paying for replacement pickers.

We further request the Government to meaningfully involve international independent social partners in the reform process, in line with the 2024 Conclusions of this Committee, and to fully cooperate with ILO during the 2026 observance of recruitment and working conditions, including removing any Governmental interference.

We trust that the Government will implement such recommendations in a timely manner to achieve full conformity with the Convention, in both law and practice.

Chairperson – We conclude the discussion of this case. I thank the Deputy Minister and all speakers who took the floor for their participation.

Conclusions of the Committee

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

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

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

- **ensure the complete elimination of compulsory labour;**
- **eliminate the compulsory quota system for the production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production, in line with Convention No. 105;**
- **improve recruitment and working conditions in the cotton sector in line with the Convention;**
- **issue clear instructions on the prohibition of forced labour, strengthen labour inspection and law enforcement;**
- **ensure the full implementation of the road map for cooperation between the ILO and the Government, in consultation and cooperation with the social partners, and continue engaging with the ILO to secure the full application of the Convention in practice;**
- **ensure that victims of forced mobilization have access to effective remedies, including measures to prevent future harm;**
- **strengthen enforcement of the prohibition on child involvement in cotton picking, integrate preventive action into implementation of the road map;**
- **promote social dialogue in cotton production and continue cooperation with the ILO and employers' and workers' organizations, including through awareness-raising and outreach at national, regional and local levels, to ensure the full application of the Convention in practice.**

The Committee invited the Government to accept ILO technical assistance and requested the Government to provide, by 1 September 2026, detailed information on the concrete measures taken, in consultation with the most representative employers' and workers' organizations, to implement these recommendations and the road map, as well as on the concrete results achieved in law and in practice.

Interpretation from Russian: **Government representative** – The delegation of Turkmenistan takes note of the recommendations made. Once again, we would like to assure you of our country's attachment to the obligations under the Convention. At the same time, it should be noted that a significant number of the questions reflected in the Committee's conclusions are already the subject of technical cooperation between Turkmenistan and the ILO and reflected in the road maps being implemented. In recent years, the transition to regular and substantive cooperation with the ILO has been ensured, observations of working conditions during the cotton harvest have been organized and numerous missions of ILO experts have been conducted, as well as measures to enhance legislation, strengthen labour inspection capacity, develop grievance mechanisms and raise awareness. We consider this work as ongoing and long term in nature.

Turkmenistan stands ready to continue implementing the road map for ILO cooperation, including measures to prevent forced labour, to enhance oversight and grievance mechanisms and also to build capacity among competent authorities. With regard to the recommendation on the technical support of the ILO, we affirm our willingness to engage in further practical coordination with the relevant ILO bodies in order to agree on next steps for the implementation of such assistance. We stand ready to further develop practical cooperation

with the ILO's workers' and employers' organizations. We are convinced that to achieve sustainable results, we will need to base them on constructive dialogue, mutual trust and objective consideration of the efforts made and the progress achieved.

Uruguay (ratification: 1954)

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

Written information provided by the Government

With regard to the views of the Committee of Experts that "all collective agreements establishing conditions of employment shall result from an agreement between employers or employers' organizations, and workers' organizations", it should be noted that in Uruguay there is full freedom of association and collective bargaining at all levels (sector, enterprise, establishment and so forth), and, across all forms of bargaining (tripartite in Wage Boards and bilateral through collective agreements), there is 71 per cent collective bargaining coverage of the active labour force in the private and public sectors.

When this communication was being prepared, the second phase of the 11th round of meetings of Wage Boards was under way; these tripartite bodies, organized by branch of activity, have fixed the minimum wage since 1943. Since their reactivation in 2005, the meetings of the Wage Boards have taken place every two or three years, in line with the duration of the respective decisions.

It should be reiterated that the system of collective labour relations in Uruguay ensures the "free and voluntary nature of collective bargaining", in as much as the Executive does not intervene whatsoever in the negotiation of collective agreements and that, with regard to collective bargaining in Wage Boards (the second form of collective bargaining in the country), its intervention is limited to fixing minimum wages by job category and by branch or sector of activity – a legal mechanism through which the country complies with the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and the Minimum Wage Fixing Convention, 1970 (No. 131).

In this context, it should be emphasized that working conditions can only be agreed in this tripartite setting where there is an agreement between the employers' and workers' organizations, as clearly laid out in section 12 of Act No. 18.566. The Executive cannot intervene in the determination of the content of the agreements, which are left to the collective autonomy of the social actors of the world of work.

In view of this information, it is important to add that, to date, most of the 11th round of Wage Board meetings have taken place, involving 167 bargaining units across the 24 activity groups.

Specifically, while it is true that the Wage Boards are organized into 24 activity groups, in practice, bargaining is carried out in a partially decentralized manner, coordinated in "bargaining units or committees" within each group, so as to take better account of the differences among enterprises.

Of the 167 units or committees convened, 162 have completed the bargaining process, which required over 890 meetings. Overall, there was a very high rate of consensus in the decisions of the Wage Boards, reaching 83.95 per cent of the bargaining units or committees.

The agreements represented in that 83.95 per cent are broken down as: (a) 104 cases with tripartite agreements (unanimous); (b) 30 cases with agreements between employers' and

workers' organizations, with the Executive Branch abstaining, which demonstrates the level of collective autonomy held by employers' and workers' organizations; and (c) two collective agreements adopted, bringing the total to 136 bargaining units, which fully accounts for the 83.95 per cent rate of agreements already reported.

Of these 136 units in which consensus was reached, 73 negotiated only minimum wages, 24 included tripartite agreements on adjustments to wages above the minimum rate for the relevant job category, and the remaining 39 units referred to base, nominal or general wages.

Given that Wage Boards have been the traditional way of fixing minimum wages in tripartite settings in our country since the adoption of Act No. 10.449 of 12 November 1943, in those minority cases in which a unanimous agreement is not reached (7.40 per cent of the bargaining units), a vote had to be organized in accordance with the provisions of section 14 of the above Act. With regard to the composition of the vote, in 6.17 per cent of cases, the vote was cast by the Executive with the employers, and 1.23 per cent by the Executive and the workers, with the remaining 8.64 per cent by the Executive with a dissenting vote and abstention by the social partners.

It is important to reiterate that the vote in the Wage Boards as a form of resolution has never been extended to decisions on working conditions since, by explicit legal provision, the Wage Boards are not competent to set such arrangements, which remains exclusively the purview of the employers' and workers' organizations (section 12 of Act No. 18.566). As recognized by all parties, the vote on the minimum wage falls within the scope of Conventions Nos 26 and 131.

In cases where the employers' and workers' organizations independently agreed on matters relating to working conditions (always without the intervention of the Executive), the analysis as of February 2026 shows that out of 127 committee meetings finalized at that time by agreement among the social partners, 51 per cent included references to duties such as caregiving, shared responsibility and conciliation (leave, funding for childcare centres, support for assistance or schooling), 33 per cent to gender equality and 25 per cent to situations of violence or harassment. Likewise, 29 per cent of the committees incorporated provisions related to mental health, and in other cases, the social actors chose to include occupational categories or vocational training, such as the establishment of working committees to address productivity and sectoral improvement, including technological and migratory issues.

In 90.5 per cent of the cases agreed by the employers' and workers' organizations without the intervention of the Executive, provisions on mechanisms of conflict prevention or peace provisions were included.

The practice of negotiating working conditions at the meetings of the Wage Boards is pursued traditionally by the employers' and workers' organizations. With a view to verifying their legitimacy, it should be noted that these same sectoral organizations propose and promote this negotiation.

Thus, at the 11th round of Wage Board meetings, which is currently under way and on which we are reporting, the workers' organizations included in their platforms proposals to address the issues relating to the reduction of working time (the legal limit in our country remains at 48 hours per week), while the employers also proposed topics unrelated to the minimum wage.

For example, it should be noted that the business sector's platforms for discussions with workers' organizations at the current round of meetings of the Wage Boards included, in some cases, issues related to mental health – as is the case with the pasta-making industry *(fideerías)*

committee (Group 1.7.2), where the business sector proposed the "promotion of mental health and occupational well-being (access to psychological support; workshops on stress management and promotion of emotional wellness; self-care campaigns on exercise, healthy eating and mental health)", while in other cases, they proposed revisions of categories and aspects related to the organization of work, as well as aspects regarding the regulation of trade union activity (assemblies, conflicts and so forth).

Other examples that should be mentioned concerning proposals for non-wage provisions put forward by employers' organizations included:

Chamber of Commerce (CNCS)

- a proposal to strengthen the provisions relating to conflict prevention and resolution by assigning a more active role to the Wage Boards;
- establishment in Group 10 (General commerce) of mechanisms for opting out, that is to say for partial non-application of a decision of the Wage Board owing to difficulties for one or several enterprises of a specific sector;
- consideration of economic, geographic and size realities of the enterprises incorporated into the subgroup; and
- regulation of the Domestic Workers' Social Fund (Group 21).

Chamber of the Dairy Industry of Uruguay (CILU)

- the need to include peace provisions and conflict-prevention mechanisms;
- similarly, inclusion of provisions on technological innovation;
- inclusion of additional adjustments for hidden wages and leave for gender-based violence (these two points were in response to a proposal by the Dairy Workers' Federation (FTIL));
- inclusion of a provision on installing video surveillance cameras;
- provision for trade union security guards;
- inclusion of opt-out clauses;
- discussion of categories related to productivity; and
- revision of awards for new workers based on each enterprise's minimum wage and special systems for sugarcane harvesting work (individual and commercial).

Although at first (Act No. 10.449 of 1943) the Wage Boards were (and still are) empowered to fix the minimum wages by category and activity sector, gradually, in practice when bargaining, the employers' and workers' organizations incorporated other provisions – as happened with working conditions – which were agreed outside of the original legal framework of powers.

Act No. 18.566 of 2009 legalized this practice by making it possible for Wage Boards to determine working conditions but by clearly setting out a completely different system for their decision: **section 12 of the above Act only allows for decisions on this matter in cases of agreement between employers' and workers' organizations. Freedom to bargain is thereby not infringed nor is the will of the social partners violated. On the contrary, the national law and practice followed in our labour relations system shows an extraordinary legitimacy and acceptance by the parties, to the degree that it is the same parties that**

introduce proposals to reach agreements on a wide range of labour issues on their platforms, which explains the very high rate of agreements reached at each meeting.

Freedom of association and collective autonomy, and freedom and the voluntary nature of collective bargaining (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Article 4 of Convention No. 98) are therefore entirely protected in a system that achieves a very high degree of consensus.

Access to Wage Boards and Collective Bargaining: https://www.gub.uy/ministerio-trabajo-seguridad-social/tematica/consejos-salarios-negociacion-colectiva (Spanish only).

Discussion by the Committee

Chairperson – The second case this morning is concerned with the application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), by Uruguay. For the discussion of this case we have 29 speakers registered on the list. The Officers of the Committee have therefore decided to reduce the maximum time for individual speakers from five to three minutes.

I now invite the Government representative of Uruguay, the Deputy Minister for Labour and Social Security, to take the floor.

Government member – We would like to say at the outset that Uruguay should never have been included on this Committee's list of cases. Nevertheless, having been placed in this situation, we are grateful for the opportunity since it will allow us to provide the Committee with information enabling a better understanding of the collective bargaining system in Uruguay, which exists in two forms: one of them tripartite, based on the Wage Boards established in 1943, the other bipartite, whose results are manifested in collective agreements at all possible levels.

As a whole, the law and practice relating to collective bargaining represent a system which is best described as embracing labour and human rights standards, the principle of progress and the *pro homine* principle.

We are appearing before this Committee in the same spirit which the country demonstrated with regard to other entities in the multilateral system for the protection of human rights, as occurred in February with the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR).

On that occasion, in its concluding observations, the CESCR noted – and I quote – "with satisfaction that the State Party has adopted a comprehensive framework of laws and policies, including the National Human Rights Plan 2023–2027, to promote the effective enjoyment of economic, social and cultural rights. The Committee welcomes the measures taken in the areas of employment and social protection, which have led to progress in reducing poverty."

It is also worth highlighting Uruguay's long-standing record of timely and systematic submission of the reports requested by the ILO. This sustained commitment to the system for the supervision of standards reflects a commitment to ongoing cooperation with the supervisory bodies, as well as a constant willingness to provide comprehensive, transparent and up-to-date information on the application of ratified Conventions. This consistent practice constitutes a concrete expression of Uruguay's respect for the international labour standards system and for the regular and effective functioning of its monitoring mechanisms.

Our country has been guided by a spirit of cooperation in the field of human rights, remaining open to the guidance of supervisory bodies and to international scrutiny. This track

record, based on a robust democratic culture and a long-standing record of fulfilling its international commitments, has earned it recognition and credibility that extend beyond its territorial and economic boundaries, enabling it to contribute actively to consensus-building and the promotion of peace.

As everyone knows, Uruguay ranks among the leading nations in terms of the ratification of international labour Conventions, having ratified 112 instruments and one Protocol, including all the fundamental and governance Conventions. In addition, in May of this year, the National Parliament approved the 1986 Amendment to the ILO Constitution, while a tripartite regulatory process is currently under way with regard to the Violence and Harassment Convention, 2019 (No. 190), and the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153). The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), is applied through consultations in a tripartite committee convened periodically by the Ministry of Labour and Social Security (Ministry of Labour).

The labour relations system is underpinned by social dialogue, the governance of which relies on the participation of legitimate workers' and employers' organizations. This practice takes place at all levels and is institutionalized in areas such as occupational safety and health, through a broad network of tripartite and bipartite committees, as well as in social security, through the inclusion of representatives of workers, employers and pensioners in the Social Security Bank, the country's leading institution in this field. Added to this is the recent experience of dialogue on social protection and social security, with an emphasis on children, the care system, and the protection of workers and pensioners.

In the field of employment, the National Employment Directorate interacts frequently with workers and employers, while the participation of the social partners is also channelled through the National Employment and Vocational Training Institute. Added to this are two recent developments that reinforce this approach to participation: the National Budget Act 2025–2029, which established a coordinating committee for employment policies with inter-institutional and tripartite representation, and the Bill on comprehensive employment, drawn up by the Ministry of Labour following an extensive consultation process across the country, which incorporates contributions from stakeholders in the world of work – in particular micro, small and medium-sized enterprises – regarding active employment policies.

Lastly, whilst this is by no means an exhaustive list of all ongoing initiatives, the "For life, health and safety at work" campaign by the Labour and Social Security Inspectorate – which focuses on the prevention of workplace accidents – involves employers' and workers' organizations in activities taking place across the country, primarily in the area of training. Furthermore, in collaboration with the ILO and social partners, a project on migration is being implemented, aimed at capacity-building for the public and private sectors to maximize the benefits of international migration and facilitate social and labour market inclusion in Uruguay.

It is also worth noting that an initiative on the "National Development Strategy" is currently being developed by the Executive Branch, which aims to strengthen competitiveness and boost productivity with the participation of employers' associations and the trade union movement.

These contextual factors are essential to understanding the tripartite and democratic model of social dialogue, one of the most characteristic expressions of democratic practice in Uruguay, in a tradition upheld by all the parties that have been in government since the middle of the last century, when this model became established.

Strictly in terms of labour matters, the draft legislation promoted by the Ministry of Labour is currently under consideration by the social partners.

To date, the Chamber of Commerce and Services and the Chamber of Industries have not engaged in the social dialogue proposed by the Ministry of Labour to discuss the issue of reducing working hours, which remain at a maximum 48 hours per week in Uruguay, as stipulated by the Hours of Work (Industry) Convention, 1919 (No. 1).

We find it utterly inexplicable that the Chamber of Industries and the Chamber of Commerce and Services have refused to engage in dialogue on the prospect of reducing and reorganizing hours of work, as well as on two other issues raised by some members of the various associations that make up the Higher Tripartite Council: namely, the question of competitiveness and the restructuring of the Wage Board groups.

This is because social dialogue takes on greater importance precisely when views do not coincide, and it is therefore more necessary than ever to explore all possible avenues of rapprochement between the social partners and the Government.

We hope that these associations will be able to join the dialogue as soon as possible, just as other business organizations – which are equally representative in sectors of national production, such as the construction and transport industries – have been doing.

The ILO has commended this Uruguayan model of social dialogue on numerous occasions. The observations made by its supervisory bodies, in particular the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations, have been duly taken into account by our country. Furthermore, social dialogue in Uruguay was given an exceptional opportunity to undergo appraisal, precisely at the beginning of May when the ILO Director-General visited us. He highlighted the strong tradition of social dialogue in Uruguay, the quality of its exchanges and the autonomy of the stakeholders, all of which Director-General Mr Gilbert F. Houngbo was able to verify for himself.

Furthermore, the Collective Bargaining Act No. 18.566 was amended by Act No. 20.145 of 2023, incorporating views put forward by employers' organizations in their complaint of 2009.

This report by the Committee of Experts takes note precisely of these adjustments, which covered five of the six aspects highlighted by the employers in their complaint, including the abolition of the automatic extension of collective agreements. There was no consensus on this decision owing to opposition from the trade union movement but it was nevertheless incorporated into the law to address the observations of the Committee of Experts and employers.

In addition to these amendments, another demand from the employers was met, namely the requirement for trade unions to have legal personality in order to access enterprise information within the framework of collective bargaining.

It should be noted that this reform was carried out even though it was not strictly necessary (and this can be verified empirically), given that the majority of trade union organizations already possessed legal personality by their own decision, which also explains the modest growth in registrations: 81 organizations in 2023, 68 in 2024, 35 in 2025 and 6 so far in 2026.

Our Government also considers unnecessary the clarifications requested by the Chamber of Industries and the Chamber of Commerce and Services regarding these legal amendments, which were introduced in their favour by Act No. 20.145. Meanwhile, for example, there can be no doubt that under the current regime, the termination of a collective agreement brings an

end to the benefits it contains, unless otherwise provided for independently by the parties within the agreement itself. Nor should there be any doubt that the party authorized to sign a collective agreement, under our legal system, must comply with the provisions of Article 2 of the Collective Bargaining Convention, 1981 (No. 154), as has always been the case in this country.

The aforementioned chambers, despite these amendments – which were made in their favour, that is to say, meeting their demands – nevertheless maintain their objection regarding the remit of tripartite collective bargaining (Wage Boards), which encompasses not only the setting of minimum wages by category but also the possibility of adjusting pay and agreeing working conditions, provided that there is – and this is absolutely fundamental – a shared willingness on the part of the employers' and workers' representatives, and without state intervention in the decisions taken by the social partners regarding working conditions within the context of the Wage Boards.

In this context, it is inappropriate to characterize this participation by the Executive Branch as a form of "interference", since the State merely convenes and facilitates the operation of the system and participates in voting on decisions only in cases concerning minimum wages, which is entirely in accordance with the Minimum Wage Fixing Convention, 1970 (No. 131). The failure to convene the Wage Boards meant that in 1991, 1998 and 2003 – as some Officers of the Committee will recall perfectly well – our country had to resort to this Committee for failing to comply with the minimum wage-fixing method historically established in my country. There is therefore no such interference; the Executive merely intervenes by voting in cases related to minimum wages by category, as this is the method for setting minimum wages in accordance with Convention No. 131.

The evidence of this freedom is irrefutable: at the present stage, 40 per cent of the bargaining units within the Wage Boards did not follow the wage guidelines – not mandatory but suggested by the Executive – whilst 83.95 per cent of the resolutions were adopted by tripartite consensus.

These agreements between employers and workers included clauses of great significance for the advancement of labour law in Uruguay, and these clauses are fully in line with the ILO's own initiatives. For example, care clauses were agreed in 51 per cent of the agreements; 39 per cent incorporated provisions on gender equality; 28 per cent included measures to prevent violence and harassment; 90 per cent included clauses on dispute prevention and settlement and industrial peace; and 29 per cent incorporated provisions on mental health, all of which were agreed upon through the full exercise of collective bargaining autonomy, without state interference, and without the State having intervened in the voting on these decisions.

A particularly significant outcome of this tripartite round of negotiations was the agreement reached by the Wage Board for the domestic sector, which created a system of job categories – something entirely unprecedented – establishing three categories (general, kitchen and care work) and differentiating between roles and levels of specialization in each case.

Our country's experience in the field of collective bargaining and wage fixing in the domestic sector was held up as a successful example, it might be said, during yesterday's celebration of the Committee's centenary, because it is important to bear in mind that the observations our country received from the Committee, in the late 1990s and early 2000s, were motivated, in part, precisely by the lack of minimum wage provisions in the domestic sector. In other words, the legislation has evolved positively as a result of the observations made by this body.

Ultimately, this tripartite mechanism for negotiating minimum wages, including non-wage components freely agreed upon by employers' and workers' representatives, is the means by which our country complies with Article 4 of the Convention itself – the very Article which we are accused of failing to comply with. Why is this?

Because it is the "appropriate measure" that our country has historically chosen to encourage and promote the full development and use of voluntary negotiation procedures. By this I mean that the call for tripartism and collective bargaining not only ensures the security and protection of minimum wages, but also generates a highly positive dynamic in labour relations in Uruguay, creating further opportunities for negotiation at all levels. These negotiations are free and voluntary on the part of the parties.

This leads us directly to an issue that we consider truly fundamental, and to which we feel insufficient attention has been paid in these debates: the application of the ILO Constitution.

Article 19(8) of the ILO Constitution provides as follows: "In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation."

This concerns the enshrinement of the so-called non-regression clause and the *pro homine* principle as applied to the field of labour – principles also enshrined in other international covenants on human rights and economic, social and cultural rights.

We are referring to a cardinal principle in the field of human rights, which establishes an interpretative preference to the effect that, where international standards and a country's domestic standards coexist, the one that is most favourable to the individual – in this case, the worker, in the actual language of article 19(8) – must always be applied, regardless of the hierarchy of the standards. To this must be added that, where protected rights are concerned, recourse must always be had to the provision offering the broadest scope. Wage Boards are precisely a pre-existing factor offering greater protection and favourable treatment that must not be undermined by an international provision. Wage Boards were established in 1943, while the Convention was ratified in 1953.

In their social significance, Wage Boards are an appropriate instrument for promoting collective bargaining in all its forms and at all levels, all on the basis of Article 4 of the Convention and article 19(8) the ILO Constitution.

We firmly believe that the best way to assess the quality of a system of labour relations and its compliance with international standards – and, fundamentally, with the aims and objectives of the ILO – is, first and foremost, to examine the results achieved through the country's policies, law and practice, rather than relying on literal interpretations of international Conventions.

Worker members – We would like to thank the Government of Uruguay for the information provided. We wish to begin our analysis of this case by noting that Uruguay stands as a prime example in the region. We can state without fear of contradiction that it is a global benchmark in the field of labour relations. This leading position is no coincidence; it is the direct result of having the highest levels of social dialogue, robust tripartite consultation and exemplary functioning of institutions for democratic governance.

It is no small matter that, according to the latest edition of the democracy index published by the British company The Economist Group, Uruguay has been recognized as the only country in South America with full democracy.

We are deeply convinced that Uruguay's collective bargaining system has been a fundamental pillar in strengthening democracy, opening up real opportunities for workers' and employers' organizations to exert a direct influence on the country's socio-economic policies.

We are aware that we are here in this Committee to verify compliance with these standards – our international labour standards; however, our group believes that the debate should be approached from a different perspective.

More often than not, this forum serves to exercise strict control over non-compliance with international standards, and in this instance we propose to view this debate as a historic opportunity to analyse a positive model of adherence to international labour law.

Collective bargaining in Uruguay is a genuine state policy, and since the restoration of democracy in 1985, through the various administrations of all political persuasions, the regulatory system has been consistently applied and defended as a shared national heritage. Even looking back, the country's political parties have upheld these rules almost since the 1940s. We are therefore dealing with a long-term, collective democratic endeavour.

To understand the strength of the system, it is essential that we examine its history and its productive structure, not merely as statistical data but as the foundations underpinning the real situation in the world of work.

Let us first consider the historical roots, as already mentioned, dating back to 1943, with the provisions of Act No. 10.449. The country established an exemplary model, the coexistence of traditional collective bargaining with Wage Boards – tripartite bodies comprising the State, employers and trade unions. This dialogue forum enabled workers and employers to discuss not only pay, but also general working conditions and the nature of labour relations.

This is a democratic legacy that must be safeguarded, but this system is not merely a theoretical whim but responds to the reality of micro and small enterprises. Uruguay is a country where the vast majority of businesses have fewer than 20 workers. The productive fabric of the economy has these characteristics, and attempting to negotiate exclusively at the enterprise level would be unfeasible in practice. For this reason, collective bargaining by branch of activity has been, and continues to be, the only real tool for ensuring improvements in the living conditions of thousands of wage earners.

History also offers us a lesson from the past that we cannot ignore. When, between 1992 and 2004, the decision was taken to dismantle this system and not to convene tripartite negotiations, the consequences were devastating for Uruguayan society. Informal employment rose to 40 per cent of the economically active population, unemployment reached an all-time high of 16.8 per cent in 2003, and deregulation led to a sharp fall in real wages.

This experience demonstrated all too clearly that the market does not regulate fairly. It showed that state measures to promote and protect the right to collective bargaining are essential. It was precisely this realization that led to the subsequent legislative amendments introduced by Act No. 18.566 in 2009.

We wish to state quite clearly that, over the past 17 years, the laws analysed here have undergone amendments. Each and every one of these reforms was carried out with the sole aim of addressing the complaints and demands of employers' associations and, it is worth

noting, they were always (or in the majority of cases) met with explicit opposition from workers' organizations. Yet the overall picture is clear: of the eight observations made, the Uruguayan State has already amended and adapted seven.

It is worth reviewing some of these: the requirement for legal personality, the reduction of state involvement, the curtailment of powers, the limitation of sectoral representation, the end of the "continuing effect" clause, the abolition of official approval, and employer guarantees.

Today, the Committee of Experts urges the Government to review the only remaining outstanding point, which is section 12 of Act No 18.566. The argument put forward is the need to fully guarantee the free and voluntary nature of collective bargaining.

We, the Worker members, respect the opinion of the Committee of Experts but also consider that the legal and practical reality of Uruguay must be assessed. The text of section 12 is unequivocal. The Wage Board may establish working conditions provided that these are agreed upon by the employers' representatives and workers' representatives in the relevant wage group. There is nothing that allows ambiguity. Under this model, no working condition may be imposed without the explicit consent of both parties.

The factual data available to the Workers' group are irrefutable: in the last round of negotiations in 2025, a total of 83 per cent of the agreements reached reflected the shared will of workers and employers. There is no record of a single instance in which the employers were compelled to sign an agreement against their will.

The law requires parties to sit down and negotiate in good faith, but under no circumstances does it compel them to reach an agreement; when employers' organizations, in some cases, decided to withdraw from negotiations or abstain from voting, proceedings took place in their absence and no working conditions were imposed because the law itself does not permit this.

We note that the economic guidelines presented by the Executive Branch do not, in our view, constitute unlawful interference; they are simply a guide setting out the State's position within the Wage Board. Historically, these guidelines have been superseded and amended by voluntary agreement between the parties in the bargaining units.

Act 18.566 itself removed the old requirement that prevented the effects of a collective agreement from being extended if it did not align with official guidelines. Today, if workers and employers agree to this in a binding manner, the benefit applies to the entire branch of activity.

We want to be clear about what is truly at stake here in this arena. If the powers set out in section 12 are removed, what we are seeing is a weakening of collective bargaining for the vast majority of the country's workers.

We ask ourselves: how can a trade union negotiate in an enterprise which has only four, five or ten workers? These production units may lack the infrastructure and the level of organization and bargaining capacity necessary to sustain this individual bipartite process. For this reason, insisting that bargaining take place purely and exclusively at the enterprise level may amount to decreeing the end of collective agreements.

The world is full of examples where deregulation has swept away all labour rights, fuelled the informal sector and shattered social dialogue. Uruguay has been the great exception to this rule thanks to the institutional strength of its tripartite model organized by sector of activity.

We believe that stripping the current system of these powers would not, in our view, improve it, but rather undermine its practical functioning, leave these workers unprotected – workers whom we have already described as vulnerable – and possibly weaken the fundamental pillar that underpins democracy in Uruguay.

An important point for us: the observation of the Committee of Experts commends Uruguay for its very high rate of collective bargaining coverage; in other words, it recognizes that these mechanisms, as applied in practice, have been effective in ensuring that workers in Uruguay enjoy one of the highest rates of collective bargaining coverage in the world.

We are therefore dealing with a collective bargaining system that promotes free negotiation and has achieved one of the highest coverage rates in the world.

Beyond what we have stated and what we shall say in our closing remarks following the discussion, we affirm that, as we have consistently maintained, systems can always be improved. Labour law, tripartism and social dialogue require constant updating, which must be guided by a progressive approach that depends on political will – in this case, on the part of the Government; that is why we reaffirm the unavoidable need, in this instance, to continue promoting dialogue effectively.

Employer members – We are today considering a case dating back to 2008, which has been the subject of repeated observations by the Committee of Experts and has also been the subject of discussion in this Committee for over a decade.

Since the submission of the complaint that gave rise to Case No. 2699, the Committee of Experts has made repeated observations regarding certain aspects of the collective bargaining system in Uruguay, highlighting its incompatibility with the Convention on at least ten occasions.

While some partial reforms have taken place, significant issues remain regarding the registration of collective agreements, the determination of those entitled to negotiate in the absence of a trade union, and legal certainty regarding the validity of collective agreements. Furthermore, these reforms did not address the key observations made by the supervisory bodies and, in some cases, gave rise to new legal uncertainties. However, the fundamental issues highlighted by the supervisory bodies remain unresolved.

One of the central aspects of the observations made over the years is the need to revise section 12 of Act No. 18.566, to which both the Government and the Workers' group have referred. According to the Committee of Experts, this provision is not fully compatible with the principles of free and voluntary collective bargaining enshrined in the Convention, as it confers on Wage Boards powers that go beyond the fixing of minimum wages.

And to avoid giving the impression that this is merely the position of the Employers' group, allow me to recall the exact words used by the Committee of Experts itself in the observation we are examining today:

> The Committee once again recalls that, while the fixing of minimum wages may be subject to decisions by tripartite bodies, Article 4 of the Convention seeks to promote bipartite bargaining for the setting of working conditions, whereby all collective agreements establishing working conditions shall result from an agreement between employers or employers' organizations and workers' organizations. … The Committee urges the Government to … take the necessary measures to revise section 12 of Act No. 18.566, so that … the legislation fully guarantees both the free and voluntary nature of collective bargaining and the continued effective promotion thereof.

These observations are not new. They have been reiterated for years. However, the legislation remains essentially unchanged in this respect.

I note, in light of the statements made, that there is full awareness of the request and the proposal put forward by the Committee of Experts, which has been supported by this Committee's decision, and that they do not consider it their responsibility to act upon it because, as I understand it, they also believe that their system provides favourable conditions for workers, overlooking the fact that in collective bargaining there are two parties: employers and workers, and this is precisely what the Convention is about. Indeed, Article 2 of Convention No. 154, to which the Government representative referred, specifically mentions collective bargaining carried out by two – not three – parties: workers and employers, and in tripartite rounds of negotiation this is not a relationship that arises naturally; it consists of the two parties plus a guest, which is perfectly acceptable for setting minimum wages but not for working conditions or other agreements that the parties must reach freely through a consensus of their wishes.

The Committee of Experts has repeatedly pointed out that Wage Boards should not set pay levels above the minimum wage, or establish working conditions that should be the subject of voluntary negotiation between employers and workers.

For its part, the Government maintains that the Uruguayan system fully guarantees the freedom and voluntary nature of collective bargaining and highlights the high percentage of agreements reached in Wage Boards.

We do not dispute whether or not the system produces agreements, nor that there is broad collective bargaining coverage. Nor do we dispute that numerous stakeholders participate effectively in it. That is not what brings us together today. The central issue is that the parties do not have the necessary autonomy to freely determine the content of collective bargaining and that, as determined by the Committee of Experts and this Committee, the current legal framework does not fully comply with the requirements of Article 4 of the Convention. As has been stated, the supervisory bodies have concluded time and again that incompatibilities remain which require rectification.

The existence of agreements – even numerous agreements – does not in itself prove that they are the result of fully free and voluntary negotiation between the two parties concerned.

The Committee of Experts has also identified that collective bargaining continues to take place under significant influence from the Executive Branch through the so-called "negotiation guidelines". This is the Committee of Experts' view, not ours; we are merely reiterating it. The Government maintains that these guidelines are not legally binding. However, the relevant issue is not their formal nature, but their practical effects. In practice, these guidelines constitute the framework within which negotiations take place. Where no agreement is reached, the role played by public authorities in setting minimum wages inevitably influences the behaviour of the parties and limits the effective scope for reaching freely agreed solutions.

Furthermore, these guidelines are often formulated in a uniform manner for broad sectors of activity, without necessarily reflecting the different economic, productive and business realities that exist within each sector and in each set of collective labour relations.

We also note with concern that, in the most recent tripartite round of talks, issues relating to working conditions have once again been included in the guidelines. This is particularly relevant because the concern expressed by the Committee of Experts is not limited to the fixing of minimum wages but extends precisely to the powers conferred on Wage Boards – as has

been recognized here time and again – to deal with matters that should be the subject of direct negotiation between employers and workers.

The Government has pointed out that certain working conditions can only be incorporated by agreement between employers' and workers' organizations, as we have now been told. However, this does not fully address the concern raised by the supervisory bodies. The issue raised is not resolved simply because certain agreements have been reached by consensus. What remains a matter of concern is the legal and institutional framework within which these negotiations take place and its lack of compatibility with the principles of the Convention.

The Government has also pointed out that employers' organizations themselves have on occasion participated in negotiations on matters other than minimum wages within the framework of Wage Boards. However, this does not alter the concern expressed by the supervisory bodies regarding the powers conferred upon them by law, nor does it change the need to ensure an appropriate balance between state intervention and the autonomy of the parties.

After more than 17 years of examination by the ILO, the central issue highlighted by the Committee of Experts remains unresolved.

This is neither a recent difference of interpretation nor a new issue. We are dealing with observations that have been repeated for more than a decade and a half regarding fundamental aspects of the legislation in force which remain unresolved, as has been clearly acknowledged here.

The partial progress achieved demonstrates precisely that it is possible to make headway when there is a willingness to address the observations made by the supervisory bodies.

The Employers' group therefore requests the Committee to urge the Government of Uruguay to adopt, without further delay, the necessary measures to ensure full compliance with the outstanding observations relating to the Convention, in genuine and good-faith consultation with the most representative employers' and workers' organizations, and to provide information in this regard.

Worker member, Uruguay - As previously stated, since 1943 – with some interruptions – collective bargaining in Uruguay has been carried out under Wage Board Act No. 10.449, which established bargaining areas where not only were wages determined but also working conditions and labour relations regulations.

For over 80 years – with the exception of periods of interruption during the civil and military dictatorships and the long neoliberal decade of the 1990s – the Uruguayan system promoted collective bargaining through Wage Boards.

In practice, bipartite negotiations took place in a tripartite setting, and a practice developed of reaching bilateral agreements that, until the adoption of Act No. 18.566 of 2008, were formalized through decisions by Wage Boards, covering a wide range of issues that went beyond wages.

This design also took into account the country's productive structure: the vast majority of Uruguayan enterprises have no more than 20 workers, which makes it very difficult to bargain solely at enterprise level.

It was therefore determined that bargaining by branch should be used to improve working conditions and quality of life for thousands of employees.

The experience of the 1992–2004 period, when no tripartite bargaining was convened, clearly revealed the importance of the system. Under the guise of freedom, there was a decline in union activity and collective bargaining, an increase in informality, and a deterioration in employment and real wages. This scenario highlighted the need for promotion and protection mechanisms that would effectively guarantee the right to bargain collectively.

With the reinstatement of Wage Boards in 2005, it became clear that the long-standing mechanism was no longer sufficient and that broader regulation of collective bargaining and tripartite bargaining by branch was needed.

Based on the premise that "collective bargaining makes viable and balances – from a perspective of equity and cooperation – an employment relationship that is inherently unbalanced, contradictory and conflictual", Act No. 18.566 was enacted in 2009, which, together with Act No. 10.449, currently governs the Uruguayan collective bargaining system.

Let us be clear: since 1943 all political parties that took up government office preserved and applied the collective bargaining system regulated by Acts Nos 10.449 and 18.566.

This continuity spanned various political stages in the country, including the restoration of democracy in 1985, the suspension of meetings between 1999 and 2004, and their reinstatement in 2005, which shows that the system is well-established within Uruguay's labour system and has become a long-term state policy.

In a country known for the strength of its democratic institutions, Uruguay according to the 2024 Democracy Index, is the only country in South America classified as a "full democracy." This system has helped to strengthen that democracy by creating stable forums for debate and negotiation among workers, employers and the State.

Nevertheless, and despite these past events, we find it unacceptable that for 17 years in this forum, this system has been questioned and subject to examination.

In recent years, the legislation in question – primarily Acts Nos 18.566 and 10.449 – has been amended several times aimed at addressing the concerns raised by the complainant organizations, often without our consent.

These changes include the requirement for trade unions to have legal status and be registered; the reduction of Executive Branch representation within the Higher Tripartite Council; the repeal of provisions relating to the Council's competence; authorization to negotiate and the application of collective bargaining agreements past their expiry; as well as clarifications on the registration and publication of Wage Board decisions.

In sum, of the eight observations made by the complainants, seven were addressed in recent years. From this perspective, the process does not reflect balanced negotiation, but rather the imposition of the stronger party over the weaker. We therefore regret that the Committee of Experts, in its comments, did not fully and properly weigh up these changes, even at the risk of losing some neutrality in its considerations.

The discussion today focuses on section 12 of Act No. 18.566, amending section 5 of Act No. 10.449. The Committee of Experts urges that this provision be revised to guarantee the free and voluntary nature of collective bargaining, even though no one has presented any evidence to prove that, from 2009 to today, any Government has violated these principles.

Section 12 provides that the Wage Board may set working conditions when these have been agreed upon by employers' and workers' representatives. In Uruguay, no working conditions may be established without the agreement of workers and employers, in full accordance with the provisions of Article 4 of the Convention. In the last round of the Wage

Board in 2025, 83 per cent of the agreements reached reflect the will of workers and employers, and establish working conditions – and I repeat – that are agreed upon by the workers' and employers' representatives." Once again, to be clear, "agreed upon by the workers' and employers' representatives".

In addition, in a country where very small businesses are in the majority, limiting collective bargaining to enterprise level would render this right futile. Branch-level bargaining, however, appears to be an appropriate response to national conditions and an indispensable tool for maintaining coverage, social dialogue and the effectiveness of collective agreements.

Hence, the case of Uruguay shows that a strong democracy also relies on robust social dialogue and effective collective bargaining. Undermining this system would mean eroding one of the pillars that have enabled the country to uphold its exceptional institutional and labour standards.

Ultimately, this is an exercise in subtlety, but what is at stake is not an isolated technical or legal discussion. What is being debated is whether Uruguay will continue to be a country where organized labour has a voice, rights and bargaining power, or whether room will be given to regressive reasoning, in which the will of capital prevails without bounds.

Weakening collective bargaining weakens workers, and weakening workers weakens democracy. That is why we defend this system emphatically and unreservedly, because it is a part of our people's history of popular conquests and because it is still an indispensable tool for stalling inequality, tackling precarity and building a fairer society.

Employer member, Uruguay – The Uruguayan employers come before the Committee today with the peace of mind of people who know they have done what is right. We do not want to be here. We do not want Uruguay to become a case of historical non-compliance before the ILO, and we do not enjoy appearing every few years before this prestigious Committee. We believe that certain issues should remain the private matters of a country and should be resolved at the national level. As we will explain below, this has not been possible.

Some 18 years ago, when the Uruguayan employers discovered the Bill on collective bargaining, they had doubts about the scope of its provisions and decided to consult the ILO. The International Labour Standards Department analysed the Bill and informed our country that some sections were incompatible with fundamental labour Conventions ratified by Uruguay. In view of this communication from the ILO, the employers thought that the Government would amend its own Bill.

To our surprise, that was not the case. The Government paid no attention to the ILO's timely communication and adopted an Act on collective bargaining, fully aware that its sections were incompatible with international labour Conventions. Since the introduction of the Act on collective bargaining, we have tried to avoid initiating this process. The information we are providing can be checked against the ILO's archives.

A second reason leads us to include the cases for the Committee's examination. Our country received various observations related to this case, but the Government only took action when it was called upon by this Committee – not before. We are here because this Committee is effective; its work is not limited to this room but serves a much broader objective of being a last refuge for reaffirming a right.

Various attempts have been made to discredit this case (Case No. 2699). First, the rulings on the complaint are mentioned as if they were the opinions of the Chamber of Commerce and Services or the Chamber of Industries of Uruguay, or the International Organisation of

Employers (IOE). There is silence around the fact that these rulings are issued by tripartite bodies of the ILO itself or by its Committee of Experts, which contributes to misinformation and undermines the legitimacy of ILO procedures.

Another way of discrediting the complaint has been to present it only as an issue of these commercial chambers, rather than one that affects all Uruguayan employers. We must clarify that the Chamber of Commerce was founded in 1867 and is the oldest employers' organization in Uruguay. The Chamber of Industries was founded in 1898, and this year will celebrate 99 years of participation in the Conference. The International Organisation of Employers was founded in 1920 and has supported and collaborated with the ILO since its inception. The Chamber of Commerce and Services, and the Chamber of Industries are the most representative chambers in Uruguay but, additionally, they present this complaint with the backing of all national employers.

Another way of discrediting this case has been to publicly request both chambers to withdraw the complaint, as if the Uruguayan employers could freely manipulate the ILO's supervisory system. We consider it necessary to draw the Committee's attention to this situation.

The Committee is revisiting the case of Uruguay because the Government's agenda excludes addressing the ILO's observations. The views of the Committee of Experts are clear but after noting the supplementary information submitted by our country's Government, it is necessary to clarify a few points.

Firstly, it is indicated that collective bargaining in Uruguay covers 71 per cent of workers in the public and private sectors. We have a different interpretation of this indicator. If we exclude the salaries of ministers, legislators, authorities, the President of the Republic, the armed forces and informal workers – who, by their very nature, have no rights – the coverage is 100 per cent.

In our view, all formal workers in our country are covered by collective bargaining. Our question is: could coverage of this scope be achieved under a scheme where bargaining is truly free and voluntary? We do not think this is possible and for that reason the Committee of Experts has strived to ensure that the legal amendment requested of Uruguay also promotes collective bargaining.

A second piece of information presented by the Government refers to enterprise participation in the negotiations and the levels of the agreements signed. In this light, we can only say that the employers respect the law: they participate in negotiating committees, even with the legislation being monitored by the ILO and, as long as there are no changes, they will continue to participate. Some employers' representatives will address this issue, so I will not go into further detail on it.

Lastly, the additional information provided by the Government indicates that in Uruguay the free and voluntary nature of collective bargaining is guaranteed, and that the involvement of Wage Boards is limited to setting minimum wages.

We have a different view of our collective bargaining system, and we will use an example to explain it. In the latest round of Wage Board meetings, which took place in the second half of 2025, the Government presented the guidelines for the negotiations. This document is available on the Ministry's website.

In these guidelines, the Government established three wage brackets: level one for wages up to US$990; level two for wages between US$990 and US$4,100, and level three for wages over US$4,100 (approximate figures).

For each of these brackets, wage increases were set twice yearly, for a two-year period. In this way, the guidelines defined that level one will receive rises of 3.3, 3.6, 2.8 and 3.5 per cent, respectively, every six months.

For the other two brackets, it also established twice yearly increases of up to US$4,100 and over US$4,100, with different percentages, for a two-year period.

These guidelines also include the following provision that I will read out: "…in case of disagreement, the Executive will act in accordance with these guidelines…". This line means that, where an agreement is not reached, the wage increases will be adopted, twice a year for two years, as set out in the guidelines.

Is this an example of free and voluntary bargaining as promoted by the ILO? Moreover, we should ask: Is this truly bargaining, given the example we have mentioned? It is true that employers meet to bargain and reach agreements but under these conditions, it is unacceptable. It is true that the wage guidelines are not legally binding but faced with a lack of agreement, it is evident what the Ministry of Labour will agree. Uruguayan employers respect the law and therefore actively participate in the system but we need a fair and balanced system, committed to the principles of the ILO.

Lastly, I wish to clarify a point raised by the Government representative of Uruguay. He mentioned the lack of employer participation in a social dialogue forum on the reduction of working hours. We must inform you that the employers' position was explained in a timely manner to the Minister of Labour, who did not agree with the position but thanked us for the explanation provided without further comment.

Government member, Peru – I am taking the floor on behalf of a group of 15 countries: **Chile, Argentina, Costa Rica, Brazil, Mexico, El Salvador, Colombia, Guatemala,** the **Dominican Republic, Cuba, Ecuador, Paraguay, Barbados,** the **Bolivarian Republic of Venezuela** and **Peru**.

Firstly, we wish to thank the Government of Uruguay for the information provided and to highlight its long-standing willingness to cooperate with the ILO normative system. We believe that the examination of cases submitted for consideration by this Committee must take into account both the observations made by the supervisory bodies as well as the historic, social and institutional context in which labour relations play out in each Member State. From that perspective, we understand that the reality in Uruguay merits balanced and comprehensive assessment.

Uruguay is a country widely recognized for its commitment to multilateralism, respect for international law and promotion of human rights.

In the specific setting of the ILO, that commitment is expressed through the ratification of 112 international labour Conventions and an additional Protocol, including all the fundamental and governance Conventions. That figure places Uruguay among the Member States with the greatest level of adherence to the international labour standards system and constitutes an objective indicator of its ongoing willingness to strengthen labour rights protection.

This commitment has been recognized repeatedly in different international spheres and contributes to the country's credibility within the multilateral system.

We also note that, for decades, Uruguay has maintained a solid tradition of social dialogue based on the active participation of representative employers' and workers' organizations, as well as the regular operation of tripartite and bipartite consultation, negotiation and agreement mechanisms.

This model has helped create trust between the social partners and to consolidate a culture of the peaceful resolution of labour disputes. We particularly welcome the efforts made by the country to address the observations made by the Organization's supervisory bodies.

The legislative reforms adopted in recent years demonstrate an attitude of openness to dialogue and an ongoing willingness to improve its internal standards in line with international recommendations.

We also believe that the analysis of this case should consider the specific results obtained by the Uruguayan system. The broad coverage of collective bargaining, the stability of labour relations, the existence of high levels of consensus between the social partners and the establishment of permanent forums for dialogue reflect the institutional strength of that model.

We therefore encourage the continuation of exchanges between the Government, employers' and workers' organizations and the Office, preserving the progress made and strengthening the cooperation mechanisms that have historically characterized the reality in Uruguay.

Interpretation from Chinese: **Government member, China** – The Chinese delegation thanks the representative of Uruguay for the information. We note that Uruguay firmly adheres to the principles and values of the ILO and has ratified multiple Conventions and Protocols, and has taken various measures to strengthen dialogue with all parties to protect the right to collective bargaining. It is clear that throughout the compliance process the Uruguayan Government attaches great importance to cooperation with all parties and respects the role of the supervisory mechanisms, demonstrating its good will in actively implementing the Convention. We encourage the Government of Uruguay to continue strengthening communication in exchange with the ILO and its relevant mechanisms, providing more information to the Committee and further promoting mutual understanding and cooperation. China calls on all parties to continue strengthening engagement and dialogue with the Government of Uruguay in a pragmatic and rational manner, carry out more cooperation and provide greater technical assistance so as to help the Uruguayan Government continuously improve relevant institutional mechanisms and better fulfil its obligations under international labour Conventions.

Worker member, Spain – Wage Boards were created in Uruguay in 1943 by means of Act No. 10.449. They enjoyed the participation of representative employers' and workers' organizations and the Executive Branch. Their legal remit was to fix minimum wages by category, although in practice they also negotiated general wage increases and certain working conditions.

Traditionally, when a branch agreement expired the Executive would bring together the parties and set out wage and labour guidelines. The agreements reached were not automatically applied to the entire branch, but required an executive decree to be implemented. This created a certain degree of conditionality, since the Executive could refuse to issue the decree if the parties deviated from its terms.

Act No. 18.566 amended the system by eliminating that power. Since then, the Wage Boards' resolutions have been implemented automatically in the entire branch, and the

Executive's guidelines therefore took on an advisory, non-binding nature. According to this interpretation, the Executive does not intervene in the content of agreements, but promotes and encourages collective bargaining. This Act was challenged by some employers' organizations before the ILO supervisory bodies.

In response, Uruguay introduced a range of reforms. Act No. 19.027 modified the composition of the Higher Tripartite Council, the body responsible for governing the system. Subsequently, Act No. 20.145 introduced significant changes: it required legal personality for certain organizations, abolished the representation by branch unions of workers who were not members of enterprise unions, made changes to the duration of bipartite collective agreements and clarified that the publication of resolutions and agreements did not imply the State's authorization or registration. Later, Act No. 19.889 regulated aspects linked to strikes, guaranteeing the income of non-striking workers and enterprise owners. Uruguay's experience demonstrates an established tradition of collective bargaining.

In the light of observations made by one of the parties involved, the country introduced significant normative amendments, leaving unchanged only aspects deemed part of a deeply rooted practice.

In reality, workers and employers continue to negotiate wages and working conditions, while the Executive lacks legal mechanisms to impose its will. The system can therefore be characterized as an instrument for promoting collective bargaining that, over the years, has contributed to high levels of coverage and labour protection in the country.

Government member, Mexico – I am making this statement on behalf of the Governments of **Brazil, Colombia, Cuba, Guatemala** and **Mexico**. We have listened attentively to the statement made by the Government of Uruguay. We thank it for the information provided in relation to the application of the Convention, as well as its willingness to maintain an open and constructive dialogue with this Committee and with the ILO supervisory bodies.

We would like to highlight the importance of this Convention as a fundamental instrument to ensure protection of the right to organize and the development of free and voluntary collective bargaining between employers and workers. In that regard, we recognize Uruguay's long institutional tradition of social dialogue and collective bargaining, which sets an example in the region owing to its inclusive nature and broad coverage.

We welcome the information provided by the Uruguayan Government on the functioning of its labour relations system, in which tripartite bargaining in the Wage Boards and bipartite bargaining through collective agreements coexist, covering a significant proportion of the workforce.

We draw attention to the high number of agreements reached through the Wage Boards, with a large degree of consensus between the social partners, reflecting the vitality of social dialogue and the ability of the actors to build agreed solutions.

Similarly, according to the information submitted, working conditions are defined exclusively through agreements between employers' and workers' organizations, without the intervention of the Executive, constituting a central element in guaranteeing collective autonomy and the voluntary nature of collective bargaining.

We also take note that the Uruguayan system has evolved dynamically, incorporating into collective bargaining processes important issues such as gender equality, mental health and dispute prevention, demonstrating its ability to adapt to new realities in the world of work.

At the same time, we recognize that the Committee of Experts has identified some elements that merit follow up, particularly with regard to the functioning of collective bargaining mechanisms in the Wage Boards and the need to fully ensure their voluntary and autonomous nature, in line with the principles of the Convention.

We believe that these aspects should be analysed in the context of the overall functioning of the Uruguayan system, which demonstrates high levels of participation, coverage and consensus between the social partners.

We are of the opinion that the progress and characteristics of the Uruguayan model reflect a clear willingness to ensure respect for freedom of association and collective bargaining, in an institutionalized framework of social dialogue. Against this backdrop, we believe that this case should be addressed using an approach of constructive dialogue that allows the existing positive aspects to be supported and strengthened while addressing the observations made by the Committee of Experts.

We respectfully encourage the Government of Uruguay to continue working in close cooperation with the representative employers' and workers' organizations to further consolidate its labour relations system. Lastly, we reiterate our support for the Government of Uruguay, a country that occupies first place in Latin America in terms of the number of Conventions that it has ratified, and sixth place globally, in its commitment to continuing to make progress in the application of the Convention.

Employer member, Spain – Our delegation wishes to call the Committee's attention to a fact that, on its own, is revealing: the ILO supervisory bodies have been dealing with the case of Uruguay for more than 17 years, without resolution. More than 17 years of reiterated and uninterrupted observations by the Committee on Freedom of Association and the Committee of Experts. More than 17 years without the substantive issues having been resolved.

That fact in itself constitutes the most conclusive evidence that social dialogue has failed in Uruguay as a means of addressing shortcomings in the collective bargaining system, because if social dialogue worked, we would not be here today discussing the same problems that were flagged in 2009.

The partial progress that the Government points to confirms, paradoxically, the persistence of the problems and growing interference in collective bargaining. By way of example, the provision on the automatic and undefined continuing effect of collective agreements after their expiry set out in section 17 of Act No. 18.566 was abolished. This abolition, however, occurred in the absence of substitute regulation and not only failed to resolve the matter but also created a significant legal loophole.

In fact, three years later, uncertainty persists on the very existence of that continuing effect in Uruguay, its possible scope and the consequences of its non-existence.

The Government has thus replaced an imposed solution that discouraged collective bargaining with a legal loophole which only serves to complicate it.

We see the same thing with enterprises' bargaining power. The replacement of section 14 of Act No. 18.566 with Act No. 20.145 has not corrected the shortcomings highlighted by the Committee on Freedom of Association.

Ultimately, each attempt at reform raises new issues, while the main problems remain unresolved.

Our delegation maintains that the passage of time does not lessen international obligations; on the contrary, it increases them. Seventeen years of proceedings are proof of

the failure of national social dialogue. We therefore urge this Committee to take due note of the situation and require the Government of Uruguay to adopt concrete, effective and verifiable measures to ensure compliance.

Worker member, Portugal – The discussion of this case is not merely technical. Beyond the interests that could be behind this discussion, what is in play is a structural matter: the balance of power in labour relations. The ILO recognizes that asymmetry and, for precisely that reason, also recognizes the need for strong trade unions that contribute to balancing the relationship between labour and capital.

The Wage Boards were conceived as a tool to correct profound inequalities and improve workers' living conditions. Their main objective was to fix minimum wages by branch of activity.

The results were clear: better wages, improved living conditions, stronger trade unions and robust collective bargaining. For more than 25 years, this model consolidated a trade union structure organized by sector of activity and strengthened collective bargaining by branch, contributing significantly to worker protection and also to a more just distribution of wealth.

This era came to an end in 1968 with the freezing of wages and the beginning of a period marked by the erosion of democratic institutions that would culminate in the dictatorship. The Wage Boards were suspended and began to function again with the return of democracy.

From 1992, however, the Government stopped convening Wage Boards in most sectors. With the exception of some specific activities, there was a deterioration and later decline in collective bargaining. At the same time, negotiation by company was promoted, to the detriment of negotiation by branch, and greater wage liberalization was imposed, leading to a pronounced fall in real wages.

In a country where around 90 per cent of enterprises are small or medium-sized, this meant that the determination of wages was, to a large extent, subject to the power of the employers. The result was a fall in real wages and the weakening of trade union organizations.

The erosion of collective bargaining, when added to unemployment and informality, tips labour relations in favour of the business sector, leading to a deterioration in workers' living conditions.

A brief analysis of the historical time frames clearly demonstrates what happens when collective bargaining instruments are weakened. On the other hand, when negotiation by branch is promoted and supported by law, trade union organizations are strengthened and workers achieve better living and working conditions.

So let us not be under any illusion: we are not simply discussing a technical legal point. The true backdrop to this discussion is the continuity or not of a strong trade union movement able to negotiate working conditions in Uruguay.

Removing provisions aimed at promoting and encouraging collective bargaining will weaken trade union actors, returning the country to an era that we thought was over and where the decreasing rates of collective bargaining coverage seen today would not exist. These results are not coincidental; they are a consequence of policies. Weakening these mechanisms will not allow us to maintain, and much less improve, the current situation. Nothing could be further from the objectives of the ILO and the international standards analysed in this body.

Government member, Spain – The Government of Spain wishes to recognize Uruguay's sustained commitment to the principles, values and objectives of the ILO. In an international context marked by significant challenges for the world of work, we believe that the path of a

country that for decades has built a solid reputation in respect for labour rights, institutional strengthening and the promotion of social dialogue is particularly important. Uruguay is among the countries that have ratified the most Conventions, a figure that currently stands at 112 Conventions and one Protocol. This reality is not just a statistic; it reflects a political decision sustained over time to adhere to the international standards promoted by the Organization and to gradually incorporate those commitments into the national legal order. This commitment has been widely recognized by the international community and constitutes one of the most notable aspects of the country's actions within the multilateral system.

We have taken note of the observations made in this case and we highlight that the Uruguayan labour relations system displays particularly significant indicators in terms of collective bargaining coverage, the participation of the social partners and the creation of agreements. The complainants' observations cannot hide the significant results of the labour policies on collective bargaining. We have observed how collective bargaining in Uruguay reaches exceptionally high levels at the regional and international levels, allowing a large majority of workers and employers to benefit from the results of dialogue and negotiation processes. This demonstrates the capacity of the Uruguayan labour institutions to promote agreements and strengthen social cohesion. We also commend the willingness expressed by the Government to continue to examine these matters in consultation with the social partners and with the ILO's technical assistance.

We therefore encourage the Government of Uruguay, with the support of this Organization, to continue to strengthen a model that reinforces collective bargaining, decent work, social inclusion and stable labour relations.

Employer member, Guatemala – I will address one aspect that I believe to be vital to correctly assess the case of Uruguay: the presumption that certain partial results demonstrate that the collective bargaining system is working correctly.

Firstly, we must question the very premise that these results reflect success. As has already been indicated in this Committee, the agreements reached in the Wage Boards emerge from a context of negotiation that is neither free nor voluntary. The government guidelines operate as a floor, the threat of a ruling by decree and without a peace clause eliminates any real alternative for the employer sector, and consent obtained in such conditions cannot be deemed an achievement of the system.

But even if we accept that some results have been partially positive, that does not validate the system as a whole, and this is owing to a structural reason that cannot be ignored: every change of government creates a change in the policy line that directly determines collective bargaining. Guidelines are not the product of an objective technical criterion or tripartite consensus; they are the expression of the economic policy of the government of the day. What one government gives, the next takes away, or changes according to its own agenda

This dependence on the political cycle means that any progress is inherently precarious and unstable. A collective bargaining system whose results are subject to the political line of the government of the day is not a system that meets the principles of the parties' autonomy and the voluntary nature of collective bargaining as enshrined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and Conventions Nos 98 and 154.

What the Conventions demand is not a system that functions well under certain political conditions, but one that functions independently of them, and this normative framework ties the fate of collective bargaining to the will of the Executive Branch.

Lastly, the Uruguayan system must be assessed not in the light of supposed circumstantial results, but according to its structural guarantees. We must therefore require the Government of Uruguay to undertake reforms that ensure autonomy in collective bargaining, independent of the political direction of each government

Worker member, Italy – Seventeen years have passed since February 2009, when the first complaint against Act No. 18.566, then still a Bill, was lodged. In that time, the regulation has been in force under all Uruguayan governments, and the results of collective bargaining have been objectively positive.

The Committee of Experts, however, maintains its last observation and insists that the Act must be reformed, without evaluating those results.

In those 17 years, Acts Nos 18.556 and 10.449 were amended repeatedly to accommodate the complainants. Almost all the reforms were adopted contrary to the workers' express positions, disrupting the balance of social dialogue that the Convention requires.

There are clear examples: trade unions were required to have legal personality without the workers' agreement; the Executive Branch's representation in the Higher Tripartite Council was reduced to avoid interference – and yet today there are, once more, allegations of interference owing to the guidelines; branch organizations' legitimation was abolished; and changes were made to the duration of bilateral agreements, in all cases prioritizing the employers' position.

More recently, section 392 of Act No. 19.889 and Decree No. 281/2020 introduced the concepts of "freedom of work" and eviction, and in August 2025 the complainants once again invoked section 12 of Act No. 18.566.

In summary, almost all the demands of just one party have been addressed, without the agreement of the workers, and today "consultation" is being requested, when the workers have already rejected and set out their opposition to the dismantling of the system.

This is not, therefore, merely a formal discussion. The Committee of Experts' observations have outlined only the position of the employers, ignoring the workers' arguments. There is an obvious promotion of one of the parties, contrary to the tripartite spirit of this House and Article 4 of Convention No. 98.

We request this Committee to urge Uruguay to re-establish tripartite balance and respect the autonomy of the parties in collective bargaining.

Employer member, Honduras – The Committee on Freedom of Association and the Committee of Experts have noted the competence granted in Uruguayan legislation to the Wage Boards to approve adjustments to wages of all kinds and draft legislation on working conditions.

Current regulations exceed the historical and legal nature of these tripartite bodies. Tripartite negotiation forums, through their own conception, should be limited to setting minimum wages for workers. Other types of wage increases and the regulation of working conditions should be dealt with exclusively through bipartite collective negotiation, without decisive state intervention, as provided for expressly by international labour Conventions.

The Committee of Experts, in its February 2026 report, regretted to note that despite its reiterated comments and the recommendations of the Committee on Freedom of Association, there have been no changes or clarifications of the matter. The channelling of negotiations on wages above the minimum wage through a tripartite body, with the decisive participation of the State, is a direct violation of the principles of the autonomy of the parties and the voluntary

nature of collective bargaining. It is a clear contravention of Conventions Nos 87 and 98, which guarantee freedom of association and the right to collective bargaining free from state interference.

We urge the Government of Uruguay to amend section 12 of Act No. 18.566 to restrict the competence of the Wage Boards, in line with the provisions of the aforementioned Conventions, which Uruguay ratified voluntarily.

Worker member, Argentina – I am speaking on behalf of the trade union confederations of Argentina represented by the Trade Union Confederation of the Americas (CSA). In this case, we consider it important for this debate to remain focused on what is effectively required by the Convention: the promotion of free and voluntary collective bargaining procedures through measures adapted to national conditions.

From this perspective, we understand that the case of Uruguay requires particularly careful consideration. The observations made focus on the compatibility of section 12 of Act No. 18.566 with Article 4 of the Convention. In view of this, it is important to recall that the Uruguayan system does not replace the willingness of the parties, nor does it substitute bipartite bargaining, but rather it establishes institutional mechanisms for the promotion of collective bargaining which are part of a tradition that has been upheld for decades and implemented by governments with different political orientations.

Wage Boards are a long-standing tool used for social organization and are not a state-imposed mechanism. Public intervention in this area does not replace the agreement between workers and employers for defining working conditions. On the contrary, it has contributed to maintaining one of the highest levels of collective bargaining coverage, recognized by the Committee of Experts itself.

Furthermore, according to the report of the Committee of Experts, the employers consider that the guidelines of the Executive Branch constitute interference in collective bargaining, which is incorrect. For example, in 2025, these guidelines set out wage increase percentages based on workers' income. For a wage increase to be implemented, the support of at least one of the social partners is required. Therefore, this is not an imposition but rather an advance statement of their position.

We are concerned that an excessively restrictive interpretation of Article 4 may, in practice, lead to restrictions on instruments that have proven effective in extending collective rights, particularly in productive contexts with business fragmentation and objective difficulties for the spontaneous development of negotiations.

Furthermore, it should be recognized that the Government has implemented a series of regulatory adjustments aimed at addressing the observations made by the supervisory bodies, thereby introducing relevant amendments to the collective bargaining system, even in the absence of consensus with workers' organizations. This process demonstrates a sustained willingness to engage in institutional dialogue and cooperation with the ILO supervisory mechanisms. The Convention protects collective autonomy, but it also requires the promotion of its effective exercise.

We understand that the Uruguayan model demonstrates that it is possible to reconcile state support, social dialogue and free and voluntary bargaining. We therefore encourage the Government to continue along this path together with the social partners.

Employer member, Chile – On behalf of my delegation, I would like to express our concern regarding the Uruguayan Government's practice of imposing guidelines for collective bargaining in the Wage Boards, in violation of Article 5 of Convention No. 154.

Firstly, it is important to point out that the Government's guidelines serve in practice as a bargaining floor. The Government delegates only vote in favour of agreements that comply with the established guidelines, thereby influencing the outcome of the negotiations. These guidelines are imposed across the board, without taking into consideration the specific characteristics of or the circumstances faced by each sector of activity. The guidelines are based on projections of future inflation to maintain real wages. However, they do not allow for the deduction of any additional percentage granted to be included if actual inflation turns out be lower than projected. In short, this amounts to government interference aimed at turning the Wage Boards into a tool for implementing economic policies, rather than what they should be: a forum for free bargaining.

Secondly, it should be noted that agreements are negotiated for the entire sector of activity in which the group in question operates, without taking into account differences in size or region, and with no objective and predictable mechanism for those employers who wish to opt out because they are unable to comply with the decision of the respective Wage Board. These circumstances pose a serious challenge to sectors and enterprises whose economic situation does not allow them to absorb increases designed for the sector average, with the resulting risk of affecting employment levels.

Thirdly, it should be pointed out that the current Government has resorted once again to one of the worst forms of interference: the inclusion in the guidelines of issues pertaining to working conditions. This exacerbates the situation, as it extends state interference beyond wages, encroaching on matters that should be covered exclusively by bipartite bargaining.

In short, the Government has appropriated collective bargaining and has replaced the autonomy of the parties with a tool for imposing and implementing its own economic agenda. In light of the above, we urge this Committee to recommend the Government of Uruguay to end this practice and ensure bargaining that is truly free and autonomous.

Worker member, Brazil – Freedom of association is a fundamental pillar and an essential condition for effective democracy, which establishes a balance of power in society and protects fundamental human rights. A free and open society necessarily involves the right of workers and employers to form their own organizations, to join them, and to organize their activities, which, of course, include collective bargaining and strike action.

Latin America, as we know, has a checkered past with regard to democracy, collective bargaining and social dialogue. Despite this, Uruguay is known for its tradition of social dialogue, demonstrating high levels of bargaining and coverage. In the Recurrent Discussion Committee on Social Dialogue and Tripartism this year, Uruguay was mentioned among the examples of countries with good practices.

This situation is not a coincidence. It is the result of a historical process lasting over eight decades and based on a high level of social and political consensus on the mechanisms used. It was only during the military dictatorship that collective bargaining was interrupted.

The tradition of collective bargaining with respect to wages and working conditions became regulated by legislation in 1943. Bargaining mechanisms were improved as a result of tripartite discussion at the ILO. This is, therefore, a true example of progress, one that strengthens collective bargaining mechanisms as a state institution, which has remained intact despite the changes in government over the years.

As indicated by the Government representative of Uruguay, the national system of collective labour relations ensures the "free and voluntary nature of collective bargaining", in as much as the Executive Branch does not intervene whatsoever in the negotiation of collective agreements on working conditions, and that, with regard to collective bargaining in the Wage Boards, its intervention is limited to fixing wages by job category and by branch or sector of activity.

It is important to note that working conditions may be agreed upon only if there is agreement between employers' and workers' organizations, as provided by law. In other words, there is no possibility for the Executive to intervene in the determination of such content, which is left to the collective autonomy of the social partners in the world of work.

We are examining laws and practices that are adapted to national conditions and encourage and promote collective bargaining. They are primarily laws and practices that are effective. According to the data, the rate of consensus achieved was almost 84 per cent of the bargaining units or committees. We hope that the experience of Uruguay will serve to strengthen collective bargaining and benefit the working class in Brazil and across the world.

Employer member, Argentina – The employers of Argentina are honoured to participate in this discussion in order to contribute their view of the application of the Convention in Uruguay. While noting the clarifications provided by the Uruguayan Government and the advances reported, we note with regret the lack of progress in other aspects of this case, which has been before the Committee for a long time.

While we recognize the high number of agreements reached by the Wage Boards in Uruguay, we wish to draw attention to the fact that this does not mean that the collective bargaining system functions well. The adoption of an agreement is not synonymous with it having been reached through free bargaining.

As expressed by our colleagues, in the Uruguayan system, the parties sit down to negotiate under conditions that leave them with no real alternative. We note with concern that, during the most recent round of meetings to fix the minimum wage, the Government once again included guidelines on matters relating to working conditions.

In practice, no agreement that falls short of those guidelines receives a favourable vote from the Government. If an agreement is not reached, the Executive Branch establishes the wage increase by decree, setting the exact adjustment provided for in its guidelines. Moreover, an employer who votes against the agreement obtains the same economic outcome but loses the opportunity to include a labour peace clause that would provide predictability.

In these conditions, voting in favour is not an expression of agreement, but rather the only rational course of action within a system designed not to leave any margin. The consent obtained in this manner is tainted by the implicit threat of a government ruling.

It cannot be claimed that bargaining is free and voluntary if one of the parties does not have the effective possibility of influencing the outcome. A system that produces forced agreements is not a system that functions in accordance with the Convention. This is a system that conceals the parties' lack of autonomy under the guise of consensus.

We urge this Committee to properly assess the conditions in which agreements are produced and to request the Government of Uruguay to review the regulations in force to ensure the autonomy of the contracting parties and truly voluntary bargaining.

Worker member, China – The Chinese trade unions have listened carefully to the intervention by the Government of Uruguay. We note the practices and the progress of

Uruguay in implementing the Convention, particularly conducting collective bargaining through the tripartite Wage Boards. The Government has submitted information regarding the 11th round of Wage Boards which has reached consensus in many areas and we invite the Committee's attention to these. The Chinese trade unions support Uruguay in continuing to advance social dialogue and collective bargaining, and hope that the ILO will provide the necessary technical assistance to the tripartite constituents of Uruguay in this process.

Employer member, Mexico – In the information provided, the Government of Uruguay indicates a high number of agreements in collective bargaining. However, it is clear that the data, on its own, cannot be interpreted as conclusive evidence of a system of fully consensual, free and voluntary collective bargaining among the parties, as required by Article 4 of the Convention. While the high number of agreements may reflect an apparently harmonious functioning of the model, it is necessary to examine the real conditions in which these agreements are reached. It is not enough to look at the formal outcome; it is necessary to examine whether the process allows for authentic and effective bargaining.

From this perspective, and according to the report, collective bargaining in Uruguay is carried out within a framework previously defined by guidelines on wages and working conditions established by the Executive Branch. These guidelines, in practice, serve as a defining factor in the final outcome of the bargaining.

It is furthermore noted that, if consensus is not reached in the Wage Boards, the likely scenario is that the Executive will intervene by means of decree, essentially reproducing the wage increase previously established in the official guidelines. This creates a situation in which the employers' disagreement does not materially change the final economic outcome, but it can lead to a loss of tools that provide stability and predictability, such as labour peace clauses derived from a collective agreement.

In this context, the employers' adherence to agreements cannot necessarily be interpreted as a fully free and autonomous expression of will. Instead, it could be understood within a framework of asymmetrical incentives, in which voting against an agreement does not represent a materially effective alternative, but rather conduct that may worsen the position of the employer without affecting the regulatory outcome. Consequently, a high percentage of agreements is not automatically a clear indicator of genuine consent or an effective balance among the negotiating parties.

The ratification of the Convention by Uruguay means not only formally recognizing the right to bargain collectively, but also ensuring material and institutional conditions allowing for genuine processes that are free from interference and are truly voluntary. When the setting of wages operates de facto under excessively centralized or rigid systems, the margin for genuine discussion is reduced, and bilateral dialogue tailored to the needs of each enterprise or productive sector loses its effectiveness.

I wish to conclude by echoing the requests made by the Committee of Experts, which insisted on the need to strengthen, in Uruguay, genuinely free, voluntary and participatory collective bargaining, which is in accordance with international labour standards and with the specific economic realities of each sector and their respective counterparts.

Government member, Brazil – The Government of Brazil expresses its support for the statement made by the Group of Latin American and Caribbean States (GRULAC) and fully aligns itself with the comments made therein. Additionally, in examining the information available and the various positions expressed in this case, we believe it is important to place

this discussion in the broader context of the results achieved by the labour relations system in Uruguay and by the institutions that uphold it.

We note that the examination is based on specific aspects of the functioning of the Wage Board – a mechanism that is part of an institutionality with a long history that has performed a key role in the development of collective bargaining and social dialogue in Uruguay.

Iti s particularly important to highlight that this system has led to the achievement of one of the highest levels of collective bargaining coverage in Latin America and the Caribbean. According to the information provided, around 95 per cent of formal workers are covered by collective bargaining mechanisms. This result is a significant indicator of the strength of social dialogue and the efficiency of the country's labour institutions.

Furthermore, we consider that Uruguay's experience takes on an importance that goes beyond its national borders. Historically, Uruguay has been a regional reference point for social dialogue, labour institutionality and promotion of collective bargaining; and this experience has enabled it to contribute to the strengthening of the values and principles that this Organization promotes in Latin America and the Caribbean.

We also note that the bargaining processes carried out in Uruguay register high levels of agreement between the representative workers' and employers' organizations, reflecting the parties' capacities to build consensus and reach balanced solutions through dialogue.

We also highlight Uruguay's history of cooperation with the ILO supervisory bodies. The country has consistently demonstrated its willingness to consider the comments made and to work together with the Office and the social partners to strengthen compliance with its international obligations. This is in addition to the ratification of 112 international labour Conventions and an additional Protocol, including all the fundamental and governance Conventions, which reflects a sustained commitment to the principles and values upheld by the Organization.

We therefore urge that this process continues to evolve through social dialogue and technical cooperation, taking into consideration both the comments made and the positive results that the Uruguayan system has delivered for workers, employers and society as a whole.

Employer member, Plurinational State of Bolivia – I wish to speak on behalf of the employers of the Plurinational State of Bolivia to express our support for the Uruguayan employers' organization in relation to this case.

Firstly, we must recognize the progress made by the country in recent years. The Committee of Experts itself has noted with interest a range of legislative amendments introduced recently that have addressed several of the observations made in the past by the ILO supervisory bodies.

We must also highlight, however, that the central question that has given rise to this case for more than a decade remains without a comprehensive solution.

The Committee of Experts has reiterated that the promotion of collective bargaining provided for in Article 4 of the Convention requires its free and voluntary nature to be guaranteed in full. It has also recalled that employment conditions must be the result of agreements reached between employers and workers' organizations, preserving the parties' autonomy in collective bargaining.

From our perspective, this principle is fundamental. The strength of collective bargaining is not measured by its coverage alone. It is also measured by its effective compliance with the principle of the negotiating parties' autonomy.

When working conditions are defined by the parties themselves through freely reached agreements, trust, shared responsibility and the sustainability of labour relationships are strengthened.

We therefore encourage the Government and the social partners to continue working, through social dialogue, to finalize the legislative harmonization process and thereby ensure that national legislation complies fully with the principles of the Convention.

We are convinced that collective bargaining that is truly free and voluntary constitutes the best guarantee for balanced, modern and sustainable labour relations.

Employer member, Brazil – I wish to speak about an aspect that I believe clearly illustrates Uruguay's lack of compliance in the area of freedom of association and the protection of fundamental rights. In Uruguay, occupations of workplaces by trade union organizations continues to be common practice. Although the right to strike is recognized as a fundamental right, its exercise cannot extend to depriving employers of the right to access their own premises or violate the right to work of workers not participating in such action.

The regulations in force in relation to the removal of workplace occupations in Uruguay grants excessive discretion to the Executive Branch to determine when to clear a premises. In this way, the effective protection of property rights, the right of management to access business premises and the right to work of non-striking workers is subject to a purely political decision, rather than being governed by objective, predictable criteria. This situation creates serious legal uncertainty for employers, who are left at the mercy of the will of the government of the day in order to regain control of their establishments.

A system that renders the protection of fundamental rights conditional on political considerations is incompatible with the principles of freedom of association and the guarantees for all parties in labour relations that are enshrined in Conventions Nos 87 and 98. We therefore encourage the Committee to take note of this situation and recommend the Government of Uruguay to adopt objective, expeditious mechanisms to ensure the removal of occupations of workplaces that violate the legitimate rights of employers and non-striking workers.

Observer, International Organisation of Employers (IOE) – Let us be clear: this case is no longer about differences in interpretation. It is about the persistent refusal to implement recommendations that have been repeated for over 15 years. For more than one and a half decades, the Committee of Experts and the Committee on Freedom of Association have consistently reported that fundamental aspects of the collective bargaining system in Uruguay are incompatible with the free and voluntary principle protected under Conventions Nos 98 and 87. The recommendations have been clear and the comments repeated but the problems that have been identified persist.

Collective bargaining belongs to employers and workers, and their representative organizations. It is not up to the State to determine its results or overrule the will of the parties. However, the supervisory bodies have been warning for years that there are mechanisms in Uruguayan legislation that grant the public authorities a role that is incompatible with the principles of free and voluntary collective bargaining. Most concerning is that, despite the time that has elapsed and the clarity of the comments made, the authorities have publicly stated that there are no plans to introduce the legislative reforms necessary to implement the ILO

recommendations. This message should worry all of us because when the supervisory bodies' recommendations can be ignored for 15 years without any repercussions, what is at stake is not only a country's situation but also the credibility of the international labour standards system. Uruguay has a long tradition within this Organization and, precisely for that reason, we expect commitment and compliance.

Therefore, the IOE urges this Committee to firmly request the Government of Uruguay to initiate, without further delay, the legislative reforms necessary to implement the outstanding recommendations of the ILO supervisory bodies, particularly those aimed at ensuring that collective bargaining is carried out in a fully free and voluntary manner in conformity with Conventions Nos 98 and 87. After more than 15 years of repeated comments, the time has come to move from excuses to implementation.

Observer, Education International (EI) – I can tell you as a teacher that listening to the Government and listening to many of the members on these benches, that Uruguay should not be on the naughty step. Rather, they should be lauded for the amazing work that they have done in ensuring that it is possible to present this article and this way of working. They have been developing this way of working over many years, and I will quote Article 4 of the Convention: "Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation … by means of collective agreements."

Uruguay has adopted measures appropriate to its national conditions. A country with a small population where most employment is concentrated in small and medium-sized enterprises with between one and four workers and five and ten workers, i.e. SMEs. It is therefore clear that national conditions make it necessary to take appropriate measures to encourage the use of voluntary bargaining procedures. This is what – as the Uruguayan Government representative pointed out – they have been doing for decades in Uruguay.

The national conditions stimulate and promote collective bargaining. It establishes areas of negotiation under the auspices and convening of a government framework, creating the scope of negotiation so that the parties voluntarily develop negotiation mechanisms.

This mechanism has allowed the country to have very high rates of collective bargaining coverage and, when it was not applied, the results were also clear, a deterioration of working conditions and a weakening of trade union organizations.

The Committee of Experts' observation, I have to say, is a little muddled in that it welcomes the very high rate of collective bargaining coverage and recognizes the mechanisms that are there that support this and yet it has some claims for a need to change. Those modifications that are being asked for, that have been determined, are also part of the modifications which have required this welcome scenario of a high rate of collective bargaining. It also points out that any collective agreement on the fixing of conditions of employment should be the result of an agreement between employers or employers' organizations, on the one hand, and workers' organizations, on the other.

The point was clarified, both by the Government and the workers, pointing out that this negotiation is carried out in the tripartite sphere, but on any agreement on working conditions, it is of a bipartite nature, which is not taken into account in the conclusions offered.

It is not reasonable to allege a violation of freedom of bargaining in a country that has one of the highest rates of collective bargaining in the world. It is not logical to welcome a high rate of collective bargaining and yet question the framework which our Convention allows to bring us there.

The Uruguayan Education Minister spoke at the centenary event on Monday about the inclusion of domestic workers in the collective bargaining mechanism. Let us not break what is not broken. Reject this mendacious claim.

Government representative – I would like to begin these closing remarks with a celebration. I am truly delighted that, thanks to the distinguished Employer representative of Brazil, the right to strike is once again part of the Committee's discussions after so many years. I presume that this is based on the sound idea and reasoning that strikes form part of the human right to freedom of association, as the International Court of Justice has recently ruled and as is also established in the case law of the Inter-American Court of Human Rights.

In short, I believe it is very good news for everyone that the right to strike is once again part of the Committee's deliberations, but I must also say that it is out of context, because Convention No. 87 is not the issue for which our country is appearing before the Committee; therefore, a detailed analysis of the case in question will have to be left for another occasion, though I repeat that I did not wish to omit making this point.

I wish to make further comments on some of the contributions, as I believe that some were extremely imprecise, and serious errors were made which detract from the quality of the debate. This is undoubtedly due to the number of hours we have been working, but it must be said that "opt-outs", for example, which a distinguished Employer member was calling for, are provided for in Uruguayan law, namely section 15 of Act No 18.566. They are not referred to as "opt-outs", which is a rather colloquial term, but if one reads section 15, one can easily conclude that this possibility is provided for.

Another error which, in my view, complicates understanding and detracts from the quality of the debate is to state or complain that section 14 of the Act regarding the parties authorized to negotiate was not replaced. Indeed, section 14 was not replaced. What was done was to delete the final part: I would like to clarify this to the Employer representative of Spain. What was done was to delete the final part of this section, which provided that higher-level trade unions could negotiate a collective agreement in the absence of an enterprise-level trade union.

That is what was amended, and therefore no further clarification is necessary, insofar as application and interpretation are restored to the effect that the parties authorized to negotiate are those set out in Article 2 of Convention No. 154.

What might perhaps be worth noting is that what the employers in Uruguay were seeking, when the deletion of the final part of section 14 was being debated, was either to enable collective bargaining by express provision through subjective agreements with non-unionized workers, or to expressly authorize the route of collective bargaining with elected workers' representatives. The latter is not prohibited under our legislation, but it has no practical significance in labour relations in Uruguay.

And the final point I wish to clarify – because I also recognize that there is a significant lack of precision in this discussion – relates to a comment made by the Employer member of Guatemala that awards are decided by decree. That is absolutely incorrect. The decisions of the Wage Boards are adopted in the legal form of a tripartite resolution, never a decree, at least since 2009, when this very law which is the subject of challenge today was enacted.

In short, returning to the main thrust of our presentation on the merits of the system and how it safeguards the freedom and autonomy of the parties, it must be said – and here we return to a constitutional argument of this Organization – that this is the approach our country has adopted to tackle the needs referred to in the 1944 Declaration of Philadelphia.

Since 1943, when the Wage Boards were established, extensive negotiations began not only on minimum wages by category – which has traditionally been the remit of these bodies – but also, gradually, the social partners themselves at the negotiating table voluntarily began to incorporate elements relating to working conditions and general pay rises.

It was not the Executive Branch of the 1940s, nor that of the 1950s or 1960s, which introduced this type of provision; it was a practice adopted by the parties themselves which was subsequently incorporated – or, one might say, legalized – in the 2009 Act, as until then the practice had no legal basis. If the Wage Boards were to be prohibited from negotiating working conditions and wage adjustments, as the employers want, this would trigger a consequence that nobody wants – neither the Government nor the workers, and even less so the employers – namely the fragmentation of collective bargaining into two stages: a first stage to negotiate minimum wages by category within the Wage Boards, and, once that negotiation is complete, a second stage – supposedly at a bipartite level – to negotiate working conditions and wage adjustments, thereby prolonging the process, increasing social unrest, and doubling the time taken to reach collective agreements.

Furthermore, the strength of tripartite and bipartite collective bargaining determines a very important factor, highlighted in many international studies: namely, that in Uruguay the rules governing the provision of dependent labour very often originate from collective bargaining, which endows the legal system with a highly distinctive feature that sets it apart from the regulatory models of other countries, as it affords considerable scope for collective autonomy to create legal norms outside the legalistic and codified model prevalent in most countries.

Restricting the possibility of negotiating working conditions and wage adjustments within the Wage Boards, as the employers are seeking to do, would also run counter to the tradition dating back to the 1940s. I would invite you all to review the analyses of the resolutions of the Wage Boards from 1943 onwards, and you will be able to verify, for example, that in 1948 the Wage Boards incorporated matters such as dismissal procedures and promotions in the case of the newspaper offices in Montevideo, uniform pay and work equipment, overtime pay, and provisions on working hours for medical staff in 1965; in short, a vast array of issues on which the social partners, exercising their freedom and autonomy, negotiated when the Wage Boards were convened.

This was a practice that had no legal basis and which the 2009 Act – so heavily criticized in this complaint – legalized: it incorporated it as a regulated matter rather than as a spontaneous practice without a legal foundation.

On this point, I would like to make two final observations and then offer some very brief conclusions: there is an obvious contradiction between the agreements reached in tripartite Wage Boards – which reflect the free will of the employers' and workers' organizations – and the fact that those same organizations, or some of those representative organizations – undoubtedly at enterprise level – subsequently raise objections at international level.

Those same employers' organizations could choose to negotiate bilaterally (Uruguay offers a wide range of options for collective bargaining) with workers' organizations, and as has already been established and stated in this room, in such cases, the much-resisted tripartite boards might not need to be convened if there were bilateral collective bargaining on minimum wages at sectoral level.

Much has already been said about the issue of wage guidelines. These are simply suggestions from the Executive Branch to the social partners; they are not binding, but merely the Executive's positions on wage matters that it brings before the Wage Boards.

And now some very brief conclusions: Uruguay should never have been included on the shortlist of individual cases. Nor do we wish to be here, as the Uruguayan employers have said, and that is why the Government has sought channels of dialogue to resolve the matter internally. Of course discussions took place with the employers, of course discussions took place with the workers, and of course we made it clear to them that we do not like being in this position, which we consider unfair to say the least.

Furthermore, there is no valid reason whatsoever for a further terminological inaccuracy which is extremely serious, since the spokesperson of the Employers' group stated that the Committee of Experts has claimed that the system in Uruguay is incompatible with Article 4 of the Convention. I invite you all to read the statement by the Committee of Experts submitted to this Committee; there is not a single indication, not a single mention of any incompatibility between the Uruguayan collective bargaining system and Article 4 of the Convention.

It is extremely important to be careful with language in this sort of debate, to ensure the quality of the discussions, and not to attribute to documents statements that they do not actually contain. The Government has come to uphold the democratic quality of labour relations built upon institutionalized tripartite social dialogue, involving, among other institutions – pardon the redundancy – the Wage Boards.

The social partners may negotiate wages, working conditions and all other matters at the tripartite or bipartite levels, as they freely choose. The law and practice governing Wage Boards date back to 1943 and currently ensure coverage of 95 per cent of people in dependent employment with regard to minimum wages.

We do not understand the criticism or why it is presented as a problem that there is 95 per cent – or 100 per cent, as I believe was even stated in this room – coverage in relation to minimum wages. It would appear that it is not viewed as positive that people in dependent employment have a minimum wage determined through machinery enabling participation and discussion, such as the Wage Boards.

They reflect a high degree of consensus, and we understand that our interpretation is in line with article 19(8) of the ILO Constitution, as has already been stated.

Finally, we share the view expressed by the Committee of Experts in its report on Uruguay – which was read out correctly, without inaccuracies or errors, and without attributing to the Committee of Experts statements it did not make – that the effective promotion of collective bargaining and its high level of coverage must be guaranteed; at the same time, we consider – and we wish to have this recorded in this room – that we may regard the Committee of Experts' offer to receive technical assistance from the Office as a means of better demonstrating on the ground that we are in full compliance with the Convention; not merely through a literal interpretation of the legal provisions but also by complying, so to speak, with the functions and the evolution of the legal institutions, and by thus embodying the very aims and objectives of the ILO.

Employer members – Before I refer to the discussion, I must say that I am concerned about the views held by some of the participants. I also recognize that they are in the minority, but they have left the impression in this Committee room that it does not matter whether or not there is compliance with the Convention and with the observations of the Committee of Experts. This is despite the fact that they expressed these views after studying the case,

listening to the Government and following the discussion. According to these participants, what matters is the outcome, and, frankly, such a stance is deeply worrying. They seem to forget that an agreement involves two parties. I ask you to reflect on this: if the outcome were the other way round, then we would indeed have to adhere to the Convention.

Think about it: the rules are what provide us with legal certainty and stability, and protect our rights and values – we must not forget that – and that is the remit of this Committee. Its remit is to draw up rules and then monitor compliance with them; it is nothing more than that. So it seems to me that we must be careful about what is proposed and what is sought, because these very same criteria might be applied to many other sensitive issues we face in this room – issues just as important as collective bargaining. I do not know where this line of thinking would lead us, but truly, I invite you to reflect on this; I do not wish to turn this into a debate.

The IOE reminded us that we are not at the initial stage of this discussion, and I fully agree with that; we already have a very clear decision. This is a discussion that has been going on for many years, as has been said. This decision has been made by the competent bodies of this Organization, and all of us sitting here are obliged to comply with those decisions, those proposals, those calls to action, and those incentives; in short, with everything we say here in this Organization, always with a view to compliance, given that the rules exist. Even the Office itself adheres strictly to this.

Before I begin to assess the discussion, I must address a few points raised by the Government representative, whom I thank for his candour, because the truth is that he has laid his cards on the table quite openly, saying, "We have taken a different path, a different approach, which has served us well for the benefit of the workers." We welcome this; we are all in agreement on this; what we have all been seeking since this Organization was founded is the progress and welfare of workers; that is why we are sitting here, of our own free will – no-one is forcing us. So I truly welcome this, but we must not forget that we have obligations within a definitive legal and regulatory framework, which we have voluntarily adopted, regardless of the fact that it forms part of the fundamental principles and rights at work enshrined in the Convention.

Frankly, the issue of strikes is out of context; there is no mention of it whatsoever in the matter we are currently discussing. However, in the interests of everyone's time, I would ask you to take it as given that we have already stated our position on this matter on other occasions; we are due to discuss it in November and, in the meantime, we will not be addressing the issue at all. If you wish, I would be happy to reiterate our position on matters relating to strikes, but I would ask that, in the interests of everyone's time, we treat it as having been set out previously; we have already expressed it on other occasions and it is a statement which is practically one page long; I believe we can make better use of that time.

Please excuse me: while I welcome and applaud the fact that the Government representative has been open and has explained to us here how they view the situation, namely that the outcome is more important than compliance with the regulations, I believe that bringing discussions to the Committee that are taking place internally between the Government and the workers' or employers' organizations – or just the employers' organizations – is unnecessary. We must stick to the matter at hand, and I would ask you to do the same: to stick solely to the discussion arising from the report. I shall not comment further on this.

I too saw within this openness – which the Government has shown us, and for which I am truly grateful – how he explained to us the historical development of this process we are currently part of, which dates back to the 1940s, through the Wage Boards – I suppose to

determine minimum wages on a tripartite basis – and how, as practices were gradually established to incorporate other agreements and different conditions, they decided in 2009 to incorporate it into law. But that is contrary to the spirit of the Committee of Experts' report – though it does not state this verbatim – but it does state verbatim what I have already read, which I shall not repeat; I quoted it verbatim and I assume it is recorded in the minutes – namely, what the Committee of Experts' report says: that you must amend your law to bring it into line with the Convention.

I am not going to read the statement again; it has already been included in the discussion and I think that should suffice. But anyway, this historical element confirms that we are indeed in the situation that has been determined and assessed with, it seems to me, great thoroughness by the Committee of Experts, and it is exactly as reproduced in the report – actually in the reports – which on the last occasion urged the Government to make this amendment in consultation with the most representative organizations. So this shows that we are already in the midst of a discussion that goes back some time; I say this for newcomers who may not be familiar with the procedure we are following here. I will not go into the other aspects now; I will simply conclude by saying that, in light of the discussion, our group requests that the conclusions once again urge the Government, in consultation with the most representative workers' and employers' organizations, to adopt without delay the necessary measures to amend section 12 of Act No. 18.566, in order to ensure that national law and practice are fully in line with the Convention – as stated by the Committee of Experts and the report – and with the principles of collective bargaining developed by the ILO supervisory bodies. We are not going to get bogged down in semantics; that is the crux of the matter.

Therefore, for the purposes set out in the report – namely that the Government should consult the most representative organizations and act accordingly – we request that the report urge the Government to do so, without adding or omitting words, so as not to enter into a semantic discussion that will lead us nowhere.

Given the persistence of the observations made over so many years regarding a fundamental Convention, and in light of the debate we have had in this room, we have decided to request that a special paragraph be included in this case. We are aware of the scale of what we are asking for and proposing, but we believe that what the Committee of Experts has been saying for so long should not be sidestepped or overlooked. The only thing left to say in this room is that the report is wrong, we are on the right track and the outcome is positive, and that is that. I therefore believe we must emphasize this point, and I would ask you take this finding into account.

Finally, we encourage the Government to request technical assistance to facilitate the adoption of the necessary measures to address the observations that have been pending for a long time.

Worker members – As a conclusion to these Committee discussions, I would like to state and reaffirm that Uruguay is a country characterized by social dialogue, tripartite consultation and, above all, the full functioning of its democratic institutions.

As was stated at the outset, we are here to assess a regulatory system that consolidates collective bargaining as a genuine state policy, historically supported by the country's political and social sectors throughout the ages.

The arguments put forward in this room confirm that this so-called state intervention, far from constituting unlawful interference or coercion, would operate as a mechanism to foster and promote voluntary bargaining in strict accordance with Article 4 of the Convention.

The facts regarding the economic and labour realities in Uruguay are decisive and refute any grounds for challenge. We reiterate that this is a productive sector in which the vast majority of enterprises have fewer than ten employees. Collective bargaining by sector of activity is the only viable tool for ensuring that workers are covered.

Attempting to fragment this system into exclusively enterprise-level bargaining would amount to leaving thousands of employees unprotected, thereby destroying a model which, as has been stated and reaffirmed here, boasts one of the highest coverage rates in the world.

Furthermore, the high level of the Uruguayan State's compliance with the law has been demonstrated in response to the employers' demands; over recent years, this regulatory framework has undergone profound changes that have addressed almost all the observations raised by the employers' associations and, I reiterate, even some to which the workers' organization was expressly opposed.

Section 12 of Act 18.566, the final point under discussion, is unequivocal and leaves no room for ambiguity: no working condition may be imposed without the explicit and mutual consent of both parties, which validates the free and voluntary nature of the system.

In this case, weakening or curtailing the powers of the current tripartite system would not constitute a technical improvement to the legislation; rather, it could directly undermine access to fair pay and decent working conditions, thereby running counter to the fundamental aims of this Organization. Limiting the scope of collective bargaining to each branch of activity would irreversibly weaken the bargaining power of the most vulnerable sectors of the economy, potentially leading to hidden precariousness.

This Committee, of course, cannot endorse interpretative criteria that render state protection mechanisms meaningless, since the lack of protection for workers in micro and small enterprises is in direct conflict with the founding mandate of the ILO to promote social justice and decent work through the strengthening – not the weakening – of tripartism.

According to the International Trade Union Confederation's Global Rights Index, attacks on the rights to freedom of expression and assembly were recorded in 50 per cent of countries – a record figure for the index and an increase from the 45 per cent recorded the previous year, in 2025; 75 countries have arrested or detained workers whilst they were exercising their rights. The right to collective bargaining has been restricted in 80 per cent of countries – the same percentage as in 2025, among other equally discouraging indicators.

Workers in three out of every four countries have been denied the right to organize. The average score for the Americas has fallen even further compared with 2025, and two countries on that continent – my continent, our continent – have made it onto the list of the ten worst offenders in terms of trade union and human rights violations. Fortunately, on the same continent there is Uruguay, which has managed to climb one more rung and is now among the world's best countries for labour relations.

Whilst the regulatory enforcement mechanism serves to highlight cases of serious non-compliance, on this particular occasion, it has, in our view, yielded a positive outcome. And here I would also refer to the statement made by the Employers' spokesperson, who told us that we should also bear in mind that when our work has contributed to positive results, these are presented within our Committee as good examples for other governments.

While, in other cases within our own region, we had identified the systematic lack of social dialogue as the main cause of the climate of violence characterizing labour relations – marked by wage freezes, collective bargaining freezes and, in many cases, a refusal to ratify collective

agreements unless certain conditions are met – and indeed interference by the State, the reality in Uruguay is at the opposite extreme.

That is why, first and foremost, we reiterate our conclusion that nothing is perfect and that everything must be monitored and subject to appropriate supervision, while recognizing that further action is needed in the future – what are referred to as outstanding issues in Colombia – but I also wish to emphasize that Uruguay, in all international forums, consistently reaffirms its commitment to the governance role of the ILO and is a very strong voice on the global governance stage in defence of multilateralism and the role of this Organization as a guarantor of decent work, even within the framework of the Sustainable Development Goals and the post-2030 debates.

This commitment to institutional leadership is clearly reflected in its recent track record, having led the Government group of the ILO Regional Conference for the Americas and now holding the presidency of this Conference.

I wish to emphasize – as I have said regarding other countries I have criticized – that when a country holds a position and fulfils it with honour, this too must be highlighted.

Furthermore, we wish to emphasize that the CSA chose to base itself in Montevideo precisely because Uruguay is a territory where it can carry out trade union activities across the entire region with complete peace of mind and full guarantees.

In my capacity as a representative of Argentina, which borders Uruguay, I have first-hand knowledge of and can personally attest to the merits of a regulatory, protective and balanced system such as that of Uruguay, which we regard as a model. Lastly, we particularly value the commitment shown by the Government of Uruguay, which, in its recent statement, has firmly and convincingly upheld its collective bargaining system in line with international standards, whilst also demonstrating a willingness to receive technical assistance – a stance that we support. This has been a request from the Government which we – employers and workers alike – must support. We would like to take this opportunity to encourage other governments in the region to adopt the same approach as the Government of Uruguay in creating the conditions – for both employers and workers – to ensure that the conclusions of this Committee open up positive avenues aimed at resolving the issues at hand.

Chairperson – The discussion of this case is now concluded. I would like to thank the Deputy Minister for his participation and also all the speakers who took part in the discussion.

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 persistence of comments by this Committee and other supervisory bodies concerning Uruguay's collective bargaining legislation and practice in relation to Convention No. 98.

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

- **take the necessary legislative measures, including amending section 12 of Act No. 18.566, to ensure full conformity of the law and practice with the principles of collective bargaining and the Convention.**

The Committee encouraged the Government to avail itself of ILO technical assistance as necessary, and requested the Government to provide a report on progress made by 1 September 2026.

Government representative – The Government would like to thank the Governments and social partners for the interesting discussion which has taken place in the Committee; this has been a technical discussion related to the individual case.

Faithful to the tradition of social dialogue and tripartism, we welcome the conclusions of the Committee, incorporating them into the institutional frameworks of our labour relations system, with a view to reaching agreements that address the requests made, while maintaining, as called for by the Committee of Experts, the effective promotion of collective bargaining and its high level of coverage.

We reiterate what we have already indicated in our explanations to the Committee, namely the Government's willingness to receive technical assistance.

Uzbekistan (ratification: 1992)

Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Written information provided by the Government

The Government of Uzbekistan reaffirms its commitment to the effective implementation of its obligations under the ILO Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified in 1992.

In recent years, Uzbekistan has undertaken comprehensive constitutional, legislative and institutional reforms aimed at strengthening equality, non-discrimination and equal opportunities in the field of labour and employment.

The revised Constitution guarantees equality before the law for all persons, prohibits discrimination and enshrines the right of everyone to decent work, fair remuneration without discrimination and protection against unemployment. These guarantees have been further developed in the Labour Code, the Laws on employment of the population and on guarantees of equal rights and opportunities for women and men and other legislative acts.

The Labour Code prohibits both direct and indirect discrimination in labour and employment. Discrimination is defined as the imposition of restrictions or granting of advantages on the grounds of sex, age, race, nationality, language, social origin, religion, beliefs, membership in public associations and other circumstances unrelated to workers' professional qualifications.

In addition, amendments to the Labour Code have been drafted and submitted to the Legislative Chamber of the Oliy Majlis (Parliament). The proposed amendments expand the list of prohibited grounds of discrimination by including "colour" and "political opinion", in line with Convention No.111. The draft law also introduces provisions prohibiting violence and harassment in the world of work, establishes additional guarantees for affected workers and strengthens mechanisms for protecting their rights.

Furthermore, amendments have been proposed introducing provisions concerning the prohibition of sexual harassment in labour and employment relations and establishing

employers' obligations to take all necessary measures to ensure a working environment free from sexual harassment.

On 15 May 2026, the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan adopted the draft law in its second reading, reflecting the country's continued efforts to strengthen the legal framework on equality, non-discrimination and protection against violence and harassment in the world of work.

In order to further strengthen the implementation of international labour standards, the Ministry of Employment and Poverty Reduction, together with the Federation of Trade Unions, the Confederation of Employers and relevant government institutions, with the support of ILO experts from the International Labour Standards Department, developed a road map for the implementation of the fundamental ILO Conventions. The road map envisages the development of methodologies for identifying discrimination in labour, improving approaches to assessing work of equal value and strengthening mechanisms for data collection and analysis.

The Government continues taking measures aimed at preventing discriminatory practices at the recruitment stage. National legislation prohibits unjustified refusal of employment, including refusals based on discriminatory grounds, pregnancy, family responsibilities and other circumstances established by law.

In addition, employers and social partners continue implementing awareness-raising and information activities. The Confederation of Employers disseminates practical guidance on preventing gender discrimination and harassment in the world of work and cooperates with employment platforms to promote anti-discrimination approaches in job advertisements. The State Labour Inspectorate also conducts awareness-raising activities in this area.

The Government continues its efforts aimed at overcoming gender stereotypes and reducing occupational segregation. One of the key instruments in this regard is the promotion of equal access to education and vocational training. National legislation establishes the principles of non-discrimination in education, equal opportunity and inclusiveness. Additional support measures are being implemented within the higher education system for vulnerable groups. State grants are allocated to persons with disabilities, children from low-income families, orphans and women in fields of study where their representation traditionally remains limited.

To further expand women's access to higher education, a system has been introduced whereby the interest component of education loans allocated to women pursuing bachelor's degrees is covered by the state budget. In addition, women are provided with opportunities to pursue master's studies free of charge through state-funded grants. Since 2022, 403.7 billion Uzbekistan sum have been allocated from the state budget for these purposes.

Beginning with the 2023–24 academic year, women enrolled in vocational education institutions in higher-paid areas of study on a tuition basis (2,385 persons) were transferred to state-funded education.

These reforms are already producing tangible results. According to the results of the 2025–26 academic year, women account for 54.6 per cent of all students enrolled in higher education institutions and 67 per cent of master's degree students.

Positive trends are also observed in the scientific sphere, where women's participation continues to expand steadily. The number of women enrolled in postgraduate education

increased from 3,135 in 2023 to 8,291 in 2025, reflecting growing participation in research activities and strengthening the country's human capital.

Reducing the gender pay gap remains one of the priorities of state policy. The current approach is comprehensive and includes improvements to the legislative framework, addressing structural factors contributing to inequality, increasing the formalization of employment and strengthening objective job evaluation mechanisms. Labour legislation enshrines the principle of equal remuneration for men and women for work of equal value and prohibits discrimination in remuneration.

According to available national data, the measures implemented to expand women's access to education and employment have contributed to reducing the gender pay gap. The gap decreased from 37.5 per cent in 2020 to 29 per cent by the end of 2024, reflecting positive developments and the effectiveness of the measures undertaken.

Analysis indicates that the gender pay gap is largely associated with the concentration of women in lower-paid sectors of economic activity.

Within the public sector, a unified approach to job classification and remuneration systems is applied. Qualification requirements and wage scales are established on the basis of responsibility, complexity of work, professional qualifications and working conditions, without regard to gender.

To further prevent discrimination in recruitment, regulations governing competitions for positions in the civil service and model recruitment procedures have been adopted based on the principles of merit, transparency, competition and equality.

No substantiated cases of discrimination in recruitment processes or competitive selection procedures were identified during inspections conducted to date.

Efforts are also continuing to strengthen objective and gender-neutral job evaluation systems in both the public and private sectors.

Work is continuing to ensure equality and non-discrimination with respect to members of different ethnic and religious groups. National legislation guarantees freedom of conscience and prohibits restrictions on rights based on religion or ethnic origin.

Particular attention is devoted to promoting equality of opportunity and social inclusion for vulnerable communities, including members of Lyuli communities. Measures aimed at ensuring equal access to education and broader social inclusion continue to be implemented.

Particular efforts have focused on preventing exclusion from compulsory schooling and promoting educational participation. Uzbekistan has achieved full enrolment of school-age children in compulsory education. Currently, more than 16,000 children from Lyuli communities are covered by compulsory education programmes, while the total Lyuli population amounts to slightly over 31,000 persons.

The available information indicates continued progress in educational inclusion and access to opportunities for members of Lyuli communities.

No discriminatory legal provisions have been identified in the areas of education, vocational training, recruitment and employment. Measures are also being implemented to preserve cultural identity, encourage participation in public life and overcome social stereotypes.

To strengthen implementation and access to remedies, citizens have access to judicial protection mechanisms, the State Labour Inspectorate, the Ombudsman institution, the

People's Receptions of the President of Uzbekistan and other institutions for the protection of rights. Citizens may also apply to international human rights mechanisms after exhausting domestic remedies.

In 2019, following recommendations from international partners, restrictions on women's employment in specific sectors and occupations were abolished by a Presidential resolution.

The Government considers the strengthening of equal opportunities, non-discrimination and equal remuneration as one of the priorities of its social and labour policy.

The Government remains committed to continuing efforts aimed at strengthening legislation, institutional mechanisms and the implementation of international labour standards in close cooperation with the social partners and the ILO.

These efforts are envisaged under the new Decent Work Country Programme for 2026–30. Particular attention will be given to the effective implementation of adopted measures, strengthening monitoring mechanisms and enhancing the effectiveness of law enforcement practice.

Discussion by the Committee

Chairperson – We will now turn to the examination of the first case concerning the application of the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by Uzbekistan. We have 19 speakers on the list for this case. On this basis, the Officers have decided to reduce the maximum speaking time of delegations speaking on an individual basis from five to three minutes. I now invite the Government representative of Uzbekistan, the Minister for Employment and Poverty Reduction in Uzbekistan to take the floor.

Interpretation from Russian: **Government representative** – The Government of Uzbekistan welcomes the opportunity to present information on the implementation of Conventions Nos 100 and 111. At the outset, we would like to reaffirm the continued commitment of Uzbekistan to the principles of equal opportunities, non-discrimination and equal treatment in the field of labour and employment. We have carefully studied the comments of the Committee of Experts and we consider them to be important guidance to further improve legislation and practice.

In recent years in Uzbekistan, we have undertaken large-scale constitutional, legislative and institutional reforms. The Constitution has enshrined the principle of equality of all before the law, a ban on discrimination and the right of everyone to decent work and fair remuneration without discrimination of any kind. These guarantees have been further developed in the new Labour Code, which directly prohibits both direct and indirect discrimination in the field of labour and employment.

In response to the comments of the Committee of Experts, additional amendments to labour legislation have been drafted to include such grounds for discrimination as colour and political opinion, and also to introduce additional guarantees to prevent violence and harassment in work. These amendments also provide for a direct prohibition of sexual harassment in labour relations and establish the obligation of employers to take necessary measures to ensure a working environment that is free from sexual harassment.

In May of this year, a relevant bill was adopted by the Legislative Chamber of the Parliament in its second reading. Particular attention is being paid to preventing discrimination

at the recruitment stage. National legislation prohibits the unjustified refusal to hire someone including on grounds of sex, pregnancy, family situation and having children.

At the same time, the State Labour Inspectorate, trade unions and employers are carrying out awareness-raising activities on issues of non-discrimination. The Confederation of Employers of Uzbekistan (CEU) is carrying out work with job platforms to prevent the posting of discriminatory job advertisements.

At the same time, we recognize the need to further improve mechanisms to identify such violations, as well as to collect statistics in this area. With a view to ensuring a systemic implementation of fundamental ILO Conventions, the Ministry of Employment and Poverty Reduction, the Federation of Trade Unions of Uzbekistan (FPU), the CEU and other interested parties, with the technical assistance of ILO specialists, drafted a tripartite road map on the implementation of fundamental ILO Conventions in April of this year. This document provides for a drafting methodology to identify discrimination, the improvement of approaches to evaluating work of equal value, and the strengthening of mechanisms for collecting and analysing data.

One of the key factors for ensuring equal opportunities is, in our view, education and skills development. In recent years, we have implemented large-scale measures to expand access for women and girls to higher education and to vocational training, digital technologies and new professions.

A mechanism has been established to cover interest expenses on student loans for women using state budget funds, and state grants are provided for master's degree programmes. In recent years alone, more than 403 billion sums have been allocated from the state budget for these purposes. As a result, women now account for 55 per cent of all students in higher educational establishments, and 67 per cent of those in master's education programmes.

The number of women in the post-graduate education system increased from 3,100 in 2023 to 8,290 in 2025. Particular attention is being paid to overcoming gender stereotypes in the digital sphere and in professions of the future. Following the implementation of a number of projects, which include the "One Million IT Programmers" and the "Five Million AI Leaders", women accounted for 51 per cent of more than 500,000 post graduates of digital learning programmes. More than 40 per cent of participants in specialized IT programmes and training centres are also women.

In parallel, measures are being implemented to overcome gender stereotypes through educational programmes, family centres, "Responsible Parenting" projects, the "Oqila Ayollar" movement, and a system for monitoring media content to ensure compliance with the principles of gender equality. This work contributes to gradually reducing gender segregation in the labour market and expanding the opportunities for women in high-paid economic sectors.

Through the implementation of Convention No. 100, particular attention is being paid to reducing the gender pay gap. Labour legislation enshrines the principle of equal remuneration for men and women for work of equal value. In the state sector, we are applying a single system for the classification of jobs and remuneration, which is based on objective criteria, including the level of qualification, the level of responsibility, the difficulty of the work and working conditions. These measures are already producing results. According to national data, the gender pay gap reduced from 37.5 per cent in 2020 to 29 per cent last year. Analysis indicates that the persisting gap is largely due to the concentration of women in lower-paid

economic sectors, which shows the importance of further work to overcome gender stereotypes and professional segregation.

Particular attention is being paid to ensuring equal opportunities for the representatives of vulnerable groups of the population, including the Lyuli community. The country has achieved full coverage of compulsory education for children of a school age from this Lyuli community. At present, more than 16,000 Lyuli children are enrolled in the compulsory education system, which represents full coverage of this school-age population group. At the same time, we are carrying out measures to improve social integration and ensure access to vocational training and prevent social isolation.

Uzbekistan recognizes that certain challenges remain. In particular, there is a need to further improve mechanisms for the objective evaluation of work of equal quality, develop the statistical reporting system, strengthen law enforcement practice, and raise awareness among workers and employers regarding mechanisms to protect against discrimination. We are willing to continue our work in close cooperation with the social partners and the ILO.

To conclude, I would like to express our gratitude to the ILO and the Committee of Experts for the assistance they provide, and we are counting on continued technical cooperation in implementing the road map on fundamental ILO Conventions, as well as within the framework of the Decent Work Country Programme for 2026–30.

Employer members – Uzbekistan ratified both Conventions in 1992 and since 2014 the Committee of Experts has formulated four observations on Convention No. 100 and three on Convention No. 111. The shortcomings identified by the experts reveal persistent gaps, with challenges that in some cases seem to have increased over time. This is the first time the Committee is examining this case. To begin with, we, the Employer members, would like to thank the Government of Uzbekistan for the information provided to the Committee, as well as its expressed willingness to continue constructive dialogue with the ILO. Before turning to the comments of the Committee of Experts, we wish to highlight that we are dealing with gaps in compliance with two fundamental Conventions, and that such non-compliance is ongoing. It is not only a technical issue but also touches on standards that imply unwaivable commitments to human dignity and equality of opportunity at work.

Regarding Convention No. 100, the gender pay gap and its structural causes, the experts have expressed concern at the pay gap, which remains significant in Uzbekistan. Although the Government reported a reduction from 34 to 29 per cent towards the end of 2024, the difference between women's and men's wages remains high. The Employer members agree that it is essential to ensure legal certainty by aligning all legal provisions so that the concept of work of equal value is understood and applied correctly, extending beyond a simple comparison of equal or similar jobs. In accordance with the requests of the Committee of Experts, we urge the Government to adopt specific and proactive measures to reduce the gender pay gap through a multi-pronged approach that addresses the structural causes of occupational segregation, promotes a more equitable distribution of family responsibilities and strengthens mechanisms for objective job evaluations. We urge the Government to provide statistics disaggregated by sex, economic sector and occupational category, in order to be able to properly assess progress.

The Employer members note the measures adopted to expand women's access to higher education, as well as the results reported for the 2025–26 academic year. We consider it important to verify the impact of these measures through statistics disaggregated by sector and occupational category in order to assess their actual impact on occupational segregation and the pay gap. The Employer members also note the work being carried out to strengthen

mechanisms for the objective evaluation of jobs free from gender bias, and we encourage the Government to report on specific progress in this area, including the methodologies used and the sectors covered. With respect to Convention No. 111, we note with satisfaction that section 4 of the new Labour Code prohibits direct or indirect discrimination. However, we regret that the Government did not take advantage of that revision or the amendments in 2024 and 2025 to explicitly prohibit discrimination on grounds of colour and political opinion, as required under the Convention.

If we add this to the fact that there is no explicit legal definition of direct and indirect discrimination, we find a regulatory system that may send a weak message and allows a wide margin of discretion for legal professionals, thus complicating the practical application of regulations on non-discrimination. The fact that no discrimination case has been brought before the courts based on the concept included in national legislation confirms the need to address the application of this provision and examine its amendment without delay.

In this context, we note with interest that the Government has reported that measures have been proposed to amend the Labour Code and expand the list of prohibited grounds for discrimination, including colour and political opinion, and we request the Government to confirm the definitive version of these amendments, provide the text of the provisions adopted, and explain how their effective application will be ensured in practice. The Committee of Experts has noted the concerns raised by the workers and by various United Nations treaty bodies regarding persistent gender inequalities in education and employment.

The issues identified include discriminatory gender stereotypes, limited access to higher education, the under-representation of women and girls in science, technology, engineering and mathematics, and in information and communication technologies, occupational segregation, the unequal distribution of domestic and care responsibilities, women's limited participation in decision-making, and low levels of land ownership among women. The Employer members note the progress reported by the Government in terms of education. However, we highlight that access to education alone is not enough if it is not coupled by measures that guarantee equality of opportunity in the labour market. Gender stereotypes and occupational segregation are still structural challenges that require sustained interventions. In line with the requests of the Committee of Experts, we call on the Government to strengthen efforts to challenge gender stereotypes and reduce occupational segregation, and to provide sex-disaggregated data on vocational training and employment, including by sector and occupational group, particularly in rural areas.

In closing, we wish to emphasize the importance of Article 3 of Convention No. 111 and Article 4 of Convention No. 100, which establish the obligation to cooperate with the representative employers' and workers' organizations in the application of these Conventions. We wish to highlight that the effectiveness and sustainability of labour market equality policies depend largely on them being designed, implemented and monitored with the active participation of the social partners. We note the information provided by the Government on the road map for the implementation of the fundamental ILO Conventions, developed with the support of standards experts, as well as the new Decent Work Country Programme for 2026–30. The Employer members urge the Government to ensure institutionalized and effective consultation with the country's representative and independent social partners at all stages of the design, implementation, revision and follow-up of equality and non-discrimination policies in order to ensure that balanced, effective and sustainable strategies are developed. It is essential that the Government strengthen efforts to challenge the gender stereotypes that limit women's access to vocational training and quality employment, particularly in rural areas.

The Employer members consider that discrimination in employment not only violates a fundamental right but also limits people's career progression and prevents the full development of their talent and potential in the labour market. We therefore encourage the Government to continue to avail itself of ILO technical assistance for the implementation of the measures recommended and to maintain constructive dialogue with the social partners as the basis for ongoing progress.

Worker members – This is the first time that our Committee has reviewed the application by Uzbekistan of fundamental Conventions Nos 100 and 111. In Uzbekistan, stark gender gaps and discrimination remain a reality in the world of work. The Committee of Experts notes that women's labour force participation stands at only 39.9 per cent. The gender pay gap stands at 34 per cent.

The World Bank's Country Gender Assessment identified systematic biases against women in wage-setting practices. Women are paid less on average and are less likely to reach higher income levels. The Committee of Experts also notes that there is persistent horizontal and vertical gender segregation with women concentrated in lower paid sectors and in the informal economy, often in exploitative conditions and without access to labour and social protection. Women account for three quarters of employees in healthcare, social welfare, sports and education. Women make up only 21 per cent of the State's civil service, and only 10 per cent of leadership positions are occupied by women.

The report also highlights the insufficient sharing of domestic and child-rearing responsibilities between men and women, with women bearing a disproportionate share of family responsibilities. On average, women spend three times as much time on housework as men. There is also a low share of women among higher education graduates with low enrolment of women and girls in tertiary education and high dropout rates among girls in secondary education. Women and girls also remain concentrated in traditionally female-dominated fields of study and under-represented in science, technology, engineering and mathematics. Gender-based discrimination and gender stereotyping remain pervasive.

According to the observations of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), as reflected in the report of the Committee of Experts, concerns remain regarding persistent stereotypes, limited access to higher education and ongoing occupational segregation, with women concentrated in healthcare, social services and education. We share those concerns. In the face of these stark facts, the question is how to close the gap and how to address gender discrimination. Conventions Nos 100 and 111 offer an answer to that question. They are the cornerstone of effective policy and legal frameworks, as well as of good practices to address gender inequality and discrimination in the world of work.

Despite the fact that the Committee of Experts notes in its report a number of positive developments in Uzbekistan to bring its legal and policy framework into line with the Conventions, challenges remain. In this regard, we note the Government's written information that a road map for the implementation of the fundamental ILO Conventions, including those on discrimination and equal remuneration, has been developed together with the social partners and with ILO technical support.

The Committee of Experts notes with satisfaction that the provisions in the new Labour Code now support work–life balance in line with the ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156) in 2024. We encourage the Government to continue its efforts and pursue the full and effective implementation of the Conventions. We

join the Committee of Experts in urging the Government to take the necessary measures to reduce the gender pay gap.

Addressing the structural causes of that gap is essential. This requires the adoption of proactive measures to prevent discrimination at all stages of the employment relationship. We call on the Government to adopt such measures, evaluate and enforce them and provide information on the results achieved in both the private and public sectors. We also note the Government's indication that the gender pay gap has narrowed in recent years. Nevertheless, the gap remains substantial and sustained action is still needed to address its structural causes and ensure equal remuneration for work of equal value in practice.

To achieve this, the Government needs to strengthen its statistical capacity to produce pay data by economic sector and occupational category, as well as sex disaggregated statistical data on pay disparities. A reliable and effective statistical system can serve as a powerful tool to inform and shape policies designed to address gender-based discrimination.

The Committee of Experts also calls on the Government to strengthen its efforts to challenge gender stereotypes and reduce occupational segregation and to report on the impact of measures taken, supported by sex disaggregated data on vocational training and employment, including by sector and occupational group, particularly in rural areas.

Gender-based discrimination is not the only issue raised in the observation of the Committee of Experts. It also noted that the grounds of colour and political opinion are not explicitly listed in the Labour Code as prohibited grounds of discrimination. They should be. The open-ended ground of discrimination relating to, and I quote "any other circumstances unrelated to the qualifications of the worker or the results of his/her work", is not sufficient.

We join the IUF in expressing concern about the declaratory nature of the general prohibition of discrimination, which results in a lack of understanding among workers and employers of the nature of discriminatory practices. At the same time, we note the Government's indication that draft amendments to the Labour Code would add colour and political opinion to prohibited grounds of discrimination. If adopted and effectively implemented, this would be a welcome step toward fuller alignment with Convention No. 111.

We also note the Government's statement that new provisions are being introduced on violence and harassment in the world of work, including sexual harassment, together with obligations on employers to ensure a working environment free from such conduct. These measures could represent important progress provided they are enacted, enforced and accessible in practice to all workers.

Finally, the Committee of Experts found that it is necessary to include a general definition of direct and indirect discrimination in employment and occupation, and to ensure that the principle of equal remuneration for work of equal value is consistently and coherently reflected in national legislation.

The Committee of Experts also asked the Government to take proactive steps to raise awareness among employers and workers and their organizations of what direct and indirect discrimination means in practice, particularly in the context of the revised Labour Code. It further stressed the need for legal certainty and coherence across national legislation so that the principle of equal remuneration for men and women for work of equal value is applied consistently and effectively.

The Worker members call on the Government of Uzbekistan to address the gender gaps and discrimination that remain deeply entrenched in the country and to bring its policies and

legal framework on gender equality and non-discrimination into line with Conventions Nos 100 and 111.

Interpretation from Russian: **Employer member, Uzbekistan** – The Confederation of Employers of Uzbekistan (CEU) participates actively in work to improve national legislation and practice in accordance with international labour standards through social dialogue at the national level. This year, in accordance with the principle of rotation, the CEU is now chairing the National Tripartite Committee, which gives us further responsibility for developing constructive social dialogue and for promoting international principles and rights in the field of labour. In April of this year, tripartite partners, with the technical assistance of the ILO, drafted a road map for implementing fundamental ILO Conventions, which include Conventions Nos 100 and 111. This document provides for the development of proposals for further improvement of labour legislation, including the clarification of concepts and forms of discrimination, the incorporation of provisions on indirect discrimination and harassment, and the strengthening of practical mechanisms to identify and prevent discriminatory labour practices. Particular attention is being paid to the issue of ensuring the principle of equal remuneration for work of equal value.

The social partners are jointly developing approaches to drafting relevant methodological instruments and recommendations to improve the system for collecting and analysing data. We would like to note that the issues of equal opportunities and non-discrimination are reflected in the general collective agreement between the Cabinet of Ministers of the Republic of Uzbekistan, the FPU and the CEU, which indicates the commitment of the social partners to further promoting the principles of decent work. We should also note that, in addition to the activities within the framework of the tripartite dialogue, employers in Uzbekistan are implementing practical measures directly within their own enterprises. First and foremost, this work is to improve awareness among employers of the requirements of legislation, the principles of decent work and developing socially responsible practices for managing staff, including issues of non-discrimination and equal opportunities. We have set up cooperation with the Head Hunter Asia company to promote non-discriminatory approaches to posting job advertisements and recruitment, including with a view to preventing the use of discriminatory criteria and wording when hiring staff. This cooperation includes joint training and the implementation of awareness-raising campaigns.

In 2025, we updated a practical guide that was drafted together with the ILO for employers, entitled “Eliminating Gender Discrimination and Harassment at Work”, which contains recommendations to prevent discrimination in recruitment and more generally in labour relations. Furthermore, the CEU has drafted and is implementing gender strategies for companies in the aviation, oil and gas and textile sectors, and also in education. The joint programme of the ILO and the International Finance Corporation (IFC) “Better Work Uzbekistan” also makes a significant contribution to promoting the principles of non-discrimination and gender equality. Through an independent assessment of working conditions, advisory support and training activities, the programme promotes the implementation of best labour practices at workplaces. This year, this programme has seen a five-fold increase in terms of the number of businesses it covers. Employers are also paying particular attention to eliminating practical barriers which may restrict the participation of women at work. In a number of sectors, including the textile sector, businesses are investing in the development of social infrastructure for workers with family obligations, including by establishing preschool facilities and special childcare facilities.

We consider these measures to be an important addition to state efforts to ensure equal opportunities at work. The employers of Uzbekistan reaffirmed their willingness to further

participate in implementing international labour standards and, together with the Government and workers, to continue our work on ensuring the full and effective application of Conventions Nos 100 and 111. Employers recognize that certain issues require greater efforts, and we believe that the reforms that are being implemented and the constructive tripartite cooperation ensure the necessary conditions for the further effective application of Conventions Nos. 100 and 111, as well as the implementation of the recommendations of the ILO supervisory bodies.

Interpretation from Russian: **Worker member, Uzbekistan –** The Federation of Trade Unions of Uzbekistan has a great deal of respect for the ILO's supervisory bodies, and we consider the inclusion of our country for the Committee's discussion of Conventions Nos 100 and 111 an opportunity for honest, open and direct dialogue.

There is not a single country in the world that has built an ideal society free from discrimination, and we are no exception to that. However, this dialogue gives us - the trade unions - extremely important leverage within our country for strong negotiations with employers and the Government. We would like to state openly that good laws alone do not change the lives of people on the ground. These changes are driven by real people, our trade union activists, legal consultants and all our workers, who are not afraid of raising their hands and saying, "My rights are being violated here!". Our mission is to put effective tools in their hands.

The Constitution of Uzbekistan of 2023 and the Labour Code have established a robust foundation that prohibits any direct or indirect discrimination at work. However, the Committee of Experts has rightly indicated that there are gaps in the law. In particular, it has not clearly set out the basic grounds for discrimination such as colour and political opinion. We have not ignored this issue. In 2022, the FPU openly published its critical position on its official website, kasaba.uz, and also repeatedly raised this issue at the Tripartite Committee's meetings.

We believed and we continue to believe that ignoring gaps means that we would be betraying the interests of workers. Today we are reporting to the Committee on the concrete results of our determination. The Government has listened to trade unions and introduced amendments to the Labour Code and several other laws. A bill which directly includes colour and political opinions as grounds for discrimination was adopted during a second meeting of the Legislative Chamber of the Parliament. This is tripartite dialogue in action.

We have also carried out a tectonic step forward in terms of women's employment. In 2019, we fully got rid of the demeaning Soviet list of professions that are banned to women. Instead of blanket bans, we have shifted to a proactive approach to health and safety in the workplace. Now, any restrictions on working conditions at a specific plant may be imposed by the employer only with the consent of the trade union committee. In the first four months of 2026, as part of public oversight in 300 organizations, we protected the rights of nearly 30,000 working women.

Where the working conditions were harsh, we provided these women with high-quality personal protective equipment, special clothing, and health protective nutrition; and we established decent health and sanitation conditions.

Moreover, we moved our system oversight to a new level. As part of a gender audit of government agencies, we examined the personnel processes of the Ministry of Higher Education, Science and Innovation in late 2025. We examined in detail why women get stuck at the staff level and do not advance to leadership positions, and we submitted this data to the

Republican Commission for sweeping personnel reforms. What else do we see? There are some employers that continue to publish discriminatory job advertisements, and we would like to use this opportunity today to appeal to all employers of our country to strictly comply with the principles of equality and non-discrimination when hiring workers, basing their decisions not on the candidates' gender, age or other personal characteristics, but exclusively on their professional skills and competencies.

Section 244 of the Labour Code guarantees equal remuneration for work of equal value. However, we are all aware that employers are the masters of masquerade. On paper, the wages are equal but because of bonuses, allowances and subjective evaluations, "male-dominated" professions always come out ahead. Trade unions derive their strength not from rallies but from agreements. To get rid of this hidden gender gap, our Federation, since 2018, has been implementing a unique weapon: "gender tables" in collective agreements. And we have been really implementing them.

As of the end of 2025, out of nearly 135,000 existing collective agreements, these tables are already being used in nearly 111,000 of them, which accounts for 82.4 per cent of the total number of agreements. How does this work in practice? We take a so-called "man's profession" and compare it with a similar "women's profession" in terms of the level of responsibility. If the value of the work is the same, we strictly link their pay rates. The principle of parity applies: if an employer raises the wage or improves conditions for the male group, then automatically without any additional negotiations, the pay and conditions for the female group will also increase. This instrument takes a long-term view. It creates a strong block so that the existing income gap does not widen by a single sum. This excellent idea was given to us in 2017 by an ILO expert, Nicholas Studer, and we are very grateful to the ILO for that.

We are realistic, however, that these tables are not a panacea. Fully reducing the gender gap is a long road which depends on a whole set of political and legal measures at a statewide level. In the draft collective agreement for 2026, we have gone even further. We have obliged every employer to appoint an ombudsperson on gender equality. We have banned the indication of sex and gender in job advertisements, and introduced a paragraph on due diligence.

In 2025, our inspectors verified compliance with the minimum wage in more than 12,000 organizations. We verified compliance with these wages for 1 million people. We identified 20,000 violations and returned to workers' pockets 8.6 billion sums of illegally withheld money. Our hotline "1211" has received 16,000 calls. We have given a helping hand to a million women who were in a difficult living situation.

Our guidelines for 2026–30 adopted at the ninth Congress of our Federation in November of last year are very concrete. The first is to achieve a minimum wage that is no lower than the living wage; the second to ensure a full exemption of income tax for wages that are below the living wage; and the third to legally include trade unions in the evaluation of key performance indicators in enterprises in order to curb managerial subjectivity in the allocation of rewards and incentives.

We propose carrying out our collaboration with the ILO, in line with the specific joint projects. We are counting on continued technical cooperation with the ILO for the implementation of two important tasks. The first is on Convention No. 100. We request technical assistance to draft comprehensive national methodology for the objective assessment of work and to define "work of equal value ", adapted to modern economic realities. Second, on Convention No. 111, to involve international experts in the joint development of legal mechanisms to establish a clear administrative responsibility for

discrimination in the field of labour and employment, which will allow for the strengthening of law enforcement practice in our country. We are open to partnership. Our goal remains unchanged. Every worker in Uzbekistan, regardless of their sex, faith, the colour of their skin or their political opinions, must be evaluated exclusively on their professional skills and on how they carry out their work. Therefore, we call on the Government to continue to implement measures to reduce the gender pay gap, improve women's participation in high-paid economic sectors and develop mechanisms for assessing work of equal value.

Government member, Cyprus – I speak on behalf of **the European Union (EU) and its Member States**. The candidate countries **North Macedonia, Montenegro, Albania, Ukraine** and the **Republic of Moldova**, the European Free Trade Association (EFTA) country **Norway**, member of the European Economic Area as well as the **United Kingdom of Great Britain and Northern Ireland** align themselves with the statement.

The European Union 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 principle of equality and non-discrimination constitutes a fundamental element of international human rights law.

In the European Union's founding treaties and the Constitutions of the European Union Member States the prohibition of discrimination is recognized as a core principle including equality of opportunity and treatment, and employment and occupation, as well as equal remuneration for men and women workers for work of equal value.

In 2021, Uzbekistan became a beneficiary of the European Union's Generalized Scheme of Preferences+ scheme which grants market access. As a beneficiary, Uzbekistan is called to effectively implement the 27 international Conventions underpinning the scheme, notably on human and labour rights, including ILO Convention No. 111.

In 2025, the European Union and Uzbekistan signed an enhanced partnership and cooperation agreement. This will broaden cooperation and strengthen the regulatory framework for trade and economic relations.

The European Union and its Member States take note of the steps taken to strengthen equality and non-discrimination including new provisions in the Labour Code, relevant national strategies and dedicated institutions. We nevertheless remain concerned that the legal framework does not yet provide comprehensive protection against discrimination and employment and occupation.

We take note of the Government's information that the Labour Code prohibits direct and indirect discrimination and encourage Uzbekistan to ensure that these concepts are clearly defined and effectively applied in law and practice.

We also welcome the reported adoption and second reading on 15 May 2026 of amendments adding "colour" and "political opinion" as prohibited grounds of discrimination and encourage their swift final adoption, implementation and effective enforcement. We therefore encourage the Government to continue its efforts and complete this process so as to ensure effective legal protection for all workers against both direct and indirect discrimination in all aspects of employment and occupation and on at least all grounds mentioned in Convention No. 111.

In this respect, we welcome the road map developed with the social partners and ILO support, to strengthen the implementation of the fundamental Conventions including through methodologies to identify discrimination in labour and strengthen data collection and analysis.

The European Union and its Member States also take note of efforts to advance equality between women and men. Nevertheless, significant gender gaps persist. Women's labour force participation remains lower than men's. Women continue to be under-represented in management positions, and a disproportionately high share of young women are neither in employment, education nor training.

We also note concerns regarding persistent stereotypes, occupational segregation and the concentration of women in female-dominated and lower-paid sectors.

We therefore echo the Committee's call to strengthen efforts to challenge gender stereotypes, expand women's access to education and vocational opportunities and reduce occupational segregation, including through targeted actions supported by gender disaggregated data.

We are also concerned by the significant gender pay gap. We note that this gap is linked to structural factors including occupational segregation, the disproportionate burden of family responsibilities borne by women and gender-based discrimination.

We encourage the Government to take concrete measures to address these causes with a view to reducing the gender pay gap through a multidimensional approach and to provide regular disaggregated data on pay disparities across sectors and occupations. We also wish to underline the importance of clarity and consistency in national legislation concerning the principle of "equal remuneration for men and women for work of equal value".

We encourage the Government to ensure coherence across all relevant legal provisions so as to provide legal certainty and facilitate the effective application of this principle in practice.

The European Union and its Member States stand ready to support Uzbekistan with the aim to strengthen 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.

Worker member, Germany – I speak on behalf of the Deutscher Gewerkschaftsbund (DGB), Germany, the Federatie Nederlandse Vakbeweging (FNV) from the Kingdom of the Netherlands, and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) from the United States of America.

Effective protection against discrimination and harassment requires two elements, adequate legal norms and the practical ability to enforce them. In Uzbekistan even where legislative reforms are under consideration, the main problem remains implementation and access to effective remedies. Victims of discrimination lack effective judicial and administrative protection. A United Nations Development Programme (UNDP) survey on gender and corruption found that women are particularly vulnerable to sexual extortion at work yet have nowhere to report abuse because of social stigma and the absence of complaints mechanisms. Silence around sexual harassment reflects fear, helplessness and entrenched stigma. Victims often face ostracism and legal retaliation while perpetrators, especially those in positions of power, evade accountability.

In one documented case, a woman who reported sexual harassment by her superior to the police in May 2025 was instead charged with defamation, fined and exposed to retaliation

against her family members. This is not an isolated case. Of more than 12,000 cases involving violence and harassment against women reviewed by the Supreme Court of Uzbekistan in 2023, fewer than one third resulted in any form of accountability.

Weak labour protection and the absence of independent trade unions are central to ongoing vulnerability to discrimination and unequal gender outcomes. In Uzbekistan, freedom of association remains seriously restricted while human rights activists face harassment, intimidation and other pressure.

The case of one of the country's largest cotton farms and processing companies shows how the absence of independent trade unions blocks redress for fundamental rights violations, including discrimination. More than 200 workers tried to form an independent union, but leaders were threatened and could not be registered outside of the official unions. After joining them, their complaints including of gender discrimination, were ignored. Civil society documented over 80 cases of retaliation with no accountability. The company also reclassified more than 400 workers as independent contractors, preventing them from unionizing.

The ILO Committee on Freedom of Association urged the Uzbek Government to take all necessary measures to ensure that trade union rights can be exercised in an environment free from violence and threats.

Without freedom of association and the right to form independent trade unions, existing legislation and the ratification of other ILO Conventions remain largely declaratory. Trade union pluralism, the free choice of leaders and freedom from state control are essential.

We call on the Government of Uzbekistan to take urgent, concrete measures to implement ILO Conventions Nos 100 and 111, including by establishing a strong mechanism for the regular collection of gender-sensitive statistical data and by protecting independent civil society monitoring and reporting on labour rights.

We also call on the Government of Uzbekistan to fully comply with the provisions 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), as well as with the recommendations of the Committee on Freedom of Association in Case No. 3487.

Government member, Kazakhstan – Kazakhstan expresses its support for the Republic of Uzbekistan in its efforts to ensure the implementation of Conventions Nos 100 and 111. We take note of the issues raised by the Committee of Experts and welcome Uzbekistan's constructive engagement with the ILO supervisory bodies.

Kazakhstan recognizes the importance of equality of opportunity and treatment in employment and occupation, as well as equal remuneration for work of equal value. These principles are essential for inclusive labour markets, decent works and sustainable development. At the same time, we believe that the implementation of international labour standards should take into account national legislation, institutional capacities and socio-economic conditions. This approach allows for a balanced integration of universal ILO standards with national circumstances.

In this regard, we encourage Uzbekistan to continue strengthening its legal and practical framework in the areas of non-discrimination, gender equality and equal remuneration in close consultation with the social partners and with the technical assistance of the ILO where appropriate. We are confident that Uzbekistan will continue its constructive cooperation with the ILO.

Worker member, Switzerland – I speak on behalf of Swiss workers. We would like to express our concern about the failures of compliance with Conventions Nos 111 and 100 by the Government of the Republic of Uzbekistan.

In line with the findings of the Committee of Experts, we note that workers in Uzbekistan lack effective and comprehensive legal protection against both direct and indirect discrimination on many of the grounds enumerated in Convention No. 111.

We further note that the Government is not taking the necessary measures to address the issue of women earning lower wages and being less likely to reach higher income levels.

The Committee of Experts focuses on gender discrimination and regrets that the Government did not seize the opportunity of the Labour Code revision to explicitly prohibit all types of discrimination. Discrimination impairs equality of employment and treatment at the workplace against other groups as well, such as persons with disabilities and members of religious minorities. Gender-based harassment is a widespread problem in Uzbekistan but stays mostly hidden. A 2022 survey by the United Nations Population Fund (UNFPA) reveals that nearly half of all women surveyed felt they had been harassed at work. Victims often face stigma and legal retaliation, while perpetrators walk free – patriarchy as we know it all too well.

We concur with the observations of the United Nations Committee on Economic, Social and Cultural Rights (CRSCR) that one important cause of gender inequality at work is the concentration of women in the informal economy and in exploitative conditions without access to labour and social protection. This and the difficulty in accessing justice are among the main underlying causes of ongoing discrimination. The information provided by the Government references legal reforms, awareness-raising campaigns and educational programmes. However, it does not indicate if any and which measures were taken to strengthen enforcement of anti-discrimination laws and to expand access to judicial remedies for victims.

Finally, the Government must improve enforcement of anti-discrimination regulations at the workplace and increase access to judicial remedies for all vulnerable groups. We second the Committee of Experts' call to the Government to ensure trade unions rights in a climate free of violence and threats of any kind. The Government of Uzbekistan must fulfil its obligations under Conventions Nos 87 and 98, allowing workers to freely organize and collectively bargain to protect themselves from discriminatory practices.

Government member, Turkmenistan – Turkmenistan welcomes the distinguished delegation of the Republic of Uzbekistan and expresses its appreciation for the information provided regarding the Conventions under discussion. We welcome the steps taken by Uzbekistan to strengthen its national legislation and institutions in the field of equality of opportunity and non-discrimination, including the adoption of the new Labour Code, the implementation of the strategy for achieving gender equality by 2030, as well as the measures aimed at expanding opportunities for women in education, vocational training and employment. We also welcome the ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156) and the efforts undertaken to promote a better balance between work and family responsibilities. We believe that the continuation of constructive dialogue and cooperation among the Government, the social partners and the ILO, based on mutual respect and trust, will contribute to further progress and positive outcomes.

Worker member, Poland – I speak on behalf of Polish workers unionized in the Independent and Self-Governing Trade Union (NSZZ) Solidarność. We welcome the Government of Uzbekistan's openness and willingness to cooperate with the ILO. The facts

regarding the gender pay gap and the challenges faced by workplace initiatives are known to this Committee.

Rather than focusing solely on these gaps, I want to address the underlying development paradigm. There remains an outdated assumption that economic growth and GDP must come first, while workers' freedoms, equal pay and human rights can be fully addressed only later.

In the twenty-first century this formula is a structural trap. Today, the global economy changes too fast. A modern sustainable economy cannot reach its full potential if the economic contribution of women is limited and if workers lack autonomous channels to express their needs. We explicitly welcome the positive trends and the specific steps highlighted today by the Government regarding women's inclusion. Sustaining and expanding this momentum is vital. However, to achieve a lasting structural impact, we must address a stark reality: currently around 45 per cent of young women in Uzbekistan are not in education, employment or training. Unlocking the full genius and productive power of this demographic requires making workplaces generally safe and equal.

In this regard, aligning national policies with international benchmarks, such as the Violence and Harassment Convention, 2019 (No. 190), would be a highly valuable next step to support the Government's ongoing efforts. Acknowledging problems is a vital first step but real compliance with Conventions Nos 100 and 111 cannot exist in an institutional vacuum. We must ask a practical question: how can women effectively close a 35 per cent wage gap or safely report harassment without a genuine collective voice at the workplace level? When grassroots worker initiatives face barriers, official mechanisms to combat discrimination risk becoming merely formal.

Legislative steps are a starting point but true economic sustainability is impossible without the uncompromised implementation of Conventions Nos 100 and 111, anchored in freedom of association. Workers' rights and human dignity cannot be postponed until a later date.

Interpretation from Chinese: **Government member, China** – We have carefully reviewed the reports of the Government and the Committee of Experts, as well as the written information submitted by the Government of Uzbekistan. We note with appreciation that Uzbekistan attaches great importance to its obligations under the international labour Conventions and has maintained active engagement and cooperation with all stakeholders. The country has incorporated the principle of gender equality into the Constitution and other legislation. It also adopted a road map for implementing its obligations on the international labour Conventions and strengthened its implementation mechanisms. These efforts help to prevent and eliminate gender discrimination and sexual harassment in the workplace through education and empowerment measures. Uzbekistan has worked to reduce gender pay gaps and remove occupational barriers. In addition, Uzbekistan has improved access to remedies. Individuals whose rights have been infringed can seek redress through a range of mechanisms, including judicial procedures and labour inspection systems. This helps ensure timely and effective remedies.

These measures demonstrate Uzbekistan's genuine commitment to implementing the recommendations of the Committee of Experts. They also reflect its constructive efforts to fulfil its international obligations, including those arising from Conventions Nos 100 and 111. China supports the ILO in continuing to provide technical assistance to Uzbekistan.

Worker member, France – Affirming the principle of equality is not enough to give it effect. Despite certain legislative developments, there are still certain significant gaps in Uzbekistan.

Concerning Convention No. 111, the current legal framework is not comprehensive and not adequately protective. A general prohibition of discrimination cannot replace precise, clear and fully operational legislation. Uzbekistan must, without delay, introduce the notions of direct and indirect discrimination into its law, in accordance with international standards, as well as effective protection against all the grounds of discrimination recognized by the Convention. The Government should draw on international best practices – particularly from Europe – against discrimination, including the reversal of the burden of proof in judicial and administrative proceedings. Without this, victims will remain unable to assert their rights in practice. Effective legislation must enable workers who have been discriminated against, and their union representatives, to obtain meaningful and accessible redress. It is necessary to put in place effective remedies, dissuasive penalties and the measures necessary to support victims. Discrimination at work does not dissolve under a law; it decreases when victims have specific tools to report it and when employers know that violations will be punished.

With regard to Convention No. 100, gender inequalities in the labour market in Uzbekistan remain worrying. Equal remuneration must not be limited to identical or similar work. The Convention requires equal pay for work of equal value. This requires objective job evaluation methods that can identify and correct mechanisms that undervalue work performed predominantly by women. The pay gaps demonstrate deep inequalities. Women are concentrated in a small number of occupations, generally less valued and less well paid. This occupational segregation stems from gender stereotypes that influence the study and career paths of young girls. These prejudices must be tackled in education to enable them to freely choose their occupation and to detach themselves from predefined roles.

Discrimination in recruitment, barriers to career progression, glass ceilings and unequal distribution of domestic tasks continue to restrict women's access to the most skilled jobs and limit their advancement in work. Therefore, the structural causes of these inequalities must be tackled and attitudes must be changed. Through freedom of association and collective bargaining, the trade unions have an essential role to play in the prevention and fight against discrimination, as well as in the promotion of equal pay.

We request the Government to rapidly take ambitious legislative and practical measures, in order to bring its legislation and practice into conformity with the ratified Conventions and to ensure effective protection for workers against all forms of discrimination.

Government member, Türkiye – Türkiye welcomes the information provided by Minister Botir Zakhidov on behalf of the Government of Uzbekistan on the application of Convention Nos 100 and 111. We commend Uzbekistan's continued and constructive engagement with the ILO supervisory system and its commitment to strengthening equality, non-discrimination and equal opportunities in the world of work. We note with appreciation the constitutional, legislative and institutional reforms undertaken in recent years, including the revised Constitution and the new Labour Code, which reinforce guarantees relating to equality, decent work and fair remuneration. Türkiye particularly welcomes ongoing efforts to further align national legislation with Convention No. 111.

In this regard, we note with appreciation the proposed amendments to the Labour Code expanding the prohibited grounds of discrimination, particularly based on colour and political opinion, and strengthening protection against violence and harassment in the world of work. We also appreciate the development of a road map for the implementation of the fundamental

ILO Conventions through cooperation among the Government, social partners and ILO experts, reflecting the value of tripartite dialogue and practical implementation.

Türkiye notes with interest the measures taken to promote women's access to education, vocational training and employment. The increasing participation of women in higher and postgraduate education demonstrates tangible progress in strengthening women's opportunities and representation in professional life. We further welcome the reduction of the gender pay gap from 37.5 per cent in 2020 to 29 per cent by the end of 2024. This progress indicates that current policies are producing results while highlighting the importance of continued efforts to address occupational segregation and structural inequalities.

Türkiye also notes with appreciation the measures promoting the inclusion of vulnerable communities, including Lyuli communities, particularly through access to compulsory education.

In addition, the adoption of merit-based and transparent recruitment procedures in the civil service constitutes an important step towards ensuring equality of opportunity. At the same time, we encourage the Government of Uzbekistan to continue strengthening implementation in practice, including through gender-neutral job evaluation methods, reliable data collection, effective remedies and awareness-raising initiatives.

The information that no substantiated cases of discrimination in recruitment processes or competitive selection procedures have been identified during the inspections conducted to date should also be duly noted.

Finally, Türkiye welcomes Uzbekistan's intention to pursue these efforts under the new Decent Work Country Programme for 2026–30 and remains confident that continued cooperation with the ILO and the social partners will further contribute to the effective realization of equal remuneration, non-discrimination and social justice.

Interpretation from Arabic: **Government member, Oman** – First of all, we would like to offer our thanks for all the efforts on the part of Uzbekistan to ensure that there is equality and non-discrimination in the world of work. We welcome the legislative and institutional reforms in recent years. These include legal guarantees and guarantees for decent work and fair remuneration. We also welcome the efforts on the part of the Uzbek Government to facilitate women's participation in education and vocational training. All of these efforts will also serve to reduce the gender pay gap and improve equal opportunities. We hope for full application of these criteria.

We understand this is an ongoing process and we very much welcome the commitment we have heard from the Uzbek Government in order to continue to cooperate with the ILO and the social partners. We would like to reassert that the measures taken by the Uzbek Government represent praiseworthy progress and we urge it to continue in this direction in order to build on what it has achieved and to obtain further progress.

Observer, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) – Three times over the past decade, the IUF submitted observations to the Committee of Experts concerning the application of Conventions Nos 100 and 111 in Uzbekistan. We appreciate that the concerns raised by our organization have been carefully examined and reflected in the report of the Committee of Experts. We also appreciate the commitment expressed by the Government of Uzbekistan to continue advancing the implementation of the Conventions, and we welcome recent legislative developments. At the same time, as noted by the Committee of Experts, significant gaps remain.

The Committee urged the Government to ensure comprehensive protection against direct and indirect discrimination on all grounds and highlighted continuing concerns relating to gender inequality, occupational segregation and the persistent gender pay gap. These are concerns that the IUF has repeatedly raised in its submissions, particularly in relation to the situation of agricultural workers.

For many years, the quota system governing cotton and wheat production created serious concerns regarding the labour rights and working conditions of farm workers. We therefore welcome the Government's recent decision to abolish this system. However, reforms adopted at the national level must be translated into real change at the regional and local levels, and in particular in the so-called cotton clusters.

We therefore expect continued and determined action by the Government to address remaining violations, ensure effective implementation of reforms and provide meaningful protection for agricultural workers and farmers. While legislative reforms are necessary, the effectiveness of Conventions Nos 100 and 111 ultimately depends on workers having confidence that they can exercise their rights and seek protection against discrimination without fear of negative consequences.

In this regard, we remain concerned that workers in Uzbekistan continue to face significant obstacles when attempting to organize independently or participate in genuine trade union activity. Freedom of association is addressed under separate ILO instruments. The practical reality is that workers who cannot organize freely face greater difficulties in challenging discrimination, unequal treatment and unfair workplace practices.

The seriousness of these concerns has been reflected in Case No. 3487 examined by the Committee on Freedom of Association. Through its recommendations, the Committee on Freedom of Association called on the Government to take concrete measures to address obstacles faced by workers seeking to exercise their right to organize. The IUF encourages the Government to implement fully the recommendations of the Committee on Freedom of Association, as this would also contribute to a more effective implementation of Conventions Nos 100 and 111 in practice.

We also join the call for ratification of the ILO Right of Association (Agriculture) Convention, 1921 (No. 11) and Convention No. 190.

Building and Woodworkers International aligns with this statement.

Interpretation from Russian: **Government representative** – At the outset, allow me to thank the members of the Committee for this discussion and the representatives of governments, workers and employers for their comments and recommendations.

We have carefully listened to all the statements and we view this dialogue as an important opportunity to further improve our policies to ensure equal opportunities in the field of labour and employment. We affirm our commitment to the full implementation of Conventions Nos 100 and 111, equal opportunities and non-discrimination, and participation of women. We are not just talking about international obligations for our country but are also looking at the socio-economic reforms.

We express our gratitude to the members of the Committee for their assessment of our legislative reforms that we have implemented in recent years in Uzbekistan, particularly with regard to ensuring equal opportunities and gender equality, the efforts to prevent violence, as well as the national programmes and the road map to improve women's participation in economic life, education and business.

During the discussion, a number of questions were raised regarding further improvement of legal mechanisms to prevent discrimination, the development of a statistical base, the prevention of professional segregation and the reduction of the gender gap. We have taken note of these recommendations. Work to improve our national legislation is ongoing and we are paying particular attention to further strengthening guarantees for non-discrimination, improving mechanisms for legal protection, and developing the system for data collection and analysis with a breakdown by gender and economic sector.

We are also implementing a new system for the submission of complaints, which can be anonymous. We have a new platform for legal consultation, which works on the basis of AI and will be launched before the end of this year. It is important to stress that overcoming gender stereotypes and structural factors of inequality requires time, the broad participation of all interested parties, and social dialogue, which we consider to be an important aspect to achieve this. We will closely collaborate with workers' and employers' organizations and with the ILO. We are also willing to use ILO technical assistance to further strengthen national efforts. Allow me also to note that there were a number of issues that touched on other international labour standards which are being considered under the relevant ILO mechanisms. We are open to constructive dialogue on all international obligations, and we will continue to engage with the Organization on the basis of the principle of mutual respect and cooperation, and honest implementation of the obligations we have taken upon ourselves.

To conclude, we reaffirm the Government of Uzbekistan's willingness to work consistently to ensure equal opportunities and equal treatment in the world of work to eliminate all forms of discrimination and to further improve social justice in the interest of all citizens of our country.

Worker members – The Worker members would like to thank the Government of Uzbekistan for its participation, as well as the other delegates who took the floor today. We thank the Government of Uzbekistan for the written information provided to the Committee and the Government representative for the oral information provided to our Committee.

Despite the efforts made by the Government, challenges remain in the implementation of Conventions Nos 100 and 111 regarding equality and non-discrimination in employment and occupation in Uzbekistan. Gender inequality and gender discrimination act as a burden on sustainable development and poverty eradication. The Worker members would like to bring the strong message to the Committee that social dialogue and trade union rights are fundamental drivers and enabling rights for women in the workplace. We need rights to protect women workers but also rights to emancipate and to give voice. We therefore call on the Government of Uzbekistan to promote a legislative and political framework that is conducive for freedom of association and collective bargaining.

As highlighted at the outset of our debate, significant gender gaps and discrimination remain a reality in the world of work. Women's labour force participation remains low, the gender pay gap remains wide and women continue to face serious barriers to equal opportunity and treatment. We recalled the structural nature of these inequalities, persistent horizontal and vertical occupational segregation, the concentration of women in lower paid sectors and the informal economy, the unequal distribution of care and family responsibilities, and the enduring influence of gender stereotypes in education, training and employment.

These issues are not unique to one country but in this case they require determined action by the Government to ensure that the principles enshrined in Conventions Nos 100 and 111 are fully reflected in law and applied effectively in practice. In particular, the Government must take the necessary proactive measures to reduce the gender pay gap and address its structural

causes, including by preventing discrimination at all stages of the employment relationship and by ensuring equal remuneration for men and women for work of equal value. In particular, we ask the Government to ensure that employers and recruitment agencies do not apply discriminatory criteria at the recruitment stage.

It is also necessary to strengthen the legal framework. The list of prohibited grounds of discrimination is still incomplete and national legislation should explicitly cover all grounds set out in Convention No. 111, including colour and political opinion, while also providing a clear and general definition of direct and indirect discrimination.

The principle of equal remuneration for work of equal value must also be reflected consistently and coherently across national legislation so that workers and employers alike have legal certainty and the principle can be enforced in practice. This also requires aligning the relevant legislative provisions, including the 2019 Law on Guarantees of Equal Rights and Opportunities for Women and Men and the Labour Code, so as to ensure full legal certainty and coherent application of the principle of equal remuneration for work of equal value.

At the same time, greater efforts are needed to challenge gender stereotypes and reduce occupational segregation, supported by awareness-raising among employers, workers and their organizations as to what discrimination means in practice. Reliable and sex-disaggregated statistical data on pay disparities, vocational training and employment by sector and occupational group, including in rural areas, are essential to measure inequality and assess whether the measures taken are producing results. The Worker members, therefore, call on the Government to continue to strengthen its efforts and translate stated commitments into tangible progress in both law and practice, in full conformity with Conventions Nos 100 and 111.

We join the Committee of Experts in urging the Government to take the necessary measures to reduce the gender pay gap through a multi-pronged approach to address its structural causes through proactive measures, to strengthen protection against discrimination and to report on the concrete impact of the measures adopted. We invite the Government to continue to amend its legislation to introduce new provisions on violence and harassment in the world of work, including sexual harassment, together with obligations on employers to ensure a working environment free from such conduct and to provide information on progress achieved in that regard.

These measures must not only be adopted but must also be effectively enforced in practice. We therefore invite the Government to take appropriate measures to strengthen the enforcement of legal provisions on equality and non-discrimination in employment and occupation, including through targeted labour inspections, effective access to complaints procedures and remedies, and the application of appropriate sanctions. We also request the Government to provide information on the number of discrimination cases in employment and occupation, disaggregated by grounds of discrimination formally prohibited by the Convention, including cases of unequal remuneration, dealt with by the Ombudsman, the State Labour Inspectorate and the courts, and the outcomes of such cases.

The message of this Committee should be clear. Meaningful equality requires sustained action to dismantle structural discrimination and ensure that rights guaranteed by Conventions Nos 100 and 111 are made effective for all workers in Uzbekistan.

We invite the Government to continue to avail itself of ILO technical assistance and to provide comprehensive information to the Committee of Experts by 1 September this year on

all measures taken to respond to the points raised by the Committee of Experts and report on tangible progress achieved in implementing those recommendations.

We recognize good tripartite cooperation with the ILO on the implementation of the Committee's previous recommendations, in particular in follow-up of the recommendations on the Labour Inspection Convention, 1947 (No. 81), in 2025. We expect this cooperation relating to the Conventions to continue and expect progress on the issues identified by the Committee of Experts with respect to these two fundamental Conventions.

Employer members – To conclude this discussion on the application of Conventions Nos 100 and 111 in Uzbekistan, the Employer members wish to reaffirm their commitment to the elimination of all forms of discrimination, and to the promotion of equal pay, as fundamental rights at the core of individuals' full development and the productive structures that sustain our societies.

We appreciate the statements made and note in particular the information presented and the firm commitment expressed by the Government of Uzbekistan. We trust that these statements will result in enduring action to ensure full compliance with the Conventions being examined, both in law and practice. After listening to the debate, we understand that challenges persist to ensuring respect for these Conventions in practice and that the Government must address them as a matter of urgency so that the newly adopted legislation is not merely declaratory but becomes a reality in the workplace.

With regard to legal certainty and equal pay, as well as the implementation of Convention No. 100, we reiterate that it is not sufficient for the new Labour Code to merely mention the concept of work of equal value; it is imperative to eliminate legal uncertainty by consistently aligning all national regulations, and specifically by harmonizing Act No. 562 of 2019 with the Labour Code. The persistence of a 29 per cent pay gap demands a qualitative leap to move from plans to measurable results.

With regard to Convention No. 111 on non-discrimination, the lack of clear definitions of direct and indirect discrimination, in addition to the fact that no cases have been brought before the courts, suggests that the system sends a weak message and does not provide effective protection for workers, or clarity for employers. We want to be clear: discrimination based on gender, colour, and political opinion constitutes unacceptable practices and the Employer members consider that measures to ensure their eradication cannot be delayed. We request the Government to provide detailed information on the recently adopted regulations and on their dates of entry into force, and to provide the adopted text, along with detailed information on the measures taken to ensure their implementation in practice, thereby guaranteeing the prohibition and appropriate penalization of acts of discrimination in the world of work, particularly discrimination based on gender, colour and political opinion.

We therefore find that there are still gaps in compliance both in law and in practice and while we recognize progress made in access to higher education, we understand that these efforts do not automatically result in equal opportunities but that they help to combat gender stereotypes and occupational segregation, which are especially persistent in rural areas. We urge the Government to finalize the legislative reform to include all the grounds for discrimination under Convention No. 111 and to define in detail direct and indirect discrimination. We request the strengthening of institutionalized social dialogue to ensure consultation is carried out with the representative social actors on the follow-up to the road map and on the new Decent Work Country Programme for 2026–30. We request the Government to continue availing itself of ILO technical assistance to improve the collection of disaggregated statistical data, which is fundamental for designing effective public policies and

to enable employers to implement human resources policies based on evidence and not on stereotypes.

The Employer members hope that the conclusions of this Committee reflect the need for immediate and coordinated action to narrow the gap between legislative bills and day-to-day practice related to the non-compliance of Conventions Nos 100 and 111 in the social and productive structure of Uzbekistan.

We therefore urge the Government to address these issues in consultation with the representative and independent social actors in the country, and to report on the outcome of cooperation with the employers' and workers' representatives as an indispensable means of ensuring the development and implementation of consensus-based, balanced, effective and sustainable strategies.

Chairperson – We hereby conclude the discussion of this case. I thank the Minister of Employment and Poverty Reduction of Uzbekistan, and all the speakers who took the floor, for their participation.

Conclusions of the Committee

The Committee took note of the written information available and the discussion that followed.

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

- **ensure the effective implementation of the principle of equal remuneration for work of equal value, including by aligning relevant legislation with the Convention and taking measures to reduce the gender pay gap;**
- **provide up-to-date, sex-disaggregated statistical data on remuneration by sector and occupational category;**
- **strengthen the legal and practical framework to combat discrimination in employment and occupation, including by prohibiting all grounds listed in Convention No. 111, defining direct and indirect discrimination, and reinforcing effective social dialogue in the monitoring and implementation of relevant reforms and national strategies.**

The Committee requested the Government to continue to avail itself of ILO technical assistance and to provide information to the Committee of Experts by 1 September 2026 on the measures taken to implement its recommendations and the results achieved.

Government representative – On behalf of the Government of Uzbekistan, I would like to express our sincere appreciation to the Committee for its work and for the constructive discussion held on the application of Conventions Nos 100 and 111. We have carefully taken note of the conclusions adopted by the Committee and of the observations made by governments, employers' and workers' representatives during the discussion.

Uzbekistan remains firmly committed to the principles of equal remuneration for work of equal value and equal opportunities in occupation and labour. These principles are an integral part of our ongoing reform agenda and our efforts to build a modern, inclusive and fair labour market.

We welcome the constructive and forward-looking nature of the Committee's conclusions. We take note of the recommendations concerning the effective implementation of the principle of equal remuneration, the further strengthening of the legal and practical

framework against discrimination and the enhancement of sex disaggregated statistical data, including promotion of effective social dialogue. Over recent years, Uzbekistan has undertaken legislative, institutional and policy reforms aimed at promoting gender equality, expanding women's participation in economic life and strengthening protection against discrimination. We acknowledge that further efforts are needed and will continue our work in close cooperation with workers' and employers' organizations and with the support of the ILO. We also take note of the Committee's request for follow-up information and confirm our commitment to provide the Committee of Experts, by 1 September this year, with information on the measures taken to implement those recommendations and the results achieved.

Uzbekistan highly values its long-standing cooperation with the ILO and remains committed to constructive engagement with its supervisory mechanisms. We will continue to avail ourselves of ILO technical assistance to support our efforts. Allow me also to thank all delegates that participated in our discussion and shared their views and experiences. The Government of Uzbekistan remains committed to translating the progress achieved in recent years in tangible improvements in equality, non-discrimination and opportunities for all workers.

Yemen (ratification: 1976)

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

Discussion by the Committee

Chairperson – We will now begin the examination of the first case today, which relates to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Yemen. For the discussion of this case, we have 14 speakers on the list of speakers.

I invite the Government representative of Yemen, the First Secretary of the Permanent Mission of the Republic of Yemen to the United Nations Office in Geneva, to take the floor.

Government representative – The Government of the Republic of Yemen reaffirms its commitment to the principles set out in the Convention, 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 cooperation 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 time frame 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.

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 a 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, which have been 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 with regard to this Convention is particularly problematic as it is one of the ILO's fundamental Conventions and the Committee of Experts has reported numerous failures by Yemen to comply with its obligations under this Convention. We note with concern that the Government has ignored the repeated requests of the Committee to provide explanations regarding the reprisals suffered by workers exercising their rights to collective actions – attacks on union premises, dismissals, physical assaults and so forth. We recall that the 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.

The Convention provides for the right of every worker to join an organization of their 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 under 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 public sector workers and those holding senior positions in the hierarchy, enjoys the right enshrined in the Convention.

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 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 of the draft Labour Code. Domestic workers constitute a particularly vulnerable category of workers. They 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 provides that these workers benefit from the rights contained in Convention No. 87.

The Convention 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 notes that both the Law on Trade Unions and the draft Labour Code contain provisions that may be inconsistent with the Convention with regard to the right of workers' organizations to organize their activities. This right implies that organizations should not require authorization from 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 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 in a situation of interlocking crisis. In these crises, the humanitarian response to meet the essential needs of the population is, of course, of paramount importance. However, Recommendation No. 205 and the General Survey remind us that an effective resolution to a crisis 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 emphasizes that the Convention does not contain any provision permitting derogation from the obligations arising therein 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 the Convention both in law and in practice.

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 an 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 the Convention some 50 years ago in 1976. This particular case touches on several Articles within the Convention: Articles 2, 3 8 and 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.

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 that the Government ensure full compliance with Convention No. 87 and 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 the Convention 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 the Convention – 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 workers' groups. We wish to obtain 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(1) of the Convention expresses clear instructions that individuals working with the police or armed forces shall have guarantees within the Convention 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 note with due consideration the Committee of Experts' ongoing concerns about parental consent for minors 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, which the Employer members would appreciate the opportunity to more fully consider.

Again, we shall not minimize the fact that Yemen continues to experience a complex series of political, institutional and security difficulties. Nor shall we minimize the fact 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.

Interpretation from Arabic: **Government member, Libya** speaking on behalf of the **Arab group** – We wish to begin by paying tribute to all the efforts 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. It is a difficult obstacle to overcome when it comes to compliance with international standards, but the Government is certainly making efforts. We also commend its actions to strengthen national institutions, extend social protection and take all necessary steps despite the obstacles it is facing at present. The

Government is ready to provide reports, which reflects a genuine commitment to cooperate with the ILO.

The Arab group also wishes to state that we recognize the importance of the technical assistance being provided. This is vital to enable Yemen to further improve its cooperation with the ILO, which 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.

Worker member, Spain – As we discuss legal obligations in this forum, the Yemeni working class continues to face a daily reality marked by economic difficulties, insecurity, displacement and uncertainty.

For many Yemeni workers, freedom of association is not an abstract principle. It is often the only mechanism available to them to defend their interests, seek support and have their voices heard. Years of conflict in Yemen have weakened the institutions and affected many aspects of social and economic life. Under these circumstances, the working class's capacity to freely organize takes on even greater importance.

Convention No. 87 recognizes that, as workers, we have the right to establish and join organizations of our own choosing, and to collectively defend our interests. These rights are fundamental and remain applicable irrespective of the political or economic conditions. When we cannot organize freely, we lose an essential means of addressing concerns about work, engaging in dialogue and contributing to the search for solutions.

Strong and independent trade union organizations are especially important in times of crisis, as they provide a channel through which workers can express their concerns and participate in recovery efforts. The situation in Yemen shows us why freedom of association cannot be made a secondary issue.

It is directly related to human dignity, participation and social stability. For this reason, we need to send a clear message: workers' rights cannot be postponed until improvements are made in the country. On the contrary, respect for these rights is part of the solution. Workers in Yemen need more than promises: they need to be able to organize freely and collectively defend their interests. We therefore urge the Government to guarantee freedom of association in both law and practice.

Worker member, Kingdom of the Netherlands – This case raises a question that goes to the heart of the ILO, 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.

Interpretation from Arabic: **Worker member, State of Palestine** – 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 and commitments. They have had heard declarations of support for labour rights and freedom of association. Yet many continue to face significant impediments to organizing freely and participating through independent organizations. The reality on the ground is that rights only have 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 that their organizations 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 participate in shaping workplace policies. Without it, workers become increasingly vulnerable, excluded and unable to participate in decisions that affect their livelihoods. The challenges currently faced by Yemen make these rights even more important. Economic hardship, instability and social pressures require stronger – not weaker – mechanisms for workers' participation. Independent workers' organizations can contribute to stability, dialogue and solutions that can help to 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, workers in Yemen have not experienced any change in the exercise of their 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 to take measures within a set time frame, in accordance with the Convention.

Worker member, Morocco – The situation in Yemen must not be considered a simple case of technical non-compliance with the Convention. It involves workers living against a backdrop of conflict, economic difficulties, institutional fragmentation and profound social difficulties. No one disputes that Yemen is facing exceptional circumstances. Workers have endured years of instability, a deteriorating quality of life, insecurity, population displacement and growing economic uncertainty. Many continue to fight to meet their needs and those of their families.

However, it is precisely in such circumstances that freedom of association becomes overwhelmingly important. All too often, conflict is used as a reason why rights cannot be fully respected. However, fundamental rights do not disappear in times of crisis. Convention No. 87 does not apply only when conditions permit. It exists to protect workers when they are most vulnerable and most in need of collective representation.

When institutions are undermined, workers need independent organizations that can defend their interests. When the economic pressure intensifies, they need a collective voice to

have their concerns heard and demand solutions. When daily life is dominated by uncertainty, they need representative organizations in which they trust and which can speak on their behalf. Hence why independent trade unions remain essential in Yemen today. Freedom of association must not be considered a future objective to be postponed until stability is restored. It is part of the process towards achieving this stability. Workers who can organize freely are better placed to participate in dialogue, contribute to social cohesion and help to overcome the challenges that affect their communities and workplaces.

Union rights are not an obstacle to recovery: they are part of the foundation. Workers of Yemen do not need fewer rights during a conflict but firmer guarantees that their rights will be observed. The war cannot be a justification for restrictions to freedom of association. The economic difficulties and institutional challenges cannot justify the weakening of workers' organizations nor the refusal to give workers an independent voice. We urge the Government to guarantee full respect of freedom of association and to ensure that the rights protected by Convention No. 87 are respected in law and in practice.

Worker member, Togo – When we discuss the future of Yemen, the focus often falls on economic recovery, reconstruction and the restoration of institutions. While these are important goals, sustainable recovery requires more than the rebuilding of infrastructure. It also requires that trust, participation and dialogue be restored.

Workers have a crucial role to play in Yemen's future. They are the ones who ensure the continuity of services, support their families, sustain local communities and contribute to economic activity under extremely difficult circumstances. Their experience, knowledge and perspectives should therefore be an integral part of any discussion about the country's future.

Freedom of association helps to make this possible. It allows workers to organize collectively, express their concerns and participate in decisions that affect their lives and livelihoods. Independent workers' organizations can also contribute to social stability. They offer spaces for dialogue and help to ensure that concerns related to work or society are dealt with through discussion rather than conflict. This is particularly important in countries facing ongoing instability. Recovery is more sustainable when workers are involved in the process and their organizations are recognized as legitimate social and economic development partners. Workers are not merely the beneficiaries of recovery efforts. They are stakeholders, in their own right, in the rebuilding of their country. Their contribution is strengthened when they can organize freely and participate through representative organizations.

Yemen's future must therefore be founded on inclusion, participation and respect for fundamental rights. Workers must be able to play their role fully in building this future. Guaranteeing freedom of association does not only imply protecting a right. It also means creating the conditions to enable workers to contribute to the rebuilding of their communities and to the strengthening of social cohesion.

There can be no enduring recovery without rights, dialogue and participation. We urge the Government to rebuild social dialogue and to guarantee workers' participation in shaping the future of Yemen.

Worker member, Denmark – 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 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 the Convention 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.

Interpretation from Arabic: **Observer, International Trade Union Confederation (ITUC)** – I greet you on behalf of the General Workers' Federation of Trade Unions of Yemen which is presently encountering difficulties in ensuring that its rights are 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 find themselves without 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. This 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 currently hundreds of thousands of workers affected by this situation. 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 but as 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 after the war. They are 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 collaborate with Yemen to ensure that the Government fully cooperates and respects Convention No. 87. Trade unions have fallen victim to political pressure, negatively impacting 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 a violation of workers' rights, even beyond the scope of ILO standards. We must not forget that the ILO is not a governmental organization, but includes workers 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 must not witness 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.

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 the points raised. We will immediately convey them to the Government of my country, which will consider all the requests made 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 the Committee informed as to progress relating to the points raised here today. We look forward to further cooperation between the ILO and Yemen and to technical cooperation being extended. We would ask you to take into account the fact that the Government in Yemen very recently took up office in April. I hope that will 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.

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, 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 the Convention in Yemen. The Employer members thus request the Government to: (i) ensure compliance with the rights and freedoms for workers and employers groups under Convention No. 87; (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.

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 to initiatives for dialogue, peace and a pathway out of the humanitarian emergency 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 to guide the authorities in these times of crisis. The especially challenging circumstances Yemen is currently facing do not, however, absolve the Government from respecting the obligations arising from the 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's transparency concerning the submission of 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 and the draft Labour Code do not include in their scope certain categories of workers, including those 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 the 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 into 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.

Chairperson – This concludes the discussion of this case. I thank the Government representative of Yemen for participating in the discussion and all the speakers who took the floor.

Conclusions of the Committee

The Committee noted with deep concern that the Government's report had not been received and called on the Government to fully comply with its reporting obligations.

The Committee took note of the oral information provided by the Government and of the discussion that followed. Taking into account the discussion, the Committee urged the Government to take effective and time-bound measures to:

- **consistent with the Convention, ensure that all workers have the effective possibility to join a trade union, including public sector workers, domestic workers, members of the judiciary, diplomatic and consular staff;**
- **ensure that workers' organizations are able to organize their administration and activities and to formulate their programmes in full freedom, in accordance with the Convention; and**
- **ensure that the current legislative reform is in conformity with the Convention.**

The Committee urged the Government to avail itself of ILO technical assistance and to provide a comprehensive report on the concrete progress achieved to the Committee of Experts by 1 September 2026.

Interpretation from Arabic: **Government representative** – The Government of Yemen wishes to express its appreciation for the conclusions reached on the application of the Convention. We confirm our commitment to international labour standards and also to fundamental rights and freedoms, including freedom of association and the right to organize.

We wish to assure you that we have encountered enormous difficulties in recent years that have had an economic and social impact on our country and that have been very adverse indeed, in terms of the influence on institutions, that have not been able to meet their obligations, including their reporting obligations on the dates required. But we wish to assure you that despite all of that, we are committed to working with the ILO and its supervisory mechanisms. It is our view that this cooperation is a pillar of our efforts to make progress in Yemen. In the light of what has been said by the Committee, we are going to look again at the legislative and judicial framework in our country which relates to labour law and labour rights. We are going to consult with relevant social partners in order to ensure that all of our legislation is in line with international labour standards.

In doing that, however, we would ask you to bear in mind the exceptional circumstances that we are living through and the general condition of our country. We are going to continue to carry out our activities in full respect for the law and we wish to express our thanks for the technical assistance provided to us. We are going to cooperate with the Office on these relevant matters in order to build capacity in our country and ensure that we are able to be fully in line with this Convention and that we can improve the relevant legal frameworks in Yemen. We wish, in conclusion, to strongly reaffirm our commitment to working with the ILO and to taking into consideration all of the recommendations in accordance with our abilities and capacities. We can assure you that we will provide the reports and information called for by the Committee of Experts on time because we wish to continue constructive cooperation with the ILO and its supervisory bodies.

Appendix I. Table of reports on ratified Conventions due for 2025 and received since the last session of the CEACR (as of 11 June 2026) (articles 22 and 35 of the Constitution)

The table published in the Report of the Committee of Experts, page 1089, 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.

Albania ***(Paragraph 50)*** **18 reports requested**

- 17 reports received: Conventions Nos. 81, 95, 100, 102, 111, 129, 131, 150, 155, 167, 168, 171, 173, 174, 175, 176, 187
- 1 report not received: Convention No. 183

Armenia ***(Paragraph 50)*** **16 reports requested**

- All reports received: Conventions Nos. 14, 17, 18, 81, 95, 100, 105, 111, 122, 131, 132, 150, 160, 173, 174, 176

Barbados **26 reports requested**

- 15 reports received: Conventions Nos. 12, 19, 29, 81, 90, 95, 100, 102, 105, 108, 118, 122, 128, 138, 182
- 11 reports not received: Conventions Nos. 26, 87, 94, 98, 111, 115, 135, 144, 172, MLC, (190)

Belarus ***(Paragraph 50)*** **19 reports requested**

- All reports received: Conventions Nos. 14, 26, 47, 81, 95, 100, 106, 111, 115, 119, 120, 132, 144, 150, 155, 160, 167, 176, 183

Bosnia and Herzegovina ***(Paragraph 50)*** **27 reports requested**

- All reports received: Conventions Nos. 12, 13, 14, 19, 81, 89, 100, 102, 106, 111, 119, 121, 129, 131, 132, 136, 139, 148, 155, 161, 162, 174, 175, 176, 183, 184, 187

Brunei Darussalam **3 reports requested**

- All reports received: Conventions Nos. 29, 138, 182

Canada ***(Paragraph 50)*** **5 reports requested**

- All reports received: Conventions Nos. 81, 100, 111, 187, 190

Central African Republic ***(Paragraph 44)*** **6 reports requested**

- 1 report received: Convention No. (190)
- 5 reports not received: Conventions Nos. 81, 100, 111, 155, 169

Congo **23 reports requested**

- 1 report received: Convention No. 129
- 22 reports not received: Conventions Nos. 6, 11, 13, 26, 81, 89, 95, 97, 100, 105, 111, 119, 143, 149, 151, 152, 154, 155, 157, 185, MLC, 188

Croatia **12 reports requested**

- 8 reports received: Conventions Nos. 29, 81, 90, 105, 122, 129, 138, 182
- 4 reports not received: Conventions Nos. 100, 111, 155, 156

Cuba ***(Paragraph 50)*** **13 reports requested**

- 11 reports received: Conventions Nos. 29, 81, 100, 105, 110, 111, 122, 138, 155, 182, 187
- 2 reports not received: Conventions Nos. 97, 107

Cyprus — **8 reports requested**

· All reports received: Conventions Nos. 81, 97, 100, 111, 143, 155, 172, 187

Denmark - Greenland — **5 reports requested**

· All reports received: Conventions Nos. 100, 111, 122, 138, 169

Djibouti ***(Paragraph 44 and page 89 of Part II of CEACR report)*** — **28 reports requested**

· 6 reports received: Conventions Nos. 81, 115, 120, 138, 182, (183)
· 22 reports not received: Conventions Nos. 1, 11, 13, 14, 26, 29, 52, 77, 78, 87, 89, 95, 98, 99, 100, 101, 105, 106, 111, 122, 124, 144

Fiji — **13 reports requested**

· 12 reports received: Conventions Nos. 29, 81, 100, 111, 122, 129, 138, 149, 155, 169, 172, 182
· 1 report not received: Convention No. 190

Gambia ***(Paragraph 50 and page 89 of Part II of CEACR report)*** — **7 reports requested**

· 6 reports received: Conventions Nos. 29, 87, 98, 105, 138, 182
· 1 report not received: Convention No. MLC

Kenya ***(Paragraph 44)*** — **22 reports requested**

· 15 reports received: Conventions Nos. 12, 14, 17, 19, 81, 89, 98, 99, 118, 129, 131, 132, 144, MLC, (188)
· 7 reports not received: Conventions Nos. 27, 29, 105, 137, 138, 182, 185

Montenegro — **22 reports requested**

· All reports received: Conventions Nos. 11, 12, 19, 29, 81, 87, 90, 97, 98, 102, 105, 121, 129, 135, 138, 143, 144, 151, 155, 182, MLC, 187

Romania ***(Paragraph 50)*** — **15 reports requested**

· All reports received: Conventions Nos. 14, 27, 87, 88, 95, 98, 105, 108, 117, 122, 131, 137, 138, 144, MLC

Sao Tome and Principe — **5 reports requested**

· All reports received: Conventions Nos. 87, 88, 98, 144, 159

Thailand — **4 reports requested**

· All reports received: Conventions Nos. 100, 111, 122, 188

Tunisia ***(Paragraph 50)*** — **9 reports requested**

· All reports received: Conventions Nos. 11, 87, 98, 122, 135, 144, 151, 154, MLC

Uganda ***(Paragraph 50)*** — **8 reports requested**

· 7 reports received: Conventions Nos. 11, 81, 87, 98, 122, 144, 190
· 1 report not received: Convention No. 154

Uzbekistan ***(Paragraph 50)*** — **9 reports requested**

· All reports received: Conventions Nos. 81, 87, 98, 122, 129, 135, 144, 148, 154

Viet Nam — **5 reports requested**

· All reports received: Conventions Nos. 98, 100, 111, 122, 144

Grand Total

A total of 1,819 reports (article 22) were requested,
of which 1,490 reports (81.91 per cent) were received.

A total of 94 reports (article 35) were requested,
of which 78 reports (82.98 per cent) were received.

Appendix II. Statistical table of reports received on ratified Conventions
(reports received as of 11 June 2026) (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	1026	212	20.6%	840	75.7%	917	89.3%
1954	1175	268	22.8%	1077	91.7%	1119	95.2%
1955	1234	283	22.9%	1063	86.1%	1170	94.8%
1956	1333	332	24.9%	1234	92.5%	1283	96.2%
1957	1418	210	14.7%	1295	91.3%	1349	95.1%
1958	1558	340	21.8%	1484	95.2%	1509	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	1100	256	23.2%	838	76.1%	963	87.4%
1961	1362	243	18.1%	1090	80.0%	1142	83.8%
1962	1309	200	15.5%	1059	80.9%	1121	85.6%
1963	1624	280	17.2%	1314	80.9%	1430	88.0%
1964	1495	213	14.2%	1268	84.8%	1356	90.7%
1965	1700	282	16.6%	1444	84.9%	1527	89.8%
1966	1562	245	16.3%	1330	85.1%	1395	89.3%
1967	1883	323	17.4%	1551	84.5%	1643	89.6%
1968	1647	281	17.1%	1409	85.5%	1470	89.1%
1969	1821	249	13.4%	1501	82.4%	1601	87.9%
1970	1894	360	18.9%	1463	77.0%	1549	81.6%
1971	1992	237	11.8%	1504	75.5%	1707	85.6%
1972	2025	297	14.6%	1572	77.6%	1753	86.5%
1973	2048	300	14.6%	1521	74.3%	1691	82.5%
1974	2189	370	16.5%	1854	84.6%	1958	89.4%
1975	2034	301	14.8%	1663	81.7%	1764	86.7%
1976	2200	292	13.2%	1831	83.0%	1914	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	1529	215	14.0%	1120	73.2%	1328	87.0%
1978	1701	251	14.7%	1289	75.7%	1391	81.7%
1979	1593	234	14.7%	1270	79.8%	1376	86.4%
1980	1581	168	10.6%	1302	82.2%	1437	90.8%
1981	1543	127	8.1%	1210	78.4%	1340	86.7%
1982	1695	332	19.4%	1382	81.4%	1493	88.0%
1983	1737	236	13.5%	1388	79.9%	1558	89.6%
1984	1669	189	11.3%	1286	77.0%	1412	84.6%
1985	1666	189	11.3%	1312	78.7%	1471	88.2%
1986	1752	207	11.8%	1388	79.2%	1529	87.3%
1987	1793	171	9.5%	1408	78.4%	1542	86.0%
1988	1636	149	9.0%	1230	75.9%	1384	84.4%
1989	1719	196	11.4%	1256	73.0%	1409	81.9%
1990	1958	192	9.8%	1409	71.9%	1639	83.7%
1991	2010	271	13.4%	1411	69.9%	1544	76.8%
1992	1824	313	17.1%	1194	65.4%	1384	75.8%
1993	1906	471	24.7%	1233	64.6%	1473	77.2%
1994	2290	370	16.1%	1573	68.7%	1879	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	1252	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	1806	362	20.5%	1145	63.3%	1413	78.2%
1997	1927	553	28.7%	1211	62.8%	1438	74.6%
1998	2036	463	22.7%	1264	62.1%	1455	71.4%
1999	2288	520	22.7%	1406	61.4%	1641	71.7%
2000	2550	740	29.0%	1798	70.5%	1952	76.6%
2001	2313	598	25.9%	1513	65.4%	1672	72.2%
2002	2368	600	25.3%	1529	64.5%	1701	71.8%
2003	2344	568	24.2%	1544	65.9%	1701	72.6%
2004	2569	659	25.6%	1645	64.0%	1852	72.1%
2005	2638	696	26.4%	1820	69.0%	2065	78.3%
2006	2586	745	28.8%	1719	66.5%	1949	75.4%
2007	2478	845	34.1%	1611	65.0%	1812	73.2%
2008	2515	811	32.2%	1768	70.2%	1962	78.0%
2009	2733	682	24.9%	1853	67.8%	2120	77.6%
2010	2745	861	31.4%	1866	67.9%	2122	77.3%
2011	2735	960	35.1%	1855	67.8%	2117	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	2207	809	36.7%	1497	67.8%	1742	78.9%
2013	2176	740	34.1%	1578	72.5%	1755	80.6%
2014	2251	875	38.9%	1597	70.9%	1739	77.2%
2015	2139	829	38.8%	1482	69.3%	1617	75.6%
2016	2303	902	39.2%	1600	69.5%	1781	77.3%
2017	2083	785	37.7%	1386	66.5%	1543	74.1%
2018	1683	571	33.9%	1038	61.7%	1194	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%	ILC 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	1796	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	1865	747	40.0%	1230	65.9%	1383	74.2%
2022	1915	787	41.1%	1334	69.7%	1460	76.2%
2023	2014	923	45.8%	1504	74.7%	1631	81.0%
2024	1836	766	41.7%	1338	72.9%	1836	79.2%
2025	1819	984	54.1%	1340	73.7%	1490	81.9%

International Labour Organization

▶ ILC.114/Record No. 4A

▶ Record of Proceedings 4A

International Labour Conference – 114th Session, Geneva, 2026

Date: 10 June 2026

Outcome of the Recurrent Discussion Committee on Social Dialogue and Tripartism

Proposed resolution and conclusions submitted to the Conference for adoption

This Record of Proceedings contains the text of the proposed resolution and conclusions submitted by the Committee to the Conference for adoption.

The Record of the Committee's proceedings will be published on the Conference website in Record No. 4B as of 15 June 2026.

▶ Resolution concerning the third recurrent discussion on social dialogue and tripartism

The General Conference of the International Labour Organization, meeting in Geneva at its 114th Session, 2026,

Having undertaken the third recurrent discussion on social dialogue and tripartism, in accordance with the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and duly taking into account the Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019):

1. adopts the following conclusions;
2. invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;
3. requests the Director-General to:
   (a) prepare a plan of action giving effect to the conclusions for consideration by the Governing Body at its 358th Session (November 2026);
   (b) communicate the conclusions to relevant international and regional organizations;
   (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources;
   (d) keep the Governing Body informed of their implementation.

▶ Conclusions concerning the third recurrent discussion on social dialogue and tripartism

I. Context and guiding principles

1. The world of work is being reshaped by technological change, demographic shifts, climate change, globalization. These developments impact workers, enterprises and societies, creating opportunities and challenges. They can enhance productivity, job creation and economic growth but can also widen decent work deficits, undermine rights, increase inequality, and create instability. Moreover, geopolitical instability crises, conflicts, supply chain disruptions, cost-of-living pressures and economic uncertainty, and eroding trust in public institutions have produced further challenges.

2. Social dialogue and tripartism are founding principles of the International Labour Organization (ILO) and means of democratic labour governance for navigating transitions and achieving social justice as stated in the ILO Constitution, decent work, sustainable enterprises, productivity, competitiveness, inclusive growth and resilience.

3. Social dialogue must be grounded in respect for freedom of association and the effective recognition of the right to collective bargaining, representative and independent employers' and workers' organizations, legal certainty, mutual trust and good faith. Fundamental

principles and rights at work anchored in international labour standards are particularly important for the full realization of the Decent Work Agenda.

4. At the same time, social dialogue reflects each country's specific historical, cultural, political, economic and industrial relations context. In a context of a globalized economy, it takes various forms and operates at different levels according to national circumstances, including through national, sectoral, workplace and cross-border social dialogue. There is no one-size-fits-all approach to social dialogue. It is shaped by the realities in which it is practiced, resulting in country-specific variations, legal frameworks, institutions, mechanisms and processes.

5. All forms of social dialogue play important roles. Timely consultation, exchanges of information through bipartite and tripartite cooperation can strengthen policy design and implementation, build trust, prevent disputes and support consensus-building among governments and representative employers' and workers' organizations. Social dialogue mechanisms contribute collectively to sound industrial relations, labour market stability and effective governance.

6. Collective bargaining is a fundamental pillar of social dialogue. It is a voluntary process between representative organizations of employers and workers conducted in good faith and in accordance with national law and practice. Governments play a role in supporting the development of machinery for voluntary negotiations between employers or employers' organizations and workers' organizations at any appropriate level. Measures taken by public authorities to encourage and promote the development of collective bargaining should be subject to prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organizations.

7. Effective workplace cooperation can support occupational safety and health (OSH), productive workplaces, skills, and adaptation to change, and protect employment, business continuity and job creation, and could play a role in the prevention and resolution of labour disputes, particularly during periods of economic uncertainty and transformation. Workplace cooperation should respect freedom of association and collective bargaining and its outcomes, and should not undermine the role of trade unions. It covers matters of mutual concern not within the scope of collective bargaining machinery.

8. The objective of the present Conclusions is to strengthen the effectiveness, inclusiveness, representativeness and impact of tripartite and bipartite social dialogue by enhancing the enabling environment, reinforcing institutions of work, expanding the reach and capacity of workers' and employers' organizations, and ensuring coherent and adequately resourced ILO action for practical and result-oriented outcomes.

II. Strengthening effectiveness and impact

9. Social dialogue is more than a process or institution. Its impact is measured by its ability to deliver practical outcomes: balanced, evidence-based policies, stronger trust, improved labour-market outcomes, and measurable benefits for workers, employers, enterprises, economic units and societies. To remain relevant, social dialogue should be adaptable and capable of generating solutions that respond to socio-economic realities and emerging challenges.

10. Across the world, governments, employers' and workers' organizations, have relied on social dialogue to advance decent work, address transformations in the world of work and build resilience and trust. In some countries, these efforts have contributed to concrete outcomes in a wide range of areas, including: wages and working conditions, OSH, social protection, skills

development and lifelong learning, gender equality and non-discrimination, labour law and policy reform, access to labour justice, formalization, labour migration, domestic and care work, crisis prevention and response, productivity and digital and just transitions.

11. Tripartite mechanisms have been used to address issues raised by the ILO supervisory bodies. In some cases, their observations and recommendations have been taken into account and given effect, leading to tangible results and supporting the development of national legal, institutional and policy measures and initiatives.

12. Social dialogue, including collective bargaining and tripartite consultation on wage-setting, has contributed to fair and sustainable wage outcomes. It contributed to reducing wage inequalities and poverty, while cushioning the effects of cost-of-living and other economic shocks. It has also enabled the regulation of working hours and rest periods, as well as working time and work organization arrangements and other conditions adapted to economic and social realities.

13. Social dialogue, including collective bargaining and tripartite consultations has played a critical role in advancing gender equality by helping to close gender pay gaps, improve work-life balance, obtain recognition of the care economy and secure provisions such as parental leave, maternity leave, equal pay for work of equal value, and measures to prevent discrimination and violence and harassment in the world of work.

14. Social dialogue including collective bargaining has contributed to higher productivity and competitiveness and supported the fair distribution of gains by reducing transaction costs, building trust, cooperation, and adaptability, while enhancing legal certainty, compliance and labour market stability.

15. Social dialogue has helped constituents anticipate and manage the effects of digitalization, artificial intelligence and other technological changes by ensuring that digital technologies and infrastructure are accessible and introduced and used in a fair, inclusive, human-centred and responsible manner, while supporting innovation, sustainable enterprises and adaptation to change.

16. Social dialogue has proven particularly valuable as both a preventive and response mechanism in periods of crisis, transition and major disruption. Social dialogue institutions helped identify risks early, prevented the occurrence and escalation of labour disputes, built trust between the parties, supported adaptability and inclusiveness, ensured balanced public policies and facilitated complex transitions in ways that protected workers, supported enterprise resilience, maintained economic and social continuity, and fostered sustainable development and peace.

17. At the same time, challenges remain.

18. Freedom of association and the effective recognition of the right to collective bargaining are under serious pressure in many countries. Restrictions on civil liberties and civic space, weak or under-resourced labour governance institutions, inadequate or ineffective labour dispute prevention and resolution systems, undue interference with employers' and workers' organizations, the bypassing of representative institutions, and legal or practical obstacles to effective representation impede meaningful social dialogue.

19. Workers and employers in the informal economy face persistent challenges and structural barriers to transition to formal economy and to exercise their right to organise and bargain collectively. The realisation of decent work and sustainable enterprises require active labour market policies and effective measures to the transition to the formal economy.

III. Ensuring an enabling environment for social dialogue

20. Effective social dialogue requires an enabling environment grounded in respect for freedom of association, the effective recognition of the right to collective bargaining, representative and independent employers' and workers' organizations, legal certainty, mutual trust, and good faith. The weakening of these fundamental rights and preconditions undermines both social dialogue and democratic processes. Independent and representative employers' and workers' organizations contribute to more resilient societies, lower levels of inequality and greater trust in public institutions. Efforts to strengthen social dialogue should respect the autonomy and representativeness of employers' and workers' organizations and take account of various national industrial relations systems and practices.

A. Role of Governments

21. Governments have the primary responsibility to establish and maintain an enabling legal and institutional environment that facilitates social dialogue without dictating its outcomes. International labour standards, their ratification and the alignment of national law and practice with their content, the engagement with the ILO supervisory system and technical assistance reinforce the legal foundations for social dialogue. Governments should ensure that institutions of work are adequately resourced. Governments retain primary responsibility for creating stable economic conditions, effective labour market institutions and conducive environments for investment and enterprise development that promote decent work.

22. Member States, with the support of the ILO should:

(a) respect, promote and realize freedom of association and the effective recognition of the right to collective bargaining;

(b) ratify and effectively implement 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 the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);

(c) establish and enforce clear legal and institutional provisions in law and practice to promote effective social dialogue;

(d) protect employers' and workers' organizations and their members from interference, violence, intimidation, and reprisals including through adequate legal safeguards and dissuasive sanctions;

(e) support mechanisms for inclusive social dialogue on policies regarding transformations in the world of work, including formalization, labour migration, crisis prevention and response, and digital and just transitions;

(f) promote the development and use of collective bargaining machinery at all appropriate levels, adapted to national circumstances and industrial relations systems, and developed in consultation with representative employers' and workers' organizations;

(g) support meaningful negotiations, by giving effect to negotiated outcomes, and providing for dispute-resolution mechanisms that help parties reach agreements voluntarily;

(h) encourage effective workplace cooperation to foster safe and productive workplaces, while respecting collective bargaining and its outcomes and without undermining the role of trade unions;

(i) use tripartite social dialogue to consider measures to be taken to promote the ratification and implementation of international labour Conventions and Protocols, and consider comments of the ILO supervisory bodies, including through labour law reforms and the adoption of other measures aimed at aligning national law and practice with ratified instruments;

(j) ensure that institutions of work, particularly labour administration systems, including labour inspection and enforcement, and effective labour justice systems, are adequately resourced and accessible to all employers and workers, including MSMEs and those in vulnerable situations;

(k) support the ILO plan of action on social dialogue and tripartism, within the context of the ILO programme and budget and extra-budgetary funding, and through South-South and Triangular Cooperation (SSTC) and other partnerships.

B. Representativeness and inclusiveness

23. Effective social dialogue requires strengthening the quality, legitimacy and inclusiveness of labour governance institutions, while fostering an environment where employers' and workers' organizations can expand their membership and reach in full autonomy. Recalling the resolution concerning tripartism and social dialogue adopted by the International Labour Conference at its 90th Session (June 2002), which reaffirms the role of legitimate, independent and democratic organizations of employers and workers, Member States with the support of the ILO, should:

(a) ensure that all workers and employers can exercise freedom of association and the effective recognition of the right to collective bargaining;

(b) ensure the meaningful involvement of representative employers' and workers' organizations in social dialogue processes;

(c) establish procedures and objective criteria for the recognition of representative employers' and workers' organizations, in consultation with the most representative employers' and workers' organisations, for the purposes of social dialogue or collective bargaining;

(d) support, including through capacity building where necessary, social partners' effective engagement in collective bargaining at all levels as well as in other bipartite or tripartite social dialogue processes;

(e) support representative employers' and workers' organisations in their efforts to expand their role in representing workers and economic units in the informal economy in social dialogue processes and institutions;

(f) strengthen the representation and participation of women, youth, and groups disproportionately affected by, or at risk of, informality, including in certain sectors, and in types of economic units, such as micro and small enterprises and own-account workers, through the role of representative employers' and workers' organizations and existing institutional frameworks;

(g) enhance social dialogue structures in ways that improve effectiveness and avoid fragmentation and incoherence within national industrial relations systems and strengthen their representativeness.

IV. Strengthening ILO action and follow-up on social dialogue

24. In the context of the ILO reform, the International Labour Conference strongly reaffirms that social dialogue, including collective bargaining, and support for institutions of democratic labour governance remain at the centre of the ILO's mandate. This should be reflected in allocation of adequate, dedicated human and financial resources in program and budget proposals, while ensuring coherence, avoiding duplication and delivering impact for constituents.

25. The ILO is therefore called upon to give full effect to these conclusions within available resources and assist Members in strengthening social dialogue in all its forms and at all levels in line with the ILO international labour standards through the following means of action:

A. Means of action

Standards-related action

26. To improve coordination between its standards-related work, technical cooperation activities and research, the International Labour Office (Office) should:

(a) promote the ratification and effective implementation of international labour Conventions related to social dialogue;

(b) based on constituents demands, support Member States in considering the guidance of the ILO supervisory bodies and addressing barriers in law and practice that hinder the full realization of freedom of association and the effective recognition of the right to collective bargaining;

(c) support labour administrations in driving effective tripartite consultations on labour law reform processes to ensure alignment of national legislation with international labour standards, and to facilitate good comparative practices.

Building capacity and strengthening development cooperation

27. The Office, with the support of the constituents, as part of its programme of development cooperation including through Decent Work Country Programmes (DWCP) and enhanced collaboration with the International Training Centre of the ILO in Turin (Turin Centre), should:

(a) enhance the capacity of governments, employers' and workers' organizations, to engage effectively in social dialogue at any level, including through training and support on freedom of association, collective bargaining, and other forms of social dialogue including workplace cooperation, negotiation skills, as well as labour dispute prevention and resolution, including grievance handling, mediation and conciliation;

(b) strengthen the institutional capacity and effectiveness of institutions of work, including labour administration systems, labour inspection, labour justice systems, tripartite social dialogue institutions and other mechanisms that support social dialogue and the implementation of labour rights;

(c) support constituents in using social dialogue to address social and economic challenges and opportunities including non-discrimination, wages, and working conditions, digitalization, just-transition, skills and life-long learning, OSH, decent work in supply chains, and sector specific challenges;

(d) support the participation of micro, small and medium-sized enterprises and economic units in social dialogue processes;

(e) promote peer learning and the exchange of good practices;

(f) promote the exchange and dissemination of good practices in social dialogue with a view to informing policy and decision-making;

(g) support employers' and workers' organizations in their efforts to reach, organize and represent informal economy workers and economic units, including, where feasible and with appropriate capacity-building, through targeted outreach strategies, training programmes and tailored services, with a view to incorporate them in the formal economy so that they can effectively enjoy the benefits of social dialogue;

(h) strengthen its support to employers' and workers' organizations in promoting the Industrial Relations Toolkit including through capacity building and the updating of the ILO Guide on Workplace Cooperation (1997) and the Collective Bargaining Policy Guide (2015), taking into account developments in the world of work;

(i) support ILO staff in better integrating social dialogue and tripartism across the ILO's work.

Research and evidence

28. The Office should:

(a) strengthen evidence-based research and practical knowledge on freedom of association and collective bargaining including sectoral bargaining, and extension mechanisms, tripartite social dialogue, workplace cooperation, access to labour justice, grievance handling and access to remedy, social dialogue including collective bargaining, productivity, representativeness frameworks, democracy and inequality;

(b) develop and maintain databases related to social dialogue, including indicators on country-level compliance with freedom of association and collective bargaining rights and monitoring and assessment of social dialogue outcomes;

(c) expand the knowledge base on innovative social dialogue and industrial relations practices, including in relation to national, sectoral, workplace and cross-border social dialogue, formalization, domestic and care work, organizing hard-to-organize groups of workers and economic units and gender equality;

(d) undertake further research on the role of social dialogue in addressing major transitions affecting the world of work, including:

(i) digitalization and artificial intelligence, through the ILO Observatory on Artificial Intelligence and Work in the Digital Economy and based on further research produce a proposal to the Governing Body for its consideration for a tripartite meeting of experts on AI and social dialogue;

(ii) just transition;

(iii) peace, conflict prevention, resilience and social cohesion;

(iv) demographic shifts;

(v) persistent challenges of transitioning to formality;

(vi) youth employment and transition from school-to-work.

B. Coherence

29. The Office should:

(a) ensure that its work is balanced, focused on its core mandate and is results-oriented, responds to the needs and priorities of its constituents, and focuses on areas with greatest potential impact;

(b) incentivize integrated, cross-cutting interventions, that are field-led, strategic, responsive to constituent demand, and promote an enabling environment for freedom of association and the effective recognition of the right to collective bargaining and investing in institutions of work;

(c) in line with its core mandate, strengthen engagement and promote greater coherence pertaining to world of work issues within the multilateral system, including United Nations entities and International Financial Institutions, to promote social dialogue as a driver for inclusive economic growth, productivity, social resilience and peace, while avoiding duplication with other organizations;

(d) reflect the outcomes of these Conclusions in the further development, resourcing when appropriate and implementation of the integrated strategy for the promotion and implementation of the right to collective bargaining, endorsed by the Governing Body at its 349th Session (October-November 2023) and the ILO's Development Cooperation Strategy 2026-29 endorsed by the Governing Body at its 356th Session (March-April 2026).

C. Programme and budget and governance follow-up

30. Future programme and budget proposals should reflect these Conclusions within existing governance frameworks and budgetary processes to support freedom of association, the effective recognition of the right to collective bargaining, and social dialogue in all its forms.

31. The Office should undertake to mobilize extra-budgetary resources to support the implementation of these Conclusions, aligned with constituents' priorities, the ILO's Development Cooperation Strategy 2026-29 and DWCPs, while avoiding duplication.

32. Follow-up should include measurable indicators, monitoring and evaluation arrangements and regular reporting through established governance mechanisms, including a high-level evaluation of ILO action on social dialogue and tripartism.

▶ Record of Proceedings 4B

International Labour Conference – 114th Session, Geneva, 2026

Date: 22 June 2026

Record of Proceedings of the Recurrent Discussion Committee on Social Dialogue and Tripartism

▶ Overview

The Recurrent Discussion Committee on Social Dialogue and Tripartism was set up by the International Labour Conference at its first sitting on 1 June 2026 to deal with the fourth item on the agenda of its 114th Session. The Committee had before it Report IV, entitled *Navigating change through inclusive social dialogue* prepared by the International Labour Office. [1]

The Committee met from Monday, 1 June to Wednesday, 10 June and organized its work as follows: [2]

- 1–2 June: General discussion based on the Points for discussion;
- 4–5 June: A Drafting group prepared the draft Conclusions to be considered by the Committee;
- 8–10 June: Consideration of the draft conclusions based on the amendments proposed by Committee members.

▶ Officers and reporter

Chairperson:	Mr Sipho Ndebele (Government member, South Africa)
Vice-Chairpersons:	Ms Juliana Manrique Sierra (Employer member, Colombia) Mr José Enrique Oñate Vera (Worker member, Mexico),
Reporter:	Ms Josiane Zucarato Peres (Government member, Brazil) [3]

[1] ILC.114/Report IV.

[2] The plan of work, points for discussion, draft conclusions and amendments can be found on the Committee's webpage.

[3] The Committee had appointed Mr. Léon Mondole Esso Libanza (Government member, Democratic Republic of Congo) as reporter, but he was replaced during the plenary sitting by Ms Zucarato Peres.

▶ Drafting group responsible for preparing the draft conclusions

Government members	Employer members	Worker members
Ms. Josiane Zucarato Peres (Brazil)	Ms. Nancy Chenard (Congo)	Ms. Riefdah Ajam (South Africa)
Ms. Lianna Shannon (United States)	Ms. Erissa Martin (South Africa)	Ms. Anne Catherine Cudennec (France)
Ms. Marcela Barrios (Uruguay)	Ms. Juliana Manrique (Colombia)	Ms. Abigail Hunt (United Kingdom)
Ms. Gillian Corrodus (Jamaica)	Ms. Verónica Sanchez (Argentina)	Ms. Jessica Olivier-Nault (Canada)
Ms. Sofia Evripidou (Cyprus)	Mr. Ronald Ramlogan (Trinidad and Tobago)	Mr. Guillermo Zuccotti (Argentina)
Mr Maksim Murray (United Kingdom)	Mr. Eduardo Ocampo (Mexico)	Mr. Thomas Tanko Musah (Ghana)
Ms. Emelda Nanyinza (Zambia)	Mr. Farooq Ahmed (Bangladesh)	Mr. Seil Oh (Republic of Korea)
Ms. Tsepang Lesia (Lesotho)	Ms. Josephine Andriamamonjiarison (Madagascar)	

▶ Outcome of the Committee's work

At its final sitting on Wednesday, 10 June, the Committee adopted the resolution and conclusions concerning the third recurrent discussion on social dialogue and tripartism, which were submitted to the plenary of the Conference for adoption on Thursday, 11 June. [4]

At the request of the Government member of the United States of America, the conclusions were put to a vote by show of hands during the final sitting and were adopted with 1890 votes in favour, 14 against and no abstentions. [5]

▶ Recordings of the Committee's sittings

Links to the recordings of the sittings and items discussed

Part 1. General discussion	
Monday, 1 June	
15:30–18:30 – First sitting	Opening remarks and Point for discussion 1
19:00–22:00 – Second sitting	Point for discussion 2
Tuesday, 2 June	
11:00–14:00 – Third sitting	Point for discussion 3

[4] The proposed resolution and conclusions were published in ILC.114/Record No. 4A.

[5] The Government member of Libya clarified his Government's position on the use of term "gender" in the conclusions.

Part 2. Consideration of amendments to the draft conclusions	
Monday, 8 June	
11:00–13:00 – Fourth sitting	Consideration of amendments to Points 1 to 10
15:30–18:30 – Fifth sitting	Consideration of amendments to Points 10 to 21
19:00–21:30 – Sixth sitting	Consideration of amendments to Points 21 to 22(j)
Tuesday, 9 June	
11:00–13:00 – Seventh sitting	Consideration of amendments to Points 22(k) to 23(c)
15:30–18:30 – Eighth sitting	Consideration of amendments to Points 23(c) to 27(c)
19:00–21:30 – Ninth sitting	Consideration of amendments to Points 27(c) to 28(d)
22:00–01:00 – Tenth sitting	Consideration of amendments to Points 28(d) to 30 and resumption of pending amendments
Wednesday, 10 June	
10:00–13:00 – Eleventh sitting	Resumption of pending amendments
19:00–21:30 – Twelfth sitting	Resumption of pending amendments and adoption of the proposed resolution and conclusions to be submitted to the Conference.

International Labour Organization

▶ ILC.114/Record No. 5A

▶ Record of Proceedings 5A

International Labour Conference – 114th Session, Geneva, 2026

Date: 11 June 2026

Outcome of the Standard-Setting Committee on Decent Work in the Platform Economy

Texts submitted to the Conference for adoption

This record contains the text of the Convention concerning decent work in the platform economy and a resolution submitted for adoption by the Conference.

The report of the Committee on its proceedings will be published on the Conference website in Record No. 5B after the closure of the session. Committee members will have the possibility to submit corrections to their own statements appearing in the report until 10 July 2026.

Convention concerning decent work in the platform economy

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 114th Session on 1 June 2026,

Recognizing that the nature and the growth of the platform economy, notably of digital labour platforms, are significantly transforming the world of work,

Observing that the platform economy has created opportunities for enterprises and business development, opened new pathways for the formalization of work and generated work and income opportunities,

Recognizing existing decent work deficits in the platform economy,

Observing that when digital labour platforms operate across borders, the clients, workers and platforms may be located in different countries,

Underlining that there are specificities of work via digital labour platforms that make it desirable to adopt specific standards that, together with other international labour standards, will contribute to the full realization of decent work in the platform economy,

Acknowledging the role of digital labour platforms and micro, small and medium-sized enterprises, and the need to support an enabling environment for sustainable enterprises and promotion of fair business competition,

Recognizing the differences among Member States regarding the development of the platform economy, as well as the diversity of business models and work arrangements,

Having decided upon the adoption of certain proposals related to decent work in the platform economy, which is the fifth item on the agenda of the session, and having determined that these proposals shall take the form of an international Convention,

adopts this XX June 2026 the following Convention, which may be cited as the Decent Work in the Platform Economy Convention, 2026:

I. Definitions

Article 1

For the purposes of this Convention:

(a) the term “digital labour platform” means a legal person or, where applicable under national law, natural person that, through digital technologies, using automated decision-making systems:

  (i) organizes and/or facilitates work performed by persons for remuneration or payment, for the provision of service, upon request of the recipient or requestor;

  (ii) regardless of whether that work is performed online or in a specific geographic location;

(b) the term “digital platform worker” means a person employed or engaged to work:

  (i) for the provision of service organized and/or facilitated by a digital labour platform;

  (ii) for remuneration or payment;

(iii) regardless of their classification of status in employment;

(c) the term "intermediary" means a legal person or, where applicable under national law, natural person that makes available the work of a digital platform worker:

(i) through contractual relationships with the digital labour platform and with the digital platform worker; or

(ii) as part of a subcontracting chain between the digital labour platform and the digital platform worker;

(d) the terms "remuneration" or "payment" mean the amount due under national laws and regulations, collective agreements or contractual obligations, to a digital platform worker, according to their classification of status in employment, in exchange for the work performed. Remuneration does not include any compensation for expenses or other costs incurred by digital platform workers in carrying out their work.

II. Scope

Article 2

1. The Convention shall apply to:

(a) all digital labour platforms;

(b) all digital platform workers, unless otherwise specified in this Convention, whether they are in the formal or informal economy.

2. Where special problems of a substantial nature arise, each Member may, after consulting with representative organizations of employers and workers and, where they exist, with organizations representing digital labour platforms and digital platform workers, exclude from the application of all or part of the Convention:

(a) limited categories of digital labour platforms; or

(b) limited categories of digital platform workers.

3. In case of exclusions under paragraph 2 of this Article, and where practicable, the Member shall take measures to extend progressively the application of the Convention to the categories of digital labour platforms and digital platform workers concerned.

4. Each Member which avails itself of the possibility of exclusion under paragraph 2 of this Article shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization:

(a) indicate the limited categories of digital labour platforms or of digital platform workers excluded under paragraph 2 of this Article;

(b) give the reasons for such exclusions and the position of its law and practice in respect of the categories excluded, stating the respective positions of the organizations referred to in paragraph 2 of this Article.

5. In its subsequent reports on the application of the Convention under article 22 of the Constitution, the Member shall specify any measures that may have been taken with a view to extending the application of the Convention to the categories of digital labour platforms or digital platform workers concerned.

III. Fundamental principles and rights at work

Article 3

Each Member shall take measures to respect, promote and realize, in the platform economy, the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour;

(d) the elimination of discrimination in respect of employment and occupation;

(e) a safe and healthy working environment.

IV. Occupational safety and health

Article 4

1. Each Member shall take appropriate measures for the prevention of occupational accidents, occupational diseases and any other injuries to digital platform workers' health arising out of, linked with or occurring in the course of their work.

2. In taking the measures under paragraph 1 of this Article, each Member shall specify the respective functions and responsibilities of public authorities, digital labour platforms, digital platform workers and other relevant actors, taking account of:

(a) the complementary character of such responsibilities;

(b) national conditions and practice and the classification of digital platform workers' status in employment;

(c) the need to assess occupational risks and take adequate preventive and protective actions.

Article 5

Each Member shall take appropriate measures to ensure that digital platform workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health, without suffering undue consequences, and that they shall inform the digital labour platform without delay.

V. Violence and harassment

Article 6

Each Member shall take appropriate measures to effectively protect all digital platform workers against violence and harassment in the world of work, including violence and harassment perpetrated online or involving third parties such as clients and customers.

VI. Promotion of decent work

Article 7

Each Member shall pursue, in their national policies and according to national circumstances, measures to promote the creation of decent work opportunities and to encourage career and skills development in the platform economy.

Article 8

Each Member shall take appropriate measures to facilitate formalization of work via digital labour platforms, including registration of self-employed workers.

VII. Classification of digital platform workers' status in employment

Article 9

Each Member shall take appropriate measures to ensure the correct classification of digital platform workers in respect of the existence or non-existence of an employment relationship, guided mainly by the facts relating to the performance of work, the remuneration or payment of the digital platform worker, among other elements, and considering the specificities of work via digital labour platforms.

VIII. Remuneration or payment

Article 10

1. Each Member shall take measures to ensure that the remuneration or payment which is due to digital platform workers under national laws and regulations, collective agreements or contractual obligations is paid in a timely manner, in full, subject to lawful deductions, to the extent authorized by national laws and regulations or collective agreements, and by lawful means of payment, including electronic transfer where permitted under national laws and regulations.

2. Each Member shall also take measures to ensure that digital platform workers in an employment relationship:

(a) receive remuneration, the amount of which, excluding any tips or other gratuities, is in no case lower than the applicable statutory or negotiated minimum wage, if any;

(b) are compensated, according to national law and practice, for expenses or other costs incurred in the performance of their work.

3. Each Member shall give consideration to whether the measures adopted notably under paragraph 2(a) of this Article shall be provided to digital platform workers who are not in an employment relationship.

Article 11

Each Member shall take appropriate measures to require digital labour platforms to provide in a timely manner digital platform workers with accurate and easily understandable information on their remuneration or payment and any deductions made.

IX. Social security

Article 12

Each Member shall take measures to ensure that digital platform workers have access to social security protection on terms no less favourable than those applicable to other workers with the same classification of status in employment.

X. Impact of the use of automated systems

Article 13

Each Member shall require digital labour platforms to inform digital platform workers, before their employment or engagement, and their representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers, about:

(a) the use of automated systems, based on algorithms or on similar methods, to monitor or evaluate work, or to generate decisions relating to work;

(b) the extent to which the use of such automated systems has an impact on the working conditions of digital platform workers or their access to work.

Article 14

Each Member shall take appropriate measures to ensure responsible use of automated systems by digital labour platforms as defined in Article 1(a), as consistent with Member States' obligations to respect, promote and realize the fundamental principles and rights at work.

Article 15

1. Where decisions are generated by an automated decision-making system, each Member shall take appropriate measures to require digital labour platforms to ensure that digital platform workers have access, on request, and without unreasonable delay, taking into account the classification of status in employment, to:

(a) a written explanation for significant decisions that adversely impact their working arrangements and access to work;

(b) a review of decisions, as appropriate, that result in the non-disbursement of any amount due to digital platform workers, or the suspension or deactivation of their account, or the termination of their employment or engagement with a digital labour platform.

2. In giving effect to paragraph 1, each Member shall ensure that digital labour platforms have appropriate human involvement.

XI. Protection of digital platform workers' personal data and privacy

Article 16

1. Each Member shall establish effective and appropriate safeguards concerning digital platform workers' personal data and ensure that it is processed for the legitimate purpose for which it is collected, and not further processed in a manner that is incompatible with the rights and protections set out in this Convention.

2. Each Member shall ensure that digital platform workers have the right to request access to, and the rectification and erasure of, their personal data processed by digital labour platforms, subject to applicable data retention laws.

XII. Suspension or deactivation of account and termination of employment or engagement

Article 17

Each Member shall take appropriate measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their employment or engagement with a digital labour platform, when it is based on discriminatory or otherwise unlawful grounds.

XIII. Terms and conditions of employment or engagement

Article 18

Each Member shall, in accordance with national law and practice, take measures to ensure that digital platform workers receive timely, verifiable and easily understandable information on the terms and conditions of their employment or engagement.

Article 19

The terms and conditions of employment or engagement of digital platform workers shall preferably be governed by the laws and regulations of the country where the work is performed, unless otherwise provided for in national laws and regulations, international instruments or multilateral or bilateral agreements, taking into account the contractual arrangements.

XIV. Protection of migrants and refugees

Article 20

Each Member shall take measures to prevent abuses of, and provide adequate protection to, migrants and refugees in the course of their recruitment or engagement and their work as digital platform workers.

XV. Dispute resolution and remedies

Article 21

Each Member shall take measures to ensure that digital platform workers and digital labour platforms have easy access to safe, fair and effective dispute resolution mechanisms and to appropriate and effective remedies.

XVI. Compliance and enforcement

Article 22

Each Member shall take measures so that mechanisms are in place for ensuring compliance with and enforcement of relevant national laws and regulations and collective agreements.

XVII. No less favourable treatment

Article 23

Each Member shall, in implementing the Convention, take measures to ensure that digital platform workers enjoy protection no less favourable than that enjoyed by other workers with the same classification of status in employment.

XVIII. Implementation

Article 24

1. Each Member shall implement the provisions of the Convention in consultation with the most representative organizations of employers and workers through laws and regulations, collective agreements, court decisions, a combination of these means, or in any other manner consistent with national practice.
2. Each Member shall implement the provisions of the Convention in relation to digital labour platforms and intermediaries operating, and digital platform workers working, in its territory.
3. Where the use of intermediaries is permitted, Members shall determine and allocate the respective responsibilities of digital labour platforms and intermediaries to ensure compliance with the provisions of the Convention.
4. In implementing this Convention, each Member shall take appropriate measures to protect commercially sensitive information of digital labour platforms.

XIX. Normative language

Article 25

For the purposes of this Convention, any use of the generic masculine form shall be construed as non-exclusive and including also women, unless the context clearly indicates otherwise.

XX. Final provisions

Article 26

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 27

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 29

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations that have been communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the last of the ratifications required for entry into force that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 30

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and denunciations that have been registered in accordance with the provisions of the preceding Articles.

Article 31

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision.

Article 32

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The English, French and Spanish versions of the text of this Convention are equally authoritative.

Resolution on the standard-setting item on decent work in the platform economy

The General Conference of the International Labour Organization, meeting at its 114th Session (2026),

Recognizing the significant impact that the platform economy has on the world of work,

Having adopted the report of the Committee appointed to consider decent work in the platform economy, the fifth item on the agenda of the session, and having adopted the Convention concerning Decent Work in the Platform Economy, 2026,

Noting that, having made every effort to maximize social dialogue and the adoption of decisions by consensus, the Committee succeeded in adopting the Convention, did not have the time to examine and adopt the text of the Recommendation supplementing the Convention,

Considering that the adoption of the Convention will make an important contribution to achieving decent work in the platform economy, considering the specificities of work via digital labour platforms,

Observing that some digital labour platforms operate across borders, which renders cooperation between Member States particularly relevant for the implementation of the Convention,

1. Invites Member States to ratify and implement the Convention concerning Decent Work in the Platform Economy, 2026, including through cooperation at the bilateral, regional and international levels;

2. Invites the Governing Body of the International Labour Office to take, at its 358th Session (November 2026), as a follow-up to the adoption of the Convention concerning Decent Work in the Platform Economy, all necessary decisions, making full use of ILO means of action, and to request the Director-General to allocate sufficient resources accordingly, taking into account the budgetary constraints of the ILO.

International Labour Organization

▶ ILC.114/Record No. 5B(Rev.1)

▶ Record of Proceedings 5B

International Labour Conference – 114th Session, Geneva, 2026

Date: 31 July 2026

Report of the Standard-Setting Committee on Decent Work in the Platform Economy

Second discussion

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Introduction

1. At its first sitting, the Committee elected its Officers and reporter as follows:

Chairperson:	Mr Colin Jordan (Government member, Barbados)
Vice-Chairpersons:	Ms Ewa Staworzynska (Employer member, United States of America) Ms Amanda Brown (Worker member, United Kingdom of Great Britain and Northern Ireland)
Reporter:	Ms Valérie Berset Bircher (Government member, Switzerland)

2. At its 13th sitting the Committee appointed the members of the Drafting Committee [1] as follows:

Government members:	Mr Ivann Liberatore (France) Ms Lindizga Mtegha-Kawamba (Malawi) Mr Omar Nacib Estefan Fuentes (Mexico)
Employer members:	Ms Marine Charpentier (United States of America) Mr Andrés Nunes (Argentina) Assisted by Mr Jason Pegat-Toquet (International Organisation of Employers (IOE))
Worker members:	Ms Melissa Ansell-Bridges (New Zealand) Ms Lucie Morpurgo (France) Mr Fernando Rocha Sánchez (Spain) Assisted by Ms Monica Tepfer (International Trade Union Confederation (ITUC))

3. The Committee held 26 sittings.

4. Upon his nomination, the Chairperson observed that the world of work was undergoing considerable change driven by technological innovation, globalization, climate change and demographic shifts, which offered new opportunities, but which also posed significant challenges for individuals, societies and economies. The platform economy had grown rapidly across countries and regions and had become part of the new normal for most economies.

5. He called on Committee members to work past their differences, embrace dialogue and compromise to reach consensus and a balanced outcome, fit for the future of work. Every effort should be made to make efficient use of scarce time and resources.

6. Following requests made by Committee members at the 113th Session (2025) of the International Labour Conference and comments received on the report entitled *Decent work in the platform economy* (the Brown report), [2] informal tripartite consultations had been held in Geneva on 28–30 April 2026. The consultations had allowed constituents to clarify their positions on the more contentious provisions of the draft instruments, covering fundamental principles and rights at work, the impact of the use of automated systems, the protection of digital platform workers' personal data and privacy, remuneration or payment, occupational safety and health (OSH), classification in respect of the existence of an employment

[1] Pursuant to article 9 of the Standing Orders of the International Labour Conference, the Drafting Committee reviews the drafting of any instrument referred to it in accordance with the Standing Orders or by special decision of the Conference and ensures agreement between the texts of such instrument in the official languages of the Conference. The Drafting Committee also advises on drafting questions that may be referred to it by the Conference or a committee in the course of the examination of any such instrument.

[2] ILC.114/Report V(3).

relationship, and the suspension or deactivation of account and termination of employment or engagement. Participants had identified areas of both convergence and divergence and had restated their intention not to reopen discussions on the four points adopted during the first discussion held in 2025, and which had become Articles 1, 2, 12 and 24 of the draft Convention. The informal consultation carried no binding implications for the formal standard-setting process and therefore the draft text contained in the report entitled *Realizing decent work in the platform economy: draft Convention and Recommendation* (the Blue report), remained unmodified. [3]

7. The representative of the Secretary-General noted that the draft instruments were momentous, and would make manifest the call in the ILO's Centenary Declaration to "harness the fullest potential of technological progress and productivity growth, including through social dialogue, to achieve decent work and sustainable development, which ensure dignity, self-fulfilment, and a just sharing of the benefits for all", [4] in a human-centred future of work.

8. The standard-setting process had begun in 2021 when, at its 341st Session (March 2021), the Governing Body had asked the Office to convene a tripartite meeting of experts on decent work in the platform economy in 2022. [5] Digital labour platforms based on automated systems had rapidly expanded, profoundly changing how work was organized and performed. Following the tripartite meeting of experts, the Governing Body had requested the Office to conduct a gap analysis, based on which it would decide the nature of the item to place on the agenda of the Conference. The analysis identified two types of gaps: those related to the scope of application of international labour standards to workers outside an employment relationship; and those related to the impact of automated systems on work and the protection of workers' personal data, which were not fully addressed in existing ILO standards. On that basis, at its 347th Session (March 2023), the Governing Body had decided to place on the agenda of the 113th Session of the Conference (2025) a standard-setting item on decent work in the platform economy for a double discussion.

9. She recalled the progress that had been achieved during the first discussion at the 113th Session. The ample responses to the Brown report indicated strong views and engagement, including broad support for a principle-based Convention that would provide adequate protection while allowing flexibility to accommodate different legal systems and national circumstances. In response to comments to the Brown report, the Office had revised the draft instruments to improve clarity, coherence and flexibility, while leaving implementation modalities to Member States. Against the backdrop of the growing importance of platform work and increasing demand for guidance in this area, the Committee's deliberations would further strengthen the draft instruments and contribute to establishing an effective framework for promoting decent work in the platform economy.

Opening statements

10. The Employer Vice-Chairperson called for impartial and balanced leadership and committed to dialogue, collaboration and shared responsibility. The Employers' group preferred a Recommendation due to the complex nature of the subject matter but respected the results of the record vote carried out in the Committee during the first discussion. Their primary objective was to achieve a balanced and consensus-based outcome.

11. The platform economy represented an important source of work opportunities, income, inclusion and innovation in the modern world of work. Three guiding points were important

[3] ILC.114/Report V(4). See the list of the four reports prepared for this standard-setting item in paragraph 2 of this report.

[4] *ILO Centenary Declaration for the Future of Work* (2019), Part II(A)(ii).

[5] GB.341/PV, para. 50(c).

to achieve joint success: first, the standard had to be flexible and principle-based, allowing Member States to implement its provisions according to national practices, as the platform economy was highly diverse and localized. Second, the instruments had to preserve a clear distinction between labour laws and commercial laws, and between the rights and benefits of employees and independent contractors. While ensuring the due protection of workers in an employment relationship, the instruments should not interfere with genuine civil and commercial relationships. The autonomy of independent contractors, including the freedom to choose clients and work across platforms, should be preserved, as such flexibility was a valued choice, particularly for young people and workers with care responsibilities. Third, the instruments should promote the potential of the platform economy and protect digital labour platforms, notably micro, small and medium-sized enterprises (MSMEs), entrepreneurship and the creation of work opportunities. Excessive rigidity would affect smaller enterprises and limit opportunities for business and workers. Platforms enabled MSMEs to access new markets, connect with new customers and participate in the formal digital economy.

12. She noted several key issues. First, the Employers' group reaffirmed its strong commitment to the fundamental principles and rights at work, which were central to the ILO's mandate and to sustainable economic development. The instruments should not deviate from those principles, and thus the reference to collective bargaining for self-employed workers raised serious legal concerns. While she appreciated the streamlining of OSH into the draft instruments, certain OSH rights and obligations were linked to the existence of an employment relationship, which the instruments had to respect. Proposed Article 8 did not respect the diverse legal approaches Member States had taken to employment classification. The Employers' group would not accept any direct or indirect proposals for a presumption of employment. Proposed Article 9(3) on remuneration or payment did not sufficiently distinguish between employees and independent contractors, and directly contradicted the consensus of the Committee to develop a principle-based Convention. As drafted, proposed Article 14 would subject millions of automated decisions to human review and explanation and could not be operationalized. Forced disclosure of commercially sensitive information would conflict with an enabling environment for business. Proposed Article 13 shifted the obligation to respect, promote and realize the fundamental principles and rights of work onto enterprises, which was inconsistent with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (1998 Declaration). In the spirit of consensus, the Employers' group would not reopen the discussion on Article 12, despite pending concerns.

13. The Employer Vice-Chairperson noted three points to consider throughout the discussion: first, the eventual instruments would cover all digital labour platforms, across a range of sectors, making a principle-based Convention essential. Second, treating the platform economy as if it were a single sector risked creating regulations that were incoherent with those applicable to the rest of the economy. Third, recalling that the scope of the instruments had been agreed to include employees, independent contractors and, in some jurisdictions, third categories, she stressed that each provision should be examined carefully to determine whether it should apply to all workers or only employees, in order to ensure an outcome respectful of existing labour law regimes. She reiterated the Employers' group's commitment to genuine social dialogue and urged constituents to listen carefully, understand different realities, and work toward balanced solutions. No party should feel forced into agreement, and majority does not equal consensus on which the ILO is built. She also reiterated her group's commitment not to reopen the discussion of the texts agreed during the first discussion at the 2025 session of the Conference and support for instruments that were fair, balanced, adoptable, ratifiable, implementable and fit for the future of work.

14. The Worker Vice-Chairperson underlined that the instruments could extend protection to an estimated 400 million workers worldwide who lacked access to rights. Platform companies had argued that their business models were too new and complex to regulate; yet activities

such as taxi services, food delivery, transcription and data analysis were not new. The primary innovation was the use of digital applications to organize work.

15. The draft instruments were intended not to regulate technology, intellectual property, digital infrastructure or artificial intelligence, but to regulate work and working conditions and ensure that platform workers had access to protection. The Workers' group did not intend to reopen the discussion of provisions agreed during the first discussion.

16. Digital platform workers faced long hours, low wages, late or unpaid wages, workplace accidents, and deactivation, while digital platforms earned record revenues and portrayed platform workers as benefiting from self-employment. Unlike self-employed workers who worked without the mediation of a digital application, platform workers could not negotiate rates or identify their clients, as algorithms determined remuneration and assigned work. Performance was evaluated through customer ratings and opaque automated metrics. Access to work could be terminated without notice, explanation or human review, and platform workers were required to accept predetermined terms and conditions to maintain access to the platform. Such conditions reflected subordination to an unaccountable authority rather than genuine self-employment.

17. The Worker Vice-Chairperson outlined several priorities. First, the Convention should affirm that digital platform workers were entitled to the fundamental principles and rights at work, which applied to all workers regardless of employment status. Second, employment status should be based on the facts of the relationship rather than its designation. Determining prices, imposing service standards, monitoring performance, allocating work algorithmically capacity to terminate access to work were characteristics of an employment relationship. Third, the Convention should recognize the OSH risks associated with platform work, such as fatigue, payment models, and lack of access to workers' compensation, and require platforms to bear OSH responsibilities regardless of classification. Fourth, it should establish the right to an adequate minimum level of pay and limits on working time. Concerns were raised regarding piece-rate systems, unpaid waiting time, high commission rates and algorithmic pay-setting practices that might result in unequal remuneration. The absence of limits on working time was also highlighted as a significant concern. Transparency in algorithmic management was critical. Workers and their representatives should have access to understandable information regarding how work is allocated, how pay is determined and how performance is assessed.

18. Digital labour platforms collected and used extensive personal data, including data on workers' behaviour, location and communications. Data collection should be limited to what was strictly necessary and processing relating to collective action, worker representation, health and activities outside working time should be prohibited. Decisions affecting workers' livelihoods should not be taken solely by automated systems. Workers should have the right to a human review and written explanation of such decisions. Deactivation without due process was equivalent to arbitrary dismissal. Digital platform workers should also have effective access to remedies. Barriers faced by platform workers included their classification status, limits on access to labour courts, mandatory arbitration clauses, high costs of litigation, lack of transparency in algorithmic systems and complex corporate structures

19. Recalling the ILO Constitution's commitment to addressing injustice, hardship and deprivation in labour conditions, the Worker Vice-Chairperson stated that the situation of platform workers fell squarely within the Organization's mandate. The draft Convention and Recommendation offered an opportunity to extend international labour standards to workers not adequately protected by existing legal frameworks.

20. The Government member of Namibia, speaking on behalf of the Africa group, [6] regretted that the Committee had made limited progress towards consensus during the first discussion in 2025. She supported the adoption of a Convention supplemented by a Recommendation, combining binding obligations with practical guidance. The objective of the second discussion was to finalize a robust, implementable and principle-based Convention that would contribute to the realization of decent work in the platform economy. The adoption of the instruments was urgent to keep apace with the growth of the industry, and was essential to address protection gaps, support pathways to formalization, promote fairness and safeguard the dignity of platform workers.

21. The inclusion of the fundamental principles and rights at work in the instruments was indispensable to prevent exploitation, ensure fair remuneration, promote equality, and guarantee basic human dignity. They were universal and applied to all workers in the platform economy, as in all other sectors.

22. She expressed support for proposed provisions on the classification of the employment relationship. Employment status constituted the gateway to labour rights. Decent work in the platform economy could not be achieved without clear rules in national law to prevent misclassification and disguised self-employment. Classification was essential to protecting workers, ensuring fair competition and preventing the misuse of innovation to evade compliance with labour standards.

23. She also expressed support for provisions on transparency, human oversight and due process in relation to automated systems. Workers should be informed about how decisions affecting them were made and should be able to challenge such decisions. Human oversight was essential to prevent arbitrary or discriminatory outcomes, and such safeguards were important to ensure fairness, accountability and trust in the platform economy.

24. She called on Committee members to approach the negotiations with flexibility, good faith and a shared commitment to social justice, noting the importance of concluding the Committee's work during the current session, since platform workers, particularly young people, women and workers in the informal economy, required timely protection. The rapid expansion of the platform economy was transforming the world of work and required urgent and decisive action. She called for a strong, comprehensive, balanced and forward-looking Convention and Recommendation on decent work in the platform economy.

25. The Government member of Cyprus, speaking on behalf of the European Union (EU) and its Member States, stated that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Iceland, Norway and Armenia aligned themselves with his statement. The platform economy offered employment opportunities, particularly for persons facing barriers to labour market entry, while also requiring the application of decent work standards. He supported the adoption of a Convention supplemented by a Recommendation to protect platform workers, regardless of their employment status. Fundamental principles and rights at work were prerequisites for ensuring decent work for all platform workers. The Convention should provide sufficient flexibility for implementation in different national contexts. Correct classification of platform workers should be clearly reflected in the instrument, without presuming any particular employment status, and requiring Member States to take measures to ensure that workers were correctly classified. Automated systems were a defining feature of platform work, creating opportunities and risks. Human oversight and review of significant

[6] Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Governments, members of the group or organization in question, who are Members of the ILO and are attending the Conference.

decisions affecting workers, information regarding the use of automated systems and robust safeguards for the protection of personal data were essential.

26. The Government member of Mexico, speaking also on behalf of the Government members of Belize, Brazil, Guatemala and Uruguay, considered that the discussion on agreements reached during the first discussion should not be reopened. The shared understanding was that the instruments applied to digital labour platforms that organized, assigned or managed work, while entities performing purely intermediary functions fell outside of its scope. He supported the development of a principle-based Convention that allowed for sufficient flexibility in implementation across diverse legal systems and levels of development. The instruments should reflect commitments contained in the ILO Centenary Declaration for the Future of Work. He would support textual simplifications, provided that substantive obligations were preserved. The instruments should ensure effective protection for all platform workers, considering the realities of the work performed and the responsibilities of platforms.

27. The Government member of Sweden, speaking on behalf of the Nordic countries, aligned with the statement of the EU and its Member States. A Convention on decent work in the platform economy was timely and relevant. While the platform economy had created new business opportunities and offered flexibility for some workers, it had also created challenges in ensuring decent work for platform workers. Consensus had been reached on the type of instruments, their scope and several key provisions, while some issues remained to be resolved. The instruments should ensure effective rights and protection for platform workers and address the risks of misclassification, while not presuming any particular employment status and requiring Member States to take measures to ensure that platform workers were correctly classified. At the same time, legal certainty and respect for national frameworks and practices were essential, with regard not only to the negotiation of wages and working conditions, but also to the protection of genuine self-employment and the right to carry out independent business activities, enter into civil or commercial contracts or to operate businesses on one's own account.

28. The Government member of Grenada**,** speaking on behalf of the Caribbean Community (CARICOM) countries, supported the adoption of a Convention supplemented by a Recommendation. While the platform economy expanded opportunities for labour market participation, particularly for persons facing barriers to traditional employment, it also raised challenges relating to employment relationships, income insecurity, limited access to social protection, gaps in OSH protections and difficulties in obtaining fair and effective remedies. Any international standard should reinforce fundamental principles and rights at work while balancing worker protection with the platform economy's potential to contribute to job creation and economic resilience. The Convention should be principle-based and sufficiently flexible to allow implementation in accordance with national circumstances and institutional capacities. Accurate classification of employment relationships, the extension of social protection, greater transparency and due process in algorithmic management, and accessible dispute resolution mechanisms were crucial to preventing the platform economy from becoming a pathway to informality and insecurity.

29. The Government member of Oman, speaking on behalf of the Gulf Cooperation Council (GCC) countries, noted that the first discussion had highlighted the complexity of the issues and of employment arrangements in the platform economy. Civil and commercial relationships should be excluded from the scope of the Convention, which should be limited to employment relationships. The interests of both workers and employers in the platform economy should be considered. He supported a comprehensive and principle-based Convention capable of adapting to future developments.

30. The Government member of the United Kingdom of Great Britain and Northern Ireland supported a Convention supplemented by a Recommendation. The platform economy continued to grow and remained diverse, with some workers in employment relationships, some operating their own businesses, or somewhere in between. Some protections required flexible application, while others warranted universal application. Platform work could provide flexible earning opportunities and pathways to formalization, but it was important to ensure platform workers were adequately protected. The instruments should balance worker protection with flexibility for implementation within existing national labour law frameworks.

31. The Government member of Ecuador considered that decent work in the platform economy was both a challenge and an opportunity to accelerate formalization, particularly in countries with high levels of informality and unemployment. She supported the adoption of a principle-based Convention supplemented by a Recommendation. Article 10 should ensure that classification did not interfere with genuine civil and commercial relationships or lead to automatic reclassification, while preserving the authority of Member States to determine employment relationships in accordance with national legislation. Fundamental rights should be guaranteed irrespective of workers' employment status. The instruments should contain provisions on automated systems, including algorithmic transparency, the right to an explanation and human review of automated decisions affecting workers. Obligations relating to automated systems should be coordinated with existing national data protection frameworks to avoid duplication or inconsistencies. Simplifying the registration of digital labour platforms and independent workers operating through them would promote an enabling environment for digital labour platforms.

32. The Government member of the United States of America approached the negotiations with a clear objective: an outcome that would be meaningful, balanced and durable, capable of actual adoption and broad ratification. Consensus reached during the first discussion on the form of the instrument, definitions, scope and the framework provision on automated systems, namely Article 12, should not be reopened. He advanced three principles. First, the Convention must be high-level, principle-based, and flexible. Member States must retain flexibility to implement it consistent with national law and circumstances. Second, the instruments must stand the test of time, and that called for the drafters to act with temperance. Article 12 of the draft Convention provided sufficient direction on automated decision-making by laying out a workable pre-engagement disclosure obligation, and nothing further belonged in the instrument. Articles 13 and 14 were unworkable, and any additional language on algorithmic management must not appear in a binding Convention. Third, justice for platform workers required treating each as they actually are. The instruments must not presume that every digital platform worker was, or ought to be, an employee. Millions chose independent contracting deliberately for the flexibility, autonomy and entrepreneurial opportunities it provided. To treat them as employees would strip away the opportunities that platforms created worldwide. Misclassification was a real problem that must be addressed without infringing genuine commercial relationships. Finally, he recalled that the instruments should be adopted with a supermajority to achieve widespread ratification and effective implementation. His Government was committed to negotiate constructively and in good faith.

33. The Government member of Namibia supported a Convention on decent work in the platform economy and welcomed the inclusion of fundamental principles and rights at work. Workers in the platform economy should have legal protections and labour rights comparable to those of workers in traditional employment. The platform economy was an attractive source of employment for youth that was in need of labour protection. Continuous training was needed to address skills gaps and enable platform workers to benefit from opportunities in the platform economy. While recognizing the efficiency of algorithms, mechanisms should be established to ensure the fair distribution of work and the protection of workers' rights. In-

country dispute resolution was supported, and national laws governing dispute resolution should be respected. The importance of personal data protection was highlighted, including limiting the use of personal data to the purposes for which it was collected.

34. The Government member of Argentina considered that the debate on platform work should be approached in a balanced manner, promoting growth and innovation while ensuring decent working conditions and appropriate protection. Any international instrument should recognize the diversity of digital platforms and respect the sovereignty of Member States to determine the legal nature of the relationship between the parties. Platform workers should have access to adequate protection, considering different forms of service provision and employment status under national legislation. Automatic presumptions of employment, the creation of new employment categories and the treatment of self-employment as equivalent to dependent employment should be avoided. He supported transparency requirements regarding automated systems and algorithmic management. Regulation should balance transparency and protection against arbitrary decisions with the protection of trade secrets and avoid requirements that could hinder technological development or the operation of digital platforms.

35. The Government member of Canada welcomed the Committee's intention to exclude from the scope of the Convention and Recommendation platforms that merely provided venues for intermediation and facilitated connections between clients and workers. The draft instruments were balanced and responsive to the Committee's desire for principle-based standards. Addressing misclassification was essential to provide protection for platform workers while supporting fair competition. The use of automated systems and their impact on working conditions was central and a balanced approach that protected workers without hindering innovation was achievable. The discussion of agreed provisions should not be reopened.

36. The Government member of Mozambique noted that the platform economy had created important employment opportunities for youth but had also exposed workers to risks due to inadequate regulation. Many platform workers lacked protection regarding minimum wages, working time, job security, and social security. The adoption of a Convention on decent work in the platform economy was necessary to regulate the rapidly growing sector. The draft Convention identified three actors, digital labour platforms, digital platform workers, and intermediaries, but it did not define the roles and responsibilities of intermediaries, even though they were a major source of labour disputes. The Convention should clarify responsibilities of intermediaries and ensure that workers are adequately protected.

37. The Government member of Switzerland supported provisions ensuring platform workers received protection equivalent to that of other workers with the same status, while taking account of the sector's specific characteristics and evolving business models. The informal tripartite consultations held in April had helped narrow remaining differences and the discussion of provisions agreed during the first discussion should not be reopened. Adopting a Convention and Recommendation that balanced protection, flexibility and sector-specific considerations was essential to contribute to greater predictability and stability in evolving labour relations.

38. The Government member of Nepal highlighted the transformative impact of digital platforms, algorithmic systems, and artificial intelligence on the world of work, noting that digital platforms were increasingly becoming workplaces, in both location-specific and online settings. Fundamental principles and rights at work must be promoted and protected for all workers, whether formal or informal, national or cross-border, or in the platform economy, as labour rights were universal human rights. It was necessary to ensure safe and decent working conditions in digital labour platforms.

39. The Government member of the Philippines supported ensuring platform workers' access to social protection, fair and transparent payment systems, remedies against suspension or deactivation, and participation in social dialogue. Differences remained regarding employment classification and responsibility for social contributions and benefits. She supported a Convention supplemented by a Recommendation, combining binding principles with flexibility for implementation in different national contexts. Provisions on access to remedies, the extension of social protection, greater transparency and accountability in algorithmic management, and the role of social dialogue in shaping the regulation of the platform economy were particularly important.

40. The Government member of Côte d'Ivoire stressed the need for concise instruments that would determine responsibilities without ambiguity and ensure adequate flexibility in its application across countries without slowing the pace of growth of the platform economy. Given the ILO's mandate to align social progress to technical progress, the delivery of a balanced Convention to be applied to the latest technological development, the algorithm, would effectively protect workers while promoting employment, thus adhering to the principle of decent work.

41. The Government member of New Zealand emphasized the need for standards that were sufficiently flexible to accommodate different national circumstances, legal frameworks, and labour market realities while remaining adaptable to future technological developments. A fit-for-the-future standard should remain within the ILO's core mandate, establish clear, fair, and practical criteria for determining employment relationships and ensure appropriate rights and protections for workers while preserving innovation and flexibility.

42. The Government member of Türkiye acknowledged the contribution associated with the rapid expansion of digital platforms as a source of economic activity and jobs for millions of people. Such gains had been accompanied by certain disadvantages for workers that warranted the development of an international Convention and Recommendation. To ensure consensus and facilitate widespread ratification, he hoped that the discussion of none of the Articles agreed upon at the previous session would be reopened and that national contexts would be taken into consideration in the instrument, particularly in addressing the employment status of platform workers.

43. The Government member of Australia appreciated the balance shown in the Office text in setting clear obligations for the meaningful protections of workers while enabling the continued development and innovation of the platform economy and showing flexibility to reflect national implementation. To address international normative gaps and ensure appropriate protection for all digital platform workers, he expressed support for stronger provisions relating to the pay of independent contractors and the inclusion of appropriate text on the operationalization of the platform economy, including through its automated systems.

44. The Government member of Japan expressed support for the development of a new international standard to protect workers in the platform economy that would be principle-based and provide sufficient flexibility to facilitate effective national implementation. The instruments should recognize that working arrangements and institutional frameworks differed significantly across countries. Recognizing the important role that advanced technologies played in the global economy, a balanced approach should ensure adequate protection for platform workers without hindering innovation or economic development. While some job boards assisted with administrative processes to facilitate job matching, such platforms, which did not intervene in decisions on work content or working conditions, fell outside the scope of the draft standard.

45. The Government member of India noted the value of the platform economy as a driver of economic growth, innovation and employment generation, including for young people and

first-time workers. India had undertaken important legislative and policy initiatives to protect platform workers, including by extending social security coverage to them. To facilitate the implementation across countries with diverse legal systems, labour market structures and levels of development, the instruments should be balanced and principle-based. They should effectively protect workers while preserving innovation, dynamism and the continued growth of MSMEs and start-ups operating in the platform economy.

46. The Government member of Indonesia recognized the opportunities that digital platforms have brought for employment, income generation and innovation but also the associated risks for workers linked to issues of employment status, fair remuneration, social protection, OSH and the use of algorithmic management. He underlined the importance of preserving sufficient flexibility in the instrument under discussion to enable the progressive implementation of decent work standards in the digital platforms in accordance with national contexts.

47. The Government member of the Islamic Republic of Iran recognized the growing importance of the digital economy as a source of jobs and growth and pointed to recent national legislative measures taken in the country to protect platform workers. He expressed support for the draft Convention and Recommendation and their provisions relating to insurance coverage, OSH, the right to organize and algorithmic transparency. He welcomed an instrument that would offer greater flexibility and amendments to key provisions including the definition of platform workers in accordance with national laws and regulations in Article 1, clarification on elements of wage remuneration under Article 1(d), and on issues of wage disclosure in Articles 10, 16 and 20.

48. The Government member of Senegal acknowledged the collective will to equip constituents with an instrument that was both binding and flexible. A principle-based instrument would ensure respect for the fundamental principles and rights at work while respecting national legislation and the role of judicial bodies in the determination of employment status of platform workers and their occupational safety and health, remuneration and collective bargaining rights.

49. The Government member of China outlined several measures undertaken at the national level to strengthen the institutional frameworks, including public services, in support of decent work promotion for platform workers. A series of policy documents aimed to extend labour protections to workers in new forms of employment, including specific groups such as delivery workers, enhance the transparency of platform algorithms, improve dispute resolution mechanisms and more. She looked forward to a constructive discussion to promote decent work for platform workers and advancing the standard-setting process.

50. The Government member of Malawi affirmed the obligation of governments to provide a protective work environment for all workers and looked forward to a flexible and principle-based standard.

51. The Government member of Zimbabwe supported a Convention and Recommendation that would bring clarity to the classification of platform workers and on the respective obligations for their protection. The inclusion of fundamental principles and rights at work was essential, including in relation to transparent dispute resolution systems and the incorporation of human review in algorithm-driven decisions. Also important would be the development of flexible and principle-based approaches responsive to African labour market realities, including informality and institutional capacity.

52. The Government member of Chile stated that the Convention should be based on sufficiently flexible principles capable of adapting to national realities and the rapid changes of production. The experience in Chile in formalizing thousands of digital platform workers could be taken as a useful example in how national regulations can protect platform workers

without impinging on the unique value of platforms. The instruments should recognize both autonomous and dependent work, reflect the diversity of situations existing in practice and provide an appropriate framework for the protection of rights and the development of economic opportunities.

53. The Government member of Kiribati supported a Convention and Recommendation to ensure platform worker access to decent work amid the growth of digital work. The Convention should remain sufficiently flexible to facilitate effective implementation and accommodate diverse national circumstances, considering the unique challenges faced by small island developing States and least developed countries.

54. The representative of the Holy See encouraged the discussion to focus on the inherent dignity of the human person and the dignity of work. To offset the risks of dependency, exclusion and inequality that he associated with the concentrated control of mainstream artificial intelligence models, he called for cooperation to work toward the common good. [7] The power to grant, limit, or discontinue access to work could rest entirely with the platform, leading workers to pay to access jobs, contradicting the fundamental principle that labour is not a commodity.

55. The representative of the World Employment Confederation called for a flexible and principle-based instrument that would recognize the diversity of platforms and avoid prescriptive requirements that would put the potential of the platform economy to create jobs at risk. The instruments should ensure rights and benefits to those so entitled, without presumption of an employment relationship and clearly distinguishing between employees and self-employed workers.

56. The representative of Business Africa called for a balanced and practical regulatory framework that would protect workers without undermining innovation, investment and job creation in a rapidly evolving sector. Regulations should clearly distinguish between self-employment and traditional employment. Overly prescriptive obligations should be avoided because they would increase operational costs for small businesses. Social security systems should be portable across platforms. He supported a principle-based approach allowing flexibility to adapt standards to national realities and labour market conditions.

57. The representative of the Global Union Federation, speaking on behalf of the International Transport Workers' Federation (ITF), the International Domestic Workers Federation (IDWF), the International Federation of Journalists (IFJ), IndustriALL, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), Building and Wood Workers' International (BWI), Education International (EI), Public Services International (PSI), and UniGlobal, supported a Convention and Recommendation as a historic opportunity to ensure that technological innovation would be matched by the strongest possible enforceable protections for workers. The instrument should prevent disguised employment relationships, guarantee fundamental rights including OSH, ensure fair pay and protection from the charging of unfair fees and costs to workers, and guarantee protection from discrimination and violence and harassment at work. The instruments should also establish transparency and accountability regarding automated systems and algorithmic management.

58. The representative of the Institution of Occupational Safety and Health (IOSH) highlighted the OSH risks associated with platform work, including long working hours and psychosocial risks. A strong international standard would help to ensure clear and enforceable OSH laws supported by robust systems of inspection and providing access to complaints mechanisms,

[7] Encyclical Letter "Magnifica Humanitas" of His Holiness Pope Leo XIV, paras 95 and 72.

comprehensive employment injury protection, and impact assessments to identify and address risks prior to the deployment of algorithmic systems.

59. The representative of the International Young Christian Workers (IYCW) highlighted the precarious conditions faced by many young platform workers, including income insecurity, inadequate social protection and safety risks associated with algorithmic management. While platforms could provide access to work, decent work in the platform economy required stable remuneration, social protection and safe working conditions.

60. The representative of the Asia Pacific Forum on Women, Law and Development (APWLD) highlighted the challenges faced by women platform workers. The flexibility associated with platform work did not outweigh its risks of income insecurity, inadequate social protection, and exposure to occupational and gender-based challenges among women platform workers. The interaction between platform work and unpaid care responsibilities remained largely unrecognized. Stronger protections and structural measures were needed to address the exploitation and invisibilities of women's labour in the platform economy.

61. The representative of the Scalabrini International Migration Network (SIMN) highlighted the precarious working conditions, limited access to social protection and discrimination faced by migrant workers in the platform economy. He supported a principle-based framework ensuring access to social protection, transparency and accountability in the use of automated systems, with all protections provided regardless of migration status.

62. The Employer Vice-Chairperson welcomed the broad support expressed for a principle-based and flexible instrument and emphasized the importance to preserve text agreed during the first discussion. The distinction between labour law and commercial law and between platform work and broader issues relating to independent work must be respected. She appreciated the support expressed for a future-proof standard that could accommodate different national contexts and maximize the benefits of the platform economy. Achieving an outcome supported by all three groups would ensure the legitimacy and effective implementation of the instrument.

63. The Worker Vice-Chairperson welcomed the broad commitment to a Convention and Recommendation that addressed risks associated with platform work, including the protection of workers' rights, transparency in algorithmic management, protection of personal data and privacy, measures to combat misclassification, access to remedies and pathways to formalization, while ensuring the instruments were adaptable to different legal systems. She noted the need to maintain a broad definition covering digital labour platforms that employ or engage workers, while excluding platforms that facilitated connections between clients and workers.

Consideration of the draft Convention [8]

Preamble

Preambular paragraph 1

A.23

64. The Employer Vice-Chairperson introduced an amendment to replace "are significantly transforming the world of work" with "have increased opportunities for job creation, earnings

[8] The text of the draft Convention can be found in pages 104–110 of ILC.114/Report V(4). All amendments can be found on the Committee's web page.

and market access across sectors" to rebalance the Preamble and add clarity on the concrete contributions associated with the platform economy.

65. The Worker Vice-Chairperson did not support the amendment, finding its intention would change the balance unnecessarily as similar statements were present in later paragraphs of the Preamble. While the platform economy had created employment, the quality of that employment tended to be precarious, with lower earning potential compared to other sectors. She proposed a subamendment to change the added text to "have provided opportunities for employment creation and are significantly transforming the world of work" and to reinsert the deleted text.

66. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Colombia, the Dominican Republic, the Islamic Republic of Iran, Mexico and Uruguay, did not support the amendment.

67. The Government member of the United States requested that reference to the opportunities that digital platforms bring to entrepreneurship be reinserted if the subamendment were to be supported.

68. The Worker Vice-Chairperson withdrew the subamendment and the Employer Vice-Chairperson withdrew the amendment, with the hope that the Committee would find other places in the Preamble to rebalance the text.

69. Preambular paragraph 1 was adopted without amendment.

Preambular paragraph 2

A.24

70. The Employer Vice-Chairperson introduced an amendment to add the phrase "offered new pathways for the formalization of work" after the word "development" as recognition of the contribution that digital platforms make to reducing informality. For many workers around the world, especially in developing countries, the platform economy was their first access to a digital identity which allowed them to participate in social protection systems.

71. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Argentina, Chile and Indonesia supported the amendment.

72. The Government member of the Islamic Republic of Iran proposed a subamendment, seconded by the Employer Vice-Chairperson, to replace the word "offered" with the word "opened". The Government members of Namibia, speaking on behalf of the Africa group; Colombia, Indonesia, Mexico and Uzbekistan supported the subamendment.

73. The Worker Vice-Chairperson supported the subamendment.

74. The amendment was adopted as subamended.

A.25

75. The Employer Vice-Chairperson introduced an amendment to add "in economies of all development stages" to the end of the paragraph to emphasize the positive contributions of the platform economy to countries of all development stages.

76. The Worker Vice-Chairperson did not support the amendment and mentioned that the sentiment would be covered in an upcoming government amendment.

77. The Government members of Brazil, France and Mexico noted that the Spanish and French versions of the amendment were akin to "regardless of their level of development", which they felt had a different meaning.

78. The Government member of Mali proposed a subamendment, seconded by the Government member of Cameroon, to replace the word "stages" with the word "levels" to ease translation. The Government members of Argentina and Chad supported the subamendment.

79. The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Canada, Colombia, El Salvador, Mexico, Türkiye, and Uzbekistan, and the Worker Vice-Chairperson did not support the amendment or subamendment.

80. The subamendment and the amendment were withdrawn and preambular paragraph 2 was adopted as amended.

Proposals to insert new preambular paragraphs after paragraph 2

A.34

81. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to insert the following texts after the preambular paragraph 2 in order to clarify the role of automated systems and digital labour platforms in matching the demand for services with the supply of work:

> Recognizing that digital platform work constitutes a new form of non-standard work, insofar as the organization and/or facilitation of work – characterized by the use of automated systems – plays a major role in matching the demand for the service with the supply of work by an individual who has a contractual relationship with the digital labour platform or an intermediary,
>
> Noting that the use of automated systems in the organization or facilitation of work is a key feature of digital labour platforms,

82. The Worker Vice-Chairperson proposed a subamendment that would replace "non-standard" with "digitally mediated" to clarify that the distinguishing feature of platform work was the use of automated systems rather than the nature of the work itself.

83. The Employer Vice-Chairperson sought further clarity on the reasoning behind the amendment, which appeared to restate the definition contained in Article 1. She would consult with the Employers' group regarding the subamendment.

84. A further subamendment of the Government member of Singapore was not seconded and therefore not considered.

85. The Government member of Indonesia did not support the amendment. The formulation was overly prescriptive and could prejudice national discussions on the classification and nature of digital platform work. A more flexible formulation would better accommodate different national contexts and regulatory approaches.

86. The Government member of Australia noted confusion regarding the purpose of the amendment and sought clarifications from its proponent. The Preamble should provide context, and the existing text already fulfilled that function.

87. The Government members of Namibia, speaking on behalf of the Africa group; and Uzbekistan did not support the amendment.

88. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions having taken into account the views of government members, the amendment was not adopted.

89. Another amendment (A.54) was withdrawn.

Preambular paragraph 3

A.26

90. The Employer Vice-Chairperson introduced an amendment to replace "existing decent work deficits and challenges" with "importance of workers' rights and protections". Attributing decent work deficits in the platform economy to the use of technology was misleading.

91. The Worker Vice-Chairperson did not support the amendment. Decent work deficits and challenges were the basis for the standard-setting discussion. Moreover, the *Manual for drafting ILO instruments* required the Preamble to clarify the context and circumstances of the instrument.

92. The Government member of Brazil, seconded by the Government members of China and New Zealand, introduced a subamendment to delete "deficits and", so that the text would read "existing decent work challenges" to address the concerns of the Employers' and Workers' groups.

93. The Government members of Canada and Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and subamendment. The Office text highlighted the key challenges and features of platform work.

94. The Employer Vice-Chairperson supported the subamendment, provided that her group's amendment (A.27) to delete "relating notably to the impact of the use of automated systems on the working conditions of digital platform workers or their access to work" was also adopted.

95. The Government members of Indonesia and Mexico supported the subamendment. It balanced the text and reflected the challenges of platform work.

96. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; and Uzbekistan did not support the amendment.

97. The Worker Vice-Chairperson did not support the subamendment.

98. The Government member of Brazil withdrew the subamendment.

99. The Government member of the United States supported the amendment as special attention to deficits was unnecessary.

100. The Government member of Australia did not support the amendment. The Preamble should acknowledge the existence and risk of decent work deficits and challenges in the platform economy. Recognizing those issues did not detract from the benefits of the platform economy and ensured a balanced text.

101. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Mexico did not support the amendment as preambular paragraph 2 already referred to the benefits of the platform economy.

102. The Government member of Argentina supported the amendment. A preambular paragraph should provide context and omitting the reference to workers' rights would be unfortunate.

103. The Government member of Chile supported the amendment, considering that it would be preferable to refer to rights and protection rather than a negative reference to deficits and challenges.

104. The Employer Vice-Chairperson cautioned against demonizing technology or business.

A.27

105. The Employer Vice-Chairperson introduced an amendment to delete "relating notably to the impact of the use of automated systems on the working conditions of digital platform workers or their access to work". Automated decision-making systems enabled efficiency, accuracy and safety and were not unique to digital platforms. The Preamble should not be overly negative or misrepresent reality.

106. The Worker Vice-Chairperson did not support the amendment and noted that the ILO normative gap analysis had recognized the impact of automated systems on working conditions, particularly where there were gaps in protection.

107. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Mexico; and Uzbekistan did not support the amendment.

108. The Government member of Argentina supported the amendment.

109. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read: "Recognizing existing decent work deficits in the platform economy,".

110. Amendment A.26 was adopted as subamended, A.27 fell and the third preambular paragraph was adopted as amended.

111. An amendment submitted by the Government member of Mexico to add a new paragraph after preambular paragraph 3 (A.53) was not seconded, and therefore not considered.

Preambular paragraph 4

A.28

112. The Employer Vice-Chairperson introduced an amendment to revise preambular paragraph 4 to read: "Observing that technology enables digital labour platforms to operate within and across borders, to connect clients, workers and platforms,". Operation across countries and jurisdictions was not unique to the platform economy, but technology did enable it.

113. The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Argentina, Brazil, Canada, Indonesia, and Mexico did not support the amendment.

114. The amendment was withdrawn and preambular paragraph 4 was adopted without amendment.

Preambular paragraph 5

A.29

115. The Employer Vice-Chairperson introduced an amendment to delete preambular paragraph 5. She asked the Secretariat to clarify what was meant by the "specificities of work via digital labour platforms", whether the paragraph implied that additional standards beyond those under discussion would be needed, and whether similar language appeared in other international labour standards.

116. The representative of the Secretary-General said that the reference to "specific standards" in the paragraph referred to the Convention and Recommendation under discussion, while "other international labour standards" referred to existing instruments. Similar formulations were used in other ILO instruments, including the Domestic Workers Convention, 2011 (No. 189), recognizing the need to complement general standards with specific provisions for particular forms of work. "Specificities of work via digital platforms" referred to work carried

out through digital technologies, including automated systems enabling large-scale data processing, rapid communication among multiple actors and real-time decision-making. Such systems could also be used to monitor performance and make decisions affecting contractual relations. While similar elements existed in traditional contexts, their scale, intensity and application in platform work created distinct challenges and opportunities, particularly for regulation.

117. The Worker Vice-Chairperson did not support the amendment as it was essential to acknowledge that platform work presented unique characteristics that required targeted regulation alongside international labour standards.

118. The Government members of Australia, Grenada, speaking on behalf of the CARICOM countries, and Mexico did not support the amendment. The paragraph provided important justification for specific standards addressing the platform economy.

119. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

120. The Employer Vice-Chairperson introduced a subamendment to insert the word “these” before “specific standards” to clarify that the reference was to the instruments under discussion.

121. The Worker Vice-Chairperson did not support the subamendment.

122. The Government members of Australia, and Namibia, speaking on behalf of the Africa group, did not support the subamendment.

123. The Government member of Argentina supported the subamendment.

124. The Employer Vice-Chairperson withdrew the amendment on the understanding that the terms “specific standards” referred only to the standards under discussion, as explained by the Secretariat.

125. Preambular paragraph 5 was adopted without amendment.

New preambular paragraphs after paragraph 5

A.30

126. The Employer Vice-Chairperson introduced an amendment to insert, after preambular paragraph 5, a new paragraph reading: ”Recognizing the importance of respecting freedom of enterprise, including for self-employed persons operating through the platform economy, in accordance with national law and practice,”. While recognizing the importance of workers’ rights, it was also important to respect freedom of enterprise, as most platform workers were self-employed.

127. The Worker Vice-Chairperson did not support the amendment. Not all platform workers were self-employed. Many were self-employed due to misclassification, not by choice, which was a major source of decent work deficits.

128. The Government member of the United States supported the amendment as it recognized self-employed workers in the platform economy.

129. The Government member of the Niger requested clarification on the concept of freedom of enterprise.

130. The Government member of Kiribati supported the amendment, emphasizing that discussions on the digital economy should consider not only workers’ rights but also the differing capacities of countries, particularly small island developing States, which could be significantly affected by changes in the digital economy.

131. The Government member of Canada did not support the amendment. It went beyond the Committee's mandate, which was to address regulatory gaps affecting working conditions in the platform economy.

132. The Government member of Argentina supported the amendment, as it was important that the Preamble capture the fact that platform workers enjoyed freedom of enterprise.

133. The Government members of Mexico, Namibia, speaking on behalf of the Africa group; and the Niger, did not support the amendment. It went beyond the scope of the instrument, and while freedom of enterprise should be respected, not all digital platform workers were self-employed.

134. The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment, favouring a balanced approach that recognized both opportunities and protections. Advancing decent work was the main subject of the Preamble, rather than economic activities.

135. The Government member of Cyprus, speaking on behalf of the EU Member States, introduced a subamendment to delete "in accordance with national law and practice".

136. The Government members of Chile and Switzerland supported the amendment as subamended. The Government member of Chile specified that "workers" included genuine self-employed workers, and that digital platforms provided opportunities for persons who chose to be self-employed.

137. The Government member of Kiribati did not support the subamendment.

138. The Government member of Uruguay did not support the amendment. The rights provided under labour standards should apply irrespective of contractual status and did not undermine freedom of enterprise. The rights of self-employed workers were already reflected in Article 1, concerning the definition of "worker", and in Article 2 on the scope of application.

139. The Employer Vice-Chairperson noted that the concept of freedom of enterprise encompassed aspects such as the ability to establish and operate a business within an enabling business environment. The realization of decent work depended on the existence of viable enterprises.

140. The Government member of Ecuador supported the amendment provided that its purpose was to ensure respect for the diversity of employment arrangements and economic activities carried out through platforms.

141. The Government member of Malawi did not support the amendment and noted that "an enabling environment for sustainable enterprises" was more common terminology than "freedom of enterprise".

142. The Government member of the United States explained that freedom of enterprise in that context referred to the ability of individuals to determine their own economic activities, while the concept of sustainable enterprises might not fully capture their situation.

143. The Government member of the Niger noted that including the concept in the Preamble could create ambiguity in interpretation and concepts such as sustainable enterprises might be addressed elsewhere.

144. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions having taken into account the views of government members, the amendment was not adopted.

A.31

145. The Employer Vice-Chairperson introduced an amendment to insert, after preambular paragraph 5, a new paragraph that would read:

> Acknowledging the need to support the development of new and existing digital labour platforms, and micro, small and medium-sized enterprises in particular, through incentives and an enabling environment for sustainable enterprises, and emphasizing the need to promote fair business competition among all enterprises,

146. The platform economy had a unique role in creating accessible work opportunities, innovation, entrepreneurship, business development, and formalization, especially for MSMEs who were the source of much demand for platform work. Promoting an enabling environment for digital platforms to emerge and thrive should be a priority.

147. The Worker Vice-Chairperson did not support the amendment and was particularly uncomfortable with the word "incentives". The reference to the enabling environment for sustainable enterprises should correctly reflect the Conclusions concerning the promotion of sustainable enterprises (2007).

148. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

149. The Government members of Oman, speaking on behalf of the GCC countries; Brazil, Indonesia, the United States and Uzbekistan supported the amendment.

150. The Government member of Colombia did not support the amendment. The mandate of the ILO was to promote social justice and decent work; promoting fair competition between enterprises fell outside its scope.

151. The Worker Vice-Chairperson introduced a subamendment to reflect more closely the Conclusions concerning the promotion of sustainable enterprises by deleting the phrases "need to support the development of new and existing", "in particular through incentives", "and emphasizing the need to promote fair business competition among all enterprises," and to introduce the phrases "the role of", " and the need to support", and "that respects the values and principles of decent work" for the text to read: "Acknowledging the role of digital labour platforms, and micro, small and medium-sized enterprises and the need to support an enabling environment for sustainable enterprises that respect the values and principles of decent work."

152. The Employer Vice-Chairperson introduced a further subamendment to replace "that respects the values and principles of decent work" with "and to promote fair business competition among all enterprises", as the Worker Vice-Chairperson's subamendment changed substantially the intended meaning.

153. The Worker Vice-Chairperson, and the Government member of Brazil supported the Employers' group's subamendment.

154. The Government member of Canada noted that the phrase "decent work deficits" should be retained to maintain balance.

155. The Government member of India, seconded by the Employer Vice-Chairperson, suggested replacing the phrase "to promote" with "promotion of".

156. The Worker Vice-Chairperson specified that she agreed to the deletion of "that respects the values and principles of decent work" on the understanding that decent work was inherent to the concept of sustainable enterprises.

157. The Government member of Namibia, speaking on behalf of the Africa group, proposed to delete "among all enterprises".

158. The Government member of Chile supported the subamendment of the Africa group. Competition among enterprises allowed workers to choose the platform that best served them.

159. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Indonesia and Mexico supported the subamendment.

160. The amendment was adopted as subamended by the Workers' group, Employers' group, and the Africa group.

161. The new preambular paragraph was adopted as amended.

A.5

162. The Government members of India and Türkiye introduced an amendment to insert, after preambular paragraph 5, the following new paragraph: "Recognizing the differences among Member States regarding the development of the platform economy, as well as the diversity of business models and work arrangements,". The proposed insertion would help ensure the practical implementation of the Convention by preserving flexibility for Member States across different regulatory approaches and levels of platform economy development.

163. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Oman, speaking on behalf of GCC countries; Colombia, Grenada, Indonesia, Israel, Singapore and Sri Lanka supported the amendment.

164. The amendment was adopted and the new preambular paragraph was adopted.

A.1

165. The Government member of Malaysia, seconded by the Employer Vice-Chairperson, introduced an amendment to insert a new paragraph after preambular paragraph 5 that stated: "Taking into consideration the varying levels of advancement in the platform economy across Member States, the diversity of national contexts and the need to have sufficient flexibility and adaptability in the application of these standards,". She noted that the platform economy was evolving at different rates across Member States with significant variations in legal frameworks, labour market structures, institutional capacities and levels of digitalization. Recognizing that diversity in the Preamble would acknowledge the need for flexibility and adaptability in the implementation of the Convention, enabling Member States to give effect to its provisions in accordance with their national circumstances.

166. The Employer Vice-Chairperson noted that national contexts differed, thus the need for flexibility and adaptability.

167. The Worker Vice-Chairperson did not support the amendment as flexibility in application would be considered in specific Articles of the Convention.

168. The Government members of Brunei Darussalam and Kiribati supported the amendment.

169. The Government member of Kiribati, seconded by the Government member of Bangladesh, introduced a subamendment to insert "including developing states and the special circumstances of small island developing states and least developed countries" after "national contexts".

170. The Government member of Indonesia supported the amendment as subamended.

171. The Worker Vice-Chairperson, and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, Türkiye, Uruguay, and Uzbekistan did not support the amendment or the subamendment.

172. The Employer Vice-Chairperson proposed to delete "the varying levels of advancement in the platform economy across Member States".

173. The Government member of Kiribati supported the further subamendment.

174. The Worker Vice-Chairperson, the Government members of Canada and Niger did not support the further subamendment.

175. The Government member of Canada noted that flexibility in application was important, but was already addressed elsewhere in the draft Convention, notably in Article 23, paragraph 1.

176. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through information discussions, the amendment fell.

Title of Part I

177. The title of Part 1 – Definitions – was adopted.

Article 1

A.2

178. The Government member of Malaysia introduced an amendment, seconded by the Government member of Indonesia, to add "or payment" after "Remuneration", in the last sentence of subparagraph (d).

179. The Worker Vice-Chairperson, Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, and the Niger, did not support the amendment as it would reopen discussion on text agreed at the last session of the Conference.

180. The amendment was withdrawn and Article 1 was adopted without amendment.

181. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Singapore asked the Secretariat to clarify if the scope of Article 1 covered platforms that merely facilitated work without an active role in structuring or governing it. The Blue report had introduced some uncertainty on the scope of coverage.

182. The representative of the Secretary General explained that the terminology "organizes and/or facilitates work" was terminology never before used in an international labour standard. Regarding the meaning of the phrase, as indicated in the Blue report, the Office understood that the Committee's intention was to maintain a broad definition of 'digital labour platform' that covered both work performed by workers in an employment relationship (in such a case the platform organized their work), and work performed by workers engaged outside an employment relationship (in such a case the platform facilitated their work). The terms "organizes" and "facilitates" thus referred respectively to those two situations.

183. The term "facilitates work" specifically covered platform work performed by digital platform workers that were not in an employment relationship. Furthermore, based on the Committee's discussions and the replies to the Brown report, the Office had understood that the constituents' intention was to exclude from the definition platforms that purely offered digital spaces to enable communication between clients and workers, such as social networks, online advertising, search engines or job boards, or whose primary purpose was to exploit a shared asset, such as short-term rental of accommodation or online marketplaces by means of which individuals could sell goods. This suggested that, in order to fall under the definition adopted by the Committee, digital labour platforms should go beyond the provision of a digital space and play a material role in enabling the provision of a service upon request of a recipient or a requester.

184. Part I was adopted.

Title of Part II

185. The title of Part II – Scope – was adopted.

Article 2

186. Article 2 and Part II were adopted.

Title of Part III

187. The title of Part III – Fundamental principles and rights a work – was adopted.

Article 3

A.33

188. The Employer Vice-Chairperson introduced an amendment to delete the list of the fundamental principles and rights at work. The Employers' group was fully supportive of the fundamental principles and rights at work, but noted that restating them was not necessary and not common practice in ILO Conventions.

189. The Government members of Colombia, Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Malawi, Mexico, Namibia, speaking on behalf of the Africa group, Niger, Switzerland, Türkiye, Uruguay, and Zimbabwe did not support the amendment. The fundamental principles and rights at work were universal and applied to all workers, regardless of their employment status, including those in the platform economy. Maintaining the explicit list of principles ensured legal certainty, clarity and transparency, particularly for stakeholders unfamiliar with ILO standards. The principles derived from the 1998 Declaration and applied to all Member States by virtue of membership, irrespective of ratification of the related Conventions, and were not subject to renegotiation. Deleting the list would undermine the substance and clarity of the Article and risk creating interpretative ambiguities.

190. The Government member of Switzerland emphasized that the fundamental principles and rights at work applied to all workers including those who were working through platforms as independent workers. Governments already had some margin to implement these principles in accordance with institutional and national contexts, permitting, for instance, the right to collective bargaining to be applied to self-employed workers. It need not be repeated in the Article. Similar text to that proposed by the Office already existed in other ILO Conventions. He could not support any amendments to the proposed Article, nor any reference to national laws.

191. The Government member of Grenada, speaking on behalf of the CARICOM countries, added that removal of the list would weaken the normative foundation necessary to advance decent work, particularly in small and vulnerable economies.

192. The Government member of Zimbabwe questioned the legal arguments raised against the inclusion of the list and cautioned against setting a precedent whereby established ILO Declarations could be challenged in standard-setting processes. The principles were grounded in Conventions but remained distinct from them, and explicitly listing them would provide clarity for national authorities when considering ratification and implementation.

193. The Government member of Malawi further specified that collective bargaining could take many forms and was broad in nature. It was an essential part of the fundamental principles and rights at work and could not be separated from them.

194. The Government member of Mexico highlighted that explicitly enumerating the principles added necessary emphasis where there were gaps in the realization of rights, such as in the platform economy.

195. The Government member of Australia recognized that the fundamental principles and rights at work laid at the heart of the ILO and its norms and applied to all platform workers. Tailoring to national contexts should not hinder universal application. He requested clarification from the Secretariat on the rationale for including an explicit list in the Convention text and on precedents in other ILO instruments.

196. The Government member of Brazil asked the Secretariat if the list would be automatically updated in the future and whether acceptance of the provision required ratification of the underlying Conventions.

197. The Government member of Oman, speaking on behalf of the GCC countries, while not supporting the amendment, expressed concerns regarding the application of collective bargaining to self-employed platform workers, noting possible tensions with competition law. He requested the Secretariat to explain how collective bargaining might apply to workers outside of an employment relationship.

198. The Government member of Malaysia supported the amendment.

199. The Employer Vice-Chairperson reiterated that the amendment did not intend to undermine the fundamental principles and rights at work as they appeared in the Declaration. Their inclusion in the operative provisions of the Convention would raise challenges to implementation, especially given the low number of countries that had ratified all ILO core Conventions. That was particularly true regarding collective bargaining. Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), underscored that implementation had to be adapted to national circumstances, and was grounded in the context of employment relationships and the regulation of employment conditions. Extending collective bargaining to self-employed workers in the platform economy would therefore go directly against Convention No. 98 and, in most jurisdictions, would conflict with competition law. Finally, it was important to maintain coherence in the integration of fundamental principles and rights at work into the standard-setting process.

200. The Worker Vice-Chairperson emphasized that the 1998 Declaration represented a universal commitment by all constituents and that the principles were distinct from the Conventions themselves.

201. The representative of the Secretary-General clarified that references to fundamental principles and rights at work appeared both in preambles and in the operative parts of several ILO Conventions. General references appeared in the Preamble of the Maternity Protection Convention, 2000 (No. 183), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The fundamental rights and principles were listed in full in the Articles of the Maritime Labour Convention, 2006, Convention No. 189, and the Violence and Harassment Convention, 2019 (No. 190).

202. The purpose of including the list in proposed Article 3 was to enhance clarity, transparency and legal certainty, particularly for readers who may not be familiar with ILO terminology or with the content of the Declaration. Although the list was not automatically updated in existing instruments, it could be revised through the adoption of a consequential instrument following any modification to the Declaration, as occurred after the inclusion of OSH in the fundamental principles in 2022.

203. The fundamental principles and rights at work applied to all Member States by virtue of ILO membership, regardless of whether the corresponding Conventions had been ratified, and

ratification of related Conventions was not a prerequisite for ratifying the instruments under discussion.

204. Regarding collective bargaining, ILO supervisory bodies and particularly the Committee on Freedom of Association, had recognized that the effective recognition of the right to collective bargaining did not only cover workers in an employment relationship. At the same time, they had highlighted that developing specific collective bargaining mechanisms to suit the particularities of self-employed workers may prove necessary. Such mechanisms already existed in certain countries.

205. The Employer Vice-Chairperson reiterated support for the fundamental principles and rights at work. She proposed to reintroduce the deleted text, and to add the words "set out in this Convention" before "to take measures to respect, promote and realize". The subamendment was not considered receivable however as it did not apply to the text that was the subject of the original amendment.

206. The Employer Vice-Chairperson withdrew the amendment and aimed to find consensus on the next amendment.

A.32

207. The Employer Vice-Chairperson introduced an amendment to add the words "according to national law and practice" after the words "fundamental principles and rights at work" to facilitate implementation for Member States. Subsequent amendments proposed by several Government members reflected similar intentions.

208. The Worker Vice-Chairperson did not support the amendment. Fundamental principles and rights at work were universal. Members had an obligation under international law to respect, promote and realize the full range of those principles and rights. They could not be limited by national law and practice or applied differently depending on the national context.

209. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Fundamental principles and rights at work were at the heart of the ILO's mandate and should not be subject to, or limited or circumscribed by national law and practice. All Members, including those that had not ratified the fundamental Conventions concerned, had an obligation arising from membership in the ILO to respect, promote and realize in good faith, and in accordance with the Constitution, the principles concerning the fundamental rights.

210. The Government member of the Islamic Republic of Iran supported the amendment. The 1998 Declaration and article 19 of the ILO Constitution recognized the relevance of national laws, regulations and practice in the implementation of international labour obligations. The proposed wording would provide legal clarity and help ensure consistency with national practice.

211. The Government member of Malaysia supported the amendment, considering that it would facilitate effective implementation by Member States.

212. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Colombia, Indonesia, Malawi, Mexico and Switzerland did not support the amendment. The fundamental principles and rights at work were human rights and could not be circumscribed through national law or practice. The proposed wording would weaken an essential component of international labour law.

213. The Government members of Argentina and Chile supported the amendment.

214. The Government member of India supported the amendment. It would make the provision implementable across different legal systems, social protection arrangements, institutional capacity and the scale and nature of platform work.

215. The Government member of Brazil did not support the amendment. The fundamental principles and rights at work could not be made dependent on any condition and did not need to be linked to a Convention to apply.

216. The Government member of Switzerland asked the Secretariat to clarify the status of the fundamental principles and rights at work in international law and whether the 1998 Declaration allowed flexibility in national implementation.

217. The Government members of Kiribati and Türkiye did not support the amendment. A Convention on decent work in the platform economy should take account of national circumstances, but not when it came to fundamental principles and rights at work.

218. The Government member of Uruguay did not support the amendment. The purpose of adopting an international standard on the platform economy was to address gaps in international labour standards. Making the fundamental principles and rights at work subject to national law and practice could weaken fundamental rights and create obstacles for the ILO supervisory system.

219. The Government members of Canada and Norway did not support the amendment.

220. The Government member of Australia asked the Secretariat to clarify whether the reference to national law and practice affected the substantive obligation itself or only the manner of implementation, and in what circumstances such wording was normally used.

221. The representative of the Secretary-General stated that, under the 1998 Declaration, all Members had an obligation, arising from membership of the Organization, to respect, promote and realize the fundamental principles and rights at work. The original text was intended to reflect the universal nature of those principles and rights, and there was no Convention that made the fundamental principles and rights at work subject to national circumstances. The affirmation of their universal nature had not prevented the ILO supervisory bodies from taking national circumstances into account when examining action taken by governments. While the obligation to respect, promote and realize the fundamental principles and rights at work could not be made subject to national circumstances, the policy options chosen to discharge those obligations could take such circumstances into account.

222. The Legal Adviser clarified that the 1998 Declaration reflected long-established constitutional practice within the ILO. The Declaration recalled principles already enshrined in the ILO Constitution, its Preamble and the Declaration of Philadelphia. In the ILO constitutional framework, “principles” referred to broad constitutional commitments and objectives that guided Member States’ actions and the Organization’s assistance to its Members. Their fundamental character did not derive from the 1998 Declaration itself; rather, those rights were fundamental because of their constitutional status, and the Declaration merely recognized and reaffirmed that reality. The 1998 Declaration did not create new obligations for Member States. Instead, it recalled and reinforced commitments that Members had already undertaken by joining the ILO and encouraged them to pursue those objectives consistently. The Declaration also reflected the constitutional principle that the implementation of those rights and principles might vary according to national circumstances, including different levels of social and economic development. While the constitutional principles were broad in nature, they were given concrete effect through international labour Conventions adopted by the Conference. Responding to questions regarding flexibility in the Declaration’s language, the Legal Adviser cited paragraph 1(a), which recalled that all ILO Members, by freely joining the Organization, had endorsed the principles and rights set out in the Constitution and the Declaration of Philadelphia and had undertaken to pursue the Organization’s objectives to the best of their resources and in accordance with their specific circumstances. She also cited paragraph 3, which recognized

the obligation of the ILO to assist its Members, in response to their expressed needs, in achieving those fundamental principles and rights at work.

223. The Employer Vice-Chairperson stated that the Employers' group supported the fundamental principles and rights at work, but considered the amendment important.

224. The Worker Vice-Chairperson asked the Employers' group to reconsider its position. The Committee had discussed the issue at length and it should not be postponed. The amendment would undermine the constitutional principles reaffirmed in the 1998 Declaration, which were universal and derived their authority from the Constitution, not from the Declaration itself. Adding qualifying language would inappropriately limit their scope.

225. As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson having taken into account the discussions with government members, agreed to adopt the Article without amendment. Therefore, the amendment was not adopted and amendments A3, A8 and A11 fell.

A.9

226. The Government member of India introduced an amendment, seconded by the Employer Vice-Chairperson, to insert the word "progressively" before "realize, in the platform economy, the fundamental principles and rights at work". The commitment to implementing the fundamental principles and rights at work might require phased approaches and institutional capacity-building in certain countries. The notion of progressive realization was reflected in the International Covenant on Economic, Social and Cultural Rights, which recognized the progressive realization of rights, as well as the Social Protection Floors Recommendation, 2012 (No. 202), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

227. The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Canada, Mexico, Switzerland and Uzbekistan did not support the amendment.

228. The Government member of Canada noted that the word "progressively" was prescriptive, departing from the consensus on a principle-based instrument.

229. The amendment was withdrawn and Article 3 was adopted without amendment.

230. Part III was adopted.

Title of Part IV

231. The title of Part IV – Occupational safety and health – was adopted.

Article 4

A.36

232. The Employer Vice-Chairperson introduced an amendment to replace the phrase "for the prevention of occupational accidents, occupational diseases and any other injuries to digital platform workers' health arising out of, linked with or occurring in the course of their work:" with "to promote a safe and healthy working environment in the platform economy". Fully preventing accidents, diseases and injuries was not realistic. Most digital platform workers were self-employed, and therefore outside of the control of digital labour platforms. The amendment reaffirmed the role of Member States to promote safety and health at work.

233. The Government member of Malaysia supported the amendment.

234. The Worker Vice-Chairperson did not support the amendment. The text should remain consistent with the language and rationale of existing OSH Conventions, which applied to platform workers, and which emphasized the prevention of occupational accidents, diseases and injuries arising out of or in the course of work. Evidence from the platform economy demonstrated considerable risks linked to automated systems that could be prevented. OSH was a fundamental constitutional principle of the ILO and the focus should be on fulfilling the obligation to prevent occupational risks.

235. The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Uzbekistan, and Mexico did not support the amendment, considering that OSH was a fundamental right that should expressly apply to all digital platform workers. The Government member of Uzbekistan added that the text should reflect the realities of the platform economy, including couriers' accidents, delivery workers' injuries, risks faced by drivers and psychosocial risks and stress associated with algorithmic management.

236. The Government members of Switzerland and Argentina did not support the amendment as other amendments with similar intentions were more fit for purpose.

237. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Occupational safety and health measures should not be limited to addressing harms that had already occurred. Preventive measures were essential to protecting digital platform workers and should therefore be explicitly reflected in the Convention.

238. The amendment was withdrawn.

A.40 and A.55

239. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment (A.40) to add ", considering digital platform workers' classification of status in employment," after "measures", which was taken from Paragraph 6 of the draft Recommendation and would provide flexibility to consider the different employment statuses of digital platform workers across jurisdictions.

240. An identical amendment (A.55) had been submitted by the Government members of Saudi Arabia, Bahrain, United Arab Emirates, the United States, Japan, Kuwait, Oman, Qatar, Switzerland and Türkiye.

241. The Worker Vice-Chairperson did not support the amendment. The addition would allow governments to withhold protections for some workers, whereas the right to a safe and healthy working environment was a fundamental right irrespective of employment status. The risks faced by platform workers were embedded in the design and operation of algorithmic management systems, which could adversely affect working conditions, including by penalizing workers who declined unsafe tasks. Flexibility was already reflected in the notion of "appropriate measures", which could be understood as affecting the substantive rights protected, and OSH protections should apply regardless of workers' contractual status.

242. The Employer Vice-Chairperson supported the amendment. Different employment statuses and jurisdictions were a reality. She introduced a subamendment to replace "considering" with "according to". She asked the Secretariat to confirm that "status in employment" captured all employment classifications, including employees, self-employed and, in some jurisdictions, workers in a third category.

243. The representative of the Secretary-General confirmed that the term "classification of status in employment" encompassed the different types of status in employment legally recognized by Member States, whether within or outside an employment relationship.

244. The Government member of the Islamic Republic of Iran supported the subamendment.

245. The Government member of Indonesia supported the amendment. It reflected the diversity of regimes across Member States and preserved flexibility in implementation. The reference to status in employment should not be interpreted as determining whether protection was provided but rather, as guiding the way protection was implemented under national law and practice.

246. The Government members of Australia and Mexico did not support the amendment. The text already provided sufficient flexibility through the reference to appropriate measures and paragraph 2 of Article 4, which set out the considerations and approaches for implementing paragraph 1. The amendment could dilute the protection afforded to platform workers and weaken the application of fundamental principles and rights at work. Occupational safety and health risks were real for all platform workers and should not vary according to employment status.

247. The Government member of Brazil did not support the amendment. If a worker did not fit a criterion, he would be left unprotected, which would cost Governments and overload the health and social security systems.

248. The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, and the United States supported the amendment. The implementation of OSH obligations should consider the different employment statuses of platform workers, as their scope and application were closely linked to status in employment. The amendment reflected legal realities without prejudging the classification of platform workers and would facilitate implementation across different national systems.

249. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Canada, China, Malawi, Uruguay, and Uzbekistan did not support the amendment. Linking OSH obligations to employment status could limit the scope of protection, despite OSH being a fundamental principle and right at work.

250. The Government member of New Zealand asked the Secretariat to explain the meaning of "appropriate measures" and the extent to which it related to national law and practice.

251. Regarding the insertion of the phrase "considering digital platform workers' classification of status in employment", the representative of the Secretary-General recalled that fundamental principles and rights at work, including OSH, applied to all workers. The Office had used such language in the draft Recommendation, but not in the draft Convention. Article 4 already contained the qualifier "appropriate measures", which could be considered to include the spirit of the proposed amendment and was therefore not inconsistent with the recognition of fundamental principles and rights at work. Article 4(2), which dealt with implementation, required Member States to consider national conditions and practice, including matters relating to workers' status in employment (subparagraph (b)). As amended, the Article would continue to require protection for all platform workers, while allowing Member States to take workers' status in employment into account in determining the appropriate measures to implement it. What measures would be considered appropriate would also be based on circumstances, regulatory frameworks and characteristics of the particular categories of workers.

252. The Worker Vice-Chairperson did not support the subamendment introduced by the Employers' group. The reference to "appropriate" already provided the necessary flexibility for implementation and replacing "considering" with "according to" could limit that flexibility.

253. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

254. The Government members of Australia, the Democratic Republic of the Congo and Mexico did not support the subamendment. Access to OSH was a right that should not be diluted, even if the way in which protection was provided might differ. The flexibility sought by the proponents was already reflected in the draft Convention and it was important to read paragraphs 1 and 2(b) and (c) of Article 4 together.

255. The Government member of the United States supported the subamendment to replace "considering" with "according to". Occupational safety and health should be implemented in accordance with laws, not just considering them. The original text could create an enforcement burden by requiring additional OSH protections for certain categories of platform workers beyond those applicable to workers outside the platform economy. These implementation challenges could affect the adoptability of the instrument.

256. The Government member of Chile supported the amendment but did not support the subamendment. "Considering" better reflected the needs to protect workers rights and reference to classification should be retained in both paragraphs 1 and 2 of Article 4.

257. The Government member of Singapore did not support the subamendment.

258. The Government member of Cyprus, speaking on behalf of the EU Member States, was willing to withdraw the amendment, in light of the Secretariat's explanation that the use of "appropriate" in paragraph 1 already included implicitly a reference to "national conditions and practice", which was made explicit here in paragraph (2)(b). The Article now provided the intended flexibility for Member States. Based on this clear understanding, the term "appropriate" provided flexibility for Member States.

(The decision was deferred until all other amendments to Article 4 would have been considered.)

A.22

259. The Government member of Oman, speaking on behalf of the GCC countries, introduced an amendment to insert "Subject to Article 8," before "Member" to improve consistency within the text by referring directly to Article 8, thus preventing conflicting interpretations among the provisions.

260. The Employer Vice-Chairperson showed interest in the amendment (A.22), although proposed Article 8 had not yet been discussed.

261. The Worker Vice-Chairperson did not support the amendment. Occupational safety and health could not be made subject to another Article as it was a fundamental principle and right at work and a human right. It would also pre-empt the discussion of amendments to proposed Article 8.

262. When resuming the discussion at a later sitting, the Government member of Switzerland asked the Secretariat whether the term "appropriate" could encompass considerations relating to digital platform workers' classification of status in employment status and whether the obligation to "take measures" required Member States to adopt new measures.

263. A representative of the Secretariat indicated that Member States would determine the measures they considered appropriate and that such considerations could include the classification of status in employment. The obligation to take measures did not necessarily

require the adoption of new measures and could be fulfilled through existing national law and practice.

264. The Government member of Switzerland, also speaking on behalf of the GCC countries, Japan, Türkiye and the United States, introduced a subamendment to amendments A.40 and A.55 proposing to delete ", considering the classification of digital platform workers' status in employment," from Article 4(1) and to insert "and the classification of digital platform workers' status in employment" in Article 4(2)(b), after "national conditions and practice".

265. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment and the amendments were adopted as subamended.

266. As a result, the other amendments to the two paragraphs of Article 4 fell (A.22, A.35, A.4, A.12, A.42, A.17, A.6, A.37, A.18 and A.19) and Article 4 was adopted as amended.

Article 5

A.46

267. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to insert the phrase, "considering digital platform workers' classification of status in employment," between "Each Member shall" and "take measures to ensure that digital platform workers have the right to remove themselves from a work situation".

268. The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates and the United States, supported the amendment. The right of platform workers to remove themselves from situations presenting an imminent and serious danger to life or health was already recognized in many national legal frameworks, including for both employees and self-employed persons. However, the scope, modalities of application and associated obligations differed depending on workers' employment status. Member States could face implementation challenges if the provision was applied uniformly without regard to such distinctions.

269. The Worker Vice-Chairperson did not support the amendment. Referencing employment status could undermine the universal nature of the right under discussion.

270. The Employer Vice-Chairperson supported the amendment expressing concern regarding potential duplication with existing provisions. The right to remove oneself from dangerous work situations should apply to all workers, while the obligation to inform the digital labour platform was linked to an employment relationship. She also introduced a subamendment to replace "considering" with "according to" to strengthen the link between the applicable measures and workers' status in employment, thereby providing greater legal certainty.

271. The Worker Vice-Chairperson did not support the subamendment.

272. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Colombia, Mexico, the Philippines, Uruguay, and Uzbekistan did not support the amendment or the subamendment. The right to remove oneself from a situation presenting an imminent and serious danger to life or health constituted a fundamental OSH protection that should apply universally. The proposed amendment could create legal uncertainty, lead to differentiated levels of protection, and undermine the principle that all workers, irrespective of contractual status, should be able to withdraw from dangerous situations without adverse consequences.

273. The Government members of Indonesia, the Islamic Republic of Iran, Japan and the United States supported the amendment and the subamendment, which were necessary to tailor the provision to the diversity of national legal frameworks and forms of work in the platform economy. Different employment statuses entailed distinct rights and obligations, including differences in autonomy, contractual arrangements and regulatory approaches. Explicitly linking the measures to workers' status in employment would enhance legal clarity and facilitate implementation at the national level without negating rights.

274. The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment but not the subamendment.

275. The Government members of Chile and Ecuador supported the amendment, while seeking clarification regarding its implications. The diversity of employment arrangements in the platform economy should be reflected in the implementation of the provision; however, the reference should not be interpreted as restricting the right of workers to remove themselves from situations presenting an imminent and serious danger to life or health. Rather, the provision should allow Member States flexibility in determining how that right was implemented under different legal frameworks, while ensuring effective protection for all workers.

276. The Government member of Australia noted that Article 5 did not include the word "appropriate" before "measures" as it did in Article 4(1), and that such an addition could address concerns. The formulation, as previously clarified by the Secretariat, would provide for sufficient flexibility to accommodate diverse national laws and practices while maintaining the integrity of the right.

277. The Government member of Brazil concurred with the Government member of Australia. She further questioned the necessity of referring to employment classification in every Article. Moreover, it was a given that any measures taken would be in accordance with national law.

278. The Government member of the United States noted that many people chose to be self-employed because of the greater level of agency and earning potential. International labour standards should not curtail that agency.

279. The Government member of Switzerland recalled that in the first discussion in 2025, the Committee had agreed not to fully address the classification of status of employment in Article 1, but rather to attend to it in the context of Articles where employment status – and not misclassification – affected implementation in certain jurisdictions. Articles 4 and 5 were such provisions.

280. The Government member of Cyprus, speaking on behalf of the EU Member States introduced a further subamendment, with a view to facilitating consensus, to replace the text proposed in their amendment with "appropriate" before "measures". Based on the understanding provided by the Secretariat under Article 4(1), the term "appropriate measures" provided the necessary flexibility for Member States.

281. The Government member of the United States questioned why the term "appropriate" was seen as a better alternative. It did not add legal clarity on employment status.

282. The Government member of South Africa asked the Secretariat to confirm if the term "digital platform worker" was defined in Article 1 as covering all platform workers regardless of classification. If so, that definition should apply automatically any time the term was used in the instruments. It was important not to alter the term's definition or scope such as to conflict with that definition. Moreover, proposed Article 8, which addressed measures to ensure correct classification of employment, had not yet been discussed, which could result in further incoherent uses of terms.

283. The Worker Vice-Chairperson supported the subamendment.

284. The Government member of Mexico supported the amendment and subamendment, although they did not seem necessary. Adding the term "appropriate measures" was also redundant, where the Office text provided sufficient flexibility.

285. In response to the question by the Worker Vice-Chairperson, the representative of the Secretary-General explained that the use of the term "appropriate measures" in the context of Article 5 would not curtail the fundamental principles and rights at work because it qualified the implementation rather than the right. Recognition of a right could not be qualified, whereas measures taken to give effect to that right could be adapted to national conditions and practice. The right to remove oneself from a dangerous situation, as set out in Article 13 of the ILO Occupational Safety and Health Convention, 1981 (No. 155), constituted an essential element of the right to a safe and healthy working environment, which covers all employed persons and is silent on the coverage of self-employed persons. There was a strong legal basis that the non-recognition of the right to removal would undermine the very principle of the right to safe and healthy working environment as set out in Paragraph 2(e) of the 1998 Declaration. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) considered that the right of workers to remove themselves from situations when there was a reasonable justification to believe that there was a serious and imminent danger remained an essential foundation for the prevention of occupational accidents and diseases. The right of removal has been had also appeared in six other ILO Conventions, many of which were broader in scope. The proposed amendment and subamendments concerned the way members would implement the fundamental principles and rights at work relating to a safe and healthy working environment.

286. The Government member of Switzerland, speaking also on behalf of the Government members of Argentina, Bahrain, Chile, Ecuador, India, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, the United Kingdom, the United States, and Uzbekistan, did not support the subamendment because the terms "appropriate measures" were not specific enough to provide the necessary flexibility. Since proposals to narrow the scope of the instrument had not been accepted when discussing Articles 1 and 2 on definitions and scope, it was necessary to introduce flexibility in the relevant operational Articles and to ensure their clarity. Member States should not need to consult other documents to understand their obligations. Noting that it was a cross-cutting issue in the amendments that had been submitted, he suggested that the Officers work together to agree on a consistent approach to apply throughout the instrument.

287. The Government member of Australia supported the subamendment given the Secretariat's explanation that it would provide ample flexibility while respecting the fundamental rights and principles at work. He preferred it to the amendment as it applied to policy areas generally, rather than a specific policy, and questioned why some Government members disagreed.

288. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Canada, and Colombia supported the amendment. The Government member of Grenada added that the text provided flexibility and addressed the unique circumstances of the CARICOM countries.

289. The Government members of Indonesia, Kiribati, Malaysia, and the Philippines supported the amendment based on the Office explanation.

290. The Employer Vice-Chairperson did not support the subamendment. A good outcome required legal certainty and consistency throughout the instrument. The term under discussion was used inconsistently throughout the text. She agreed to the suggestion to hold a dedicated meeting of the Officers of the Committee to find a solution that would apply throughout the instrument.

291. The Worker Vice-Chairperson did not support the suggestion for holding an Officers' meeting. The issue should be decided by the Committee. The discussion had been useful because it had enabled Government members to express their different views.

292. The Government member of Switzerland clarified that the proposed Officers' meeting would address cross-cutting language issues throughout the text and not the amendment under discussion, and that the Officers would not take final decisions on individual paragraphs, as these would remain the responsibility of the Committee.

(The decision was deferred until all other amendments to Article 5 would have been considered.)

A.38

293. The Employer Vice-Chairperson introduced an amendment to add ", in accordance with national law and practice," after "Each Member shall take measures" Member States already had well established OSH frameworks and the proposed Convention should not conflict with those. The proposed wording would ensure the instrument remained principle-based.

294. The Government member of the United States considered it difficult to discuss any amendments on Article 5 before having clarity on how it would be applied according to the employment status.

295. The Government member of Brazil did not support the amendment as it was understood that the Convention could not override national laws.

296. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Argentina, Australia, Canada, China, Colombia, the Islamic Republic of Iran, Israel, Mexico, and New Zealand supported the amendment.

297. The Government member of Israel added that the amendment allowed for ample flexibility in implementation.

298. The Government member of the Islamic Republic of Iran considered that the proposed wording would ensure that implementation remained consistent with existing national labour law frameworks and classification criteria.

299. The Government member of Australia would support the amendment on the understanding that the wording related to flexibility in implementation rather than to the substance of the obligation.

300. The Government member of Mexico supported the amendment on the understanding that it did not diminish the right of workers to remove themselves from a work situation that they believed presented imminent danger.

301. The Government member of Colombia supported the amendment on the basis that no law could undermine the fundamental principles and rights at work.

302. The Government member of Argentina supported the amendment on the understanding that it did not undermine workers' rights or Member States' obligations.

303. The Worker Vice-Chairperson stated that her group could support the amendment if the Secretariat could confirm that it qualified implementation measures, not the legal obligation regarding the fundamental right in question.

304. The Legal Adviser recalled that fundamental principles and rights at work were constitutional principles or objectives. The 1998 Declaration recognized that the manner in which effect was given to those constitutional principles and rights may vary according to Members' circumstances. Those constitutional principles were expressed and developed in the form of specific rights and obligations in the Conventions recognized as fundamental. In other words, a distinction had to be drawn between the constitutional principles and their detailed

normative expression through international labour standards. It was in relation to the normative expression that the reference to national law and practice was used.

305. The phrase "in accordance with national law and practice" or similar expressions, were common in ILO international labour standards, including in OSH instruments. As was stated in the *Manual for drafting ILO instruments*, such expressions "confirm that ILO instruments take into account the discretion that the Member States have in relation to their internal organization. These expressions become especially meaningful when it comes to the choice of *means and methods of implementation [...]. However, they have also been used as flexibility measures affecting substantive provisions*. In these cases, attention should be given not to devoid the substantive provisions of the instrument of their scope by referring, without a minimum guarantee, to national laws and practices to determine the scope, the nature, or even the definition of the protection" (emphasis added).

306. It followed that the legal effect of such expressions must always be assessed in their specific context. The use of these expressions was first and foremost a choice of standards policy and hinged on the objectives pursued by the Conference or its Committee through the adoption of a particular Convention.

307. Where the phrase "in accordance with national law and practice" appeared in a provision that established rights or restated existing rights or principles without prescribing any method as to how to implement them, the phrase may be unnecessary. Many ILO Conventions, including all the recent ones, contained provisions on the methods of implementation of the Convention, similar to Article 23 of the draft Convention before this Committee. They typically provided at least that Member States may give effect to the provisions of a Convention through laws and regulations, collective agreements or any other measures consistent with national conditions and practice. As this type of provisions applied to all obligations of Members under the Convention, specifying in certain provisions that measures must be taken "in accordance with national law and practice" may be unnecessary if it was to mean substantially the same. Moreover, the phrase may also be understood as meaning that the rights or principles were implemented *subject* to national law and practice. Depending on the exact formulation, this may render the substantive obligations resulting from the ratification devoid of binding content and – if the provision restated a constitutional principle – may appear to question the constitutional obligation of Members to realize these principles.

308. Article 5 of the draft Convention, as it stood, required Member States to take measures to ensure that digital platform workers had the right to remove themselves from a potentially dangerous work situation. While it clearly set the objective of extending the right of removal to digital platform workers, the obligation on Members was to take measures to ensure the right. Insofar as the main obligation was to take measures, specifying that those measures must be "in accordance with national law and practice" would reflect a choice by the Committee to potentially limit the scope of the Article. "Potentially" because this depended on the extent to which a Member State had ratified fundamental and other relevant Conventions, which would then be part of their national law and practice.

(The decision was deferred until all other amendments to Article 5 would have been considered.)

A.13

309. The Government member of India introduced an amendment seconded by the Employer Vice-Chairperson to add the ", as appropriate," after "Each Member shall take measures" in the first sentence The aim was to introduce flexibility in implementing the provisions of the Article. The clarification to be provided by the Office regarding whether the words "as appropriate" provided sufficient flexibility would determine whether the amendment will suffice.

310. The Employer Vice-Chairperson supported the amendment in principle but noted that the concern had yet to be resolved.

311. The Worker Vice-Chairperson did not support the amendment as the terms "as appropriate" had a very different meaning than "appropriate measures", which had received previous support.

(The decision was deferred until all other amendments to Article 5 would have been considered.)

A.39

312. The Employer Vice-Chairperson introduced an amendment to insert, after "have the right", the words ", in the course of performing their work,". The wording was taken from the original draft of Article 5 in the Brown report. The amendment proposed an important clarification because the term "work situation" was unclear in the context of diverse forms of platform work, including freelance work that might extend over several weeks or months. The Employers' group supported the right of workers to remove themselves from dangerous situations, but wished to clarify that the right applied to when they were performing work.

313. The Worker Vice-Chairperson did not support the amendment as it would narrow the scope of the right. A worker might otherwise have to begin performing work before being able to remove themself from a dangerous situation, which could itself create risk. Particularly where algorithms were opaque and might penalize workers who abandoned tasks, workers could be unduly pressured to continue working. Moreover, "work situation" provided a sufficiently clear scope.

314. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Colombia, Mexico, and the United Kingdom did not support the amendment as the concept was already covered by "work situation".

315. The Employer Vice-Chairperson withdrew the amendment and invited the Committee to remain mindful of the realities of platform work, including technology-mediated work, independent work and work performed from home.

A.20

316. The Worker Vice-Chairperson introduced an amendment to insert, after "work situation", the words ", including when the situation is determined by the use of automated systems,". It would clarify an essential point concerning occupational risks in platform work, which were often created or intensified by automated systems exercising managerial functions in real time. The source of pressure and risk could be the automated system, and workers should be able to remove themselves from danger without retaliation. The amendment did not create a new obligation but clarified that OSH protections applied where managerial functions were exercised through algorithms.

317. The Employer Vice-Chairperson did not support the amendment because she found the wording redundant. Automated decision-making systems were addressed in a stand-alone section of the proposed Convention and were already part of the definitions. She stated that the Employers' group fundamentally disagreed with the Workers' group's assertion that automated decision-making systems exercised managerial functions.

318. The Government member of Mexico did not support the amendment because the issue was covered by Article 5. Moreover, dangers resulting from work in the platform economy could include dangers generated by automated systems.

319. The Government members of Colombia, Brazil, and Namibia, speaking on behalf of the Africa group, did not support the amendment as it was redundant.

320. The Government member of the Islamic Republic of Iran did not support the amendment. Adding a reference to automated systems in Article 5 would extend the right to refuse dangerous work to algorithmic decisions, risk increasing legal uncertainty, blur distinctions between employees and self-employed workers, and make assessments of imminent and serious danger highly subjective, potentially leading to domestic disputes.

321. The Government members of Türkiye and Uzbekistan did not support the amendment, considering that it was unnecessary to add a reference to automated systems.

322. The amendment was withdrawn.

A.41

323. The Employer Vice-Chairperson introduced an amendment for the text, after "undue consequences and" to read: ", if they are in an employment relationship, that they have the duty to inform the digital labour platform of the situation without delay, comply with prescribed OSH measures, and take reasonable care for their own safety and the safety of others". The amendment was closely linked to the discussion concerning the employment relationship and the intention was to limit the duty to inform the platform to employees, rather than including self-employed workers.

(The decision was deferred until all other amendments to Article 5 would have been considered.)

A.7

324. The Government member of the United States introduced an amendment to delete "and that they shall inform the digital labour platform without delay". Where a worker was an employee, there should not necessarily be consequences for failing to report matters to an employer. Workers might not feel comfortable, or empowered to report to management, and should not suffer consequences for not reporting.

325. An amendment (A.56) was withdrawn.

326. When resuming the discussion of Article 5, the Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Switzerland, speaking also on behalf of the Government members of the United States, Japan and Türkiye, supported the subamendment to amendment A.46 introduced by the EU Member States to delete ", considering digital platform workers' classification of status in employment," and insert "appropriate" between "take" and "measures".

327. Amendment A.46 was adopted as subamended and the other amendments (A.38, A.13, A.41 and A.7) were not adopted.

328. Article 5 was adopted as amended and Part IV was adopted as amended.

Title of Part V

329. The title of Part V – Violence and harassment – was adopted.

Article 6

A.14

330. The Government member of India, seconded by the Employer Vice-Chairperson, introduced an amendment to replace the entire text with "Each Member shall take appropriate measures to ensure that the protection available against violence and harassment under national laws is also extended to digital platform workers, so far as is reasonably practicable, including in cases where such violence and harassment is perpetrated online or by third parties such as clients and customers." It was important to maintain coherence with existing national legal

frameworks and extend protections already available under national laws rather than requiring new or sector-specific legislation to promote regulatory consistency and avoid duplication.

331. The Employer Vice-Chairperson reflected that the amendment offered a solution to ensuring protection without creating a hierarchy of rights. Platform work was a subset of the economy, rather than a sector or the whole economy. It was necessary to avoid inadvertently creating for platform workers separate rights that were not available to workers with the same classification status that did not use platforms. She introduced a subamendment to delete "to ensure that the" and add "so that" and delete "available" so that the text would read: "Each Member shall take appropriate measures so that protection against violence and harassment under national law is also extended to digital platform workers, so far as is reasonably practicable, including in cases where such violence and harassment is perpetrated online or by third parties such as clients and customers."

332. The Worker Vice-Chairperson did not support the amendment or the subamendment. The Office text requiring Members to take appropriate measures to effectively protect digital platform workers against violence and harassment was the correct approach. Qualifying the obligation by what was "reasonably practicable" at the national level could weaken protections and undermine the standards already established under Convention No. 190, which applied to all workers. Digital platform workers should not receive a lower level of protection; the proposed wording could lead to uneven implementation and protection gaps. Citing examples such as stalking, sexual harassment, and abusive ratings experienced by online workers, she maintained that Member States should be expected to take effective measures to protect all platform workers and therefore rejected both proposals.

333. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia, Indonesia and Mexico did not support the amendment or the subamendment. Both would weaken the intent of the original text by making protection contingent on national laws and introducing a "reasonable and practicable" qualification, which would undermine the strength of the provision and the protections established under Convention No. 190. The Office text requiring Member States to take appropriate measures to address violence and harassment should be retained.

334. The Government member of India clarified that his intention was not to weaken protection from violence and harassment for digital platform workers but rather to ensure that they were covered by existing national legislative and administrative frameworks. The proposal was consistent with Convention No. 190, which allowed flexibility in how Member States implemented protections and did not require separate laws for specific sectors or categories of workers. The amendment sought to protect digital platform workers, including from online harassment and third-party violence, while preserving national discretion and respecting different legal and institutional arrangements.

335. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Canada, Chile, Colombia, and the Philippines voiced preference for the Office text.

336. The Government member of the Islamic Republic of Iran argued that the reference to national laws was not intended to weaken or circumvent international obligations but rather to recognize that rights and obligations required domestic legal and administrative mechanisms to be enforceable in practice. That was particularly relevant to violence and harassment, where national legislation might provide stronger protections. The proposed wording was consistent with ILO Convention No. 190.

337. The Government member of the United States supported the subamendment, but proposed to delete the word "violence and" before "harassment", seconded by the Employer

Vice-Chairperson. In many jurisdictions, violence was legally defined as requiring physical presence and the use of physical force, and therefore could not be committed online. Including "violence" in the context of online conduct could create legal inconsistencies.

338. The Government member of Honduras supported the subamendment proposed by the United States. An explicit reference to national legislation was important to provide greater legal certainty and facilitate the effective implementation and enforcement of the Convention through national justice systems.

339. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia, Canada, Dominican Republic, Kiribati, Switzerland, and Tunisia did not support the subamendment proposed by the United States.

340. The Government member of Canada asked the Secretariat if the definition of violence and harassment in Convention No. 190 extended to online violence and harassment and, if so, whether additional wording would be necessary to ensure protection for affected workers.

341. The Government member of Brazil did not support the amendment or the subamendment, noting that "violence and harassment" was an established term within ILO instruments and should be interpreted consistently. The concept of digital violence was already recognized within the United Nations (UN) system, including in discussions at the Commission on the Status of Women, and maintained that violence could be perpetrated through digital means.

342. The representative of the Secretary-General recalled that Convention No. 190 defined "violence and harassment" broadly as "a range of unacceptable behaviours, practices, or threats that result in, or are likely to result in, physical, psychological, sexual, or economic harm, including gender-based violence and harassment." The Convention applied to violence and harassment occurring in the course of, linked with, or arising out of work, including through work-related communications, and therefore its scope extended to conduct occurring in the digital space, such as cyberbullying.

343. The Government member of the United States took note of the Secretariat's explanation and pointed out that some jurisdictions had differing definitions of such terms, which was precisely why national laws and circumstances had to be considered. He withdrew his subamendment.

344. The Government member of India and the Employer Vice-Chairperson asked the Secretariat to explain if the phrase "shall take appropriate measures" meant that Members would necessarily have to draft new regulation.

345. The representative of the Secretary-General explained that there was no requirement to adopt new, specific laws. It could also be sufficient to simply extend existing laws, although new laws could also be adopted.

346. The Employer Vice-Chairperson withdrew the subamendment, but reiterated it was important to develop a shared understanding of what measures were expected of Members, and cautioned against creating a hierarchy of rights.

347. The amendment was withdrawn.

A.48

348. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Republic of Moldova and Ukraine introduced an amendment to insert, after "appropriate measures", the phrase ", including preventive measures,". Given the importance of preventing violence and harassment in the workplace, this should be explicit and emphasized. Paragraph 1 of the proposed Article 4 already referred to preventive measures and effective protection against violence and harassment implied taking preventive measures.

349. The Worker Vice-Chairperson supported the amendment.

350. The Employer Vice-Chairperson, and the Government members of India, Indonesia, and Namibia, speaking on behalf of the Africa group, did not support the amendment as "appropriate measures" encompassed preventive measures.

351. The Government member of South Africa asked the Secretariat to clarify if there was any risk of producing conflicting or overlapping rights for platform workers. Article 1 of the draft Convention indicated that it would cover employees and self-employed workers, and self-employed workers were not limited to the platform economy. Focusing on those in an employment relationship, he asked whether there was a risk in using language from or referring to other relevant Conventions that might have differing scopes of application. For example, Convention No. 155 covered all workers and could never be interpreted to exclude a digital platform worker, meaning that even without the present instrument, platform workers in an employment relationship would already be protected by Convention No. 155. He therefore asked whether the intention was to create protection peculiar to digital platform workers in employment, or whether it amounted to double-layer protection, given that Convention No. 155 and other Conventions applying to all workers would continue to apply to platform workers in an employment relationship after ratification.

352. The Government member of Australia was flexible on the amendment and appreciated the sentiment behind it in recognizing the importance of preventive measures. He requested that the position of constituents that preventive measures were included, be reflected in the record of proceedings.

353. The amendment was withdrawn.

A.43

354. The Employer Vice-Chairperson introduced an amendment to insert, after "Each Member shall", the phrase ", in accordance with national law and practice and in consultation with the most representative employers' and workers' organizations,". Member States already had established frameworks on violence and harassment, and any new measures taken specifically for the platform economy should be consistent with those. The amendment was also consistent with the Committee's preference for a flexible and principle-based instrument that Member States could realistically implement according to national circumstances. Social partners should be consulted when new measures were developed and implemented, to ensure they were fit for purpose and aligned with national laws, two fundamental components in Convention No. 190.

355. The Worker Vice-Chairperson did not support the amendment because it qualified the right rather than the measures. While the Workers' group believed that Members should consult the most representative employers' and workers' organizations when implementing their obligations, that was not what was at issue in that text.

356. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. The reference to "in accordance with national law and practice" had already been debated in an earlier amendment (A.14) and it had been concluded by the Committee that the term "appropriate" offered sufficient flexibility to adapt the measures to the national context.

357. The Government member of Mexico did not support the amendment. The reference to "in accordance with national law and practice" had already been debated in an earlier amendment (A.14). If the language on social dialogue were to be kept, it should concern the adoption of measures far broader than those listed in the proposed Article, as does Article 4(2) of Convention No. 190, which concerned the obligation to prohibit violence and

harassment, ensure relevant policies, adopt a strategy to take preventive measures, and establish enforcement mechanisms, among other things.

358. The Government member of Australia did not support the amendment. The Office text provided an appropriate balance and did not require Members to ratify ILO Convention No. 190. The expression "take appropriate measures" offered an appropriate level of flexibility, and it was not necessary to refer to consultation with social partners here, as this was amply covered by the proposed Article 23, which applied across the instrument.

359. The Government members of Indonesia, Philippines and Singapore did not support the amendment. Protection against violence and harassment was a fundamental right and the Office text already provided sufficient flexibility to determine appropriate measures.

360. The Government member of the Islamic Republic of Iran supported the amendment.

361. The Government member of Colombia did not support the amendment. While consultation was an important part of social dialogue, the Committee was negotiating a principle-based Convention in which social dialogue was implied throughout.

362. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment but recognized the importance of social dialogue.

363. The Government member of South Africa asked the Secretariat to clarify who had the authority to determine the appropriateness of a measure.

364. The Government member of Brazil did not support the amendment. The reference to "Appropriate measures" would be enough and should be taken through social dialogue.

365. The Employer Vice-Chairperson noted that there was no agreement within the Committee on the meaning of the phrase "take appropriate measures". Despite the Secretariat's explanations, there remained some legal concerns. The Office had confirmed that it could go beyond existing national law, meaning that, even if a Member State had an existing economy-wide violence and harassment law, they might have to adopt a new violence and harassment policy just for the platform economy. She therefore asked the Committee to decide whether its intention was to create special additional protections for a subset of the labour market.

366. The Government member of Honduras supported the amendment, as social dialogue was one of the pillars of the ILO.

367. The Government member of Australia disagreed with how the Employers' group characterized the implications of the phrase "appropriate measures". It was his understanding, which he asked the Secretariat to confirm, that it was the responsibility of Members to have robust measures in place, with respect to violence and harassment in this case, and to determine what measures were necessary and appropriate to meet certain benchmarks, including by referencing laws that already applied to other parts of the economy. Ultimately, the ILO supervisory bodies would assess compliance with the requirements of the Convention. The representative of the Secretary-General confirmed that the Government member of Australia's understanding was correct.

368. The Government member of Canada did not support the amendment based on the understanding of "appropriate measures" elucidated by the Government member of Australia and confirmed by the Secretariat, and based on the shared objective of adopting a principle-based Convention. Violence and harassment should be prohibited everywhere.

369. The Government member of the United States asked the Secretariat to further define the word "appropriate" in the context of taking measures, noting how it differed from when it was applied to employment status, where it was intended to help distinguish between different forms of employment or work. Applying it to the national ability to take or

implement broader measures could cause legal unclarity as the expression “in accordance with national law and practice” did not cover the classification issues.

370. The representative of the Secretary-General clarified that, when adopted, the Convention would be included in the global corpus of international labour standards. As per the draft Preamble of the Convention, there were specificities of work via digital labour platforms that made it desirable to adopt specific standards that, together with other international standards, would contribute to the full realization of decent work in the platform economy. The normative gap analysis had noted gaps in the application of certain standards to the platform economy. Convention No. 155 applied to employees, whereas, according to the Occupational Safety and Health Recommendation, 1981 (No. 164), (i) the provisions of Convention No. 155 should be applied to the greatest extent possible to all branches of economic activity and to all categories of workers, and (ii) such measures should be provided as necessary and practicable to give self-employed persons protection analogous to that provided in Convention No. 155. On the contrary, Convention No. 190 applied to all workers, including those not in an employment relationship. The text of proposed Article 6 was based on Convention No. 190, taking into consideration the specificities of digital labour platforms, which was why it underlined protection against violence and harassment perpetuated online or involving third parties. The draft Convention applied to decent work in the platform economy but was guided by existing standards, which the Committee had decided in previous discussions not to cross-reference in the draft Convention as not all Member States had ratified them.

371. The Employer Vice-Chairperson insisted that the decision to include self-employed workers should pertain to the entire economy and not just the platform economy to avoid creating a subset of rules specific to the platform economy. This strategic issue would appear throughout the text of the draft Convention.

(The decision was deferred until all other amendments to Article 5 would have been considered.)

A.44

372. The Employer Vice-Chairperson introduced an amendment to delete the word “effectively” between “to” and “protect”. The word was redundant since, by default, protection measures had to be effective for a Member State to undertake them.

373. The Worker Vice-Chairperson did not support the amendment. All protection should be effective.

374. The Government member of Mexico did not support the amendment. There was a consensus that all platform workers should have protection. However, these rights were, in certain cases, unequal or inferior to those of other workers and the Committee could not deny the gaps in protection coverage in the platform economy. Some workers in the platform economy were particularly vulnerable and therefore required specific protection. The word “effectively” had specific, important meaning in international human rights and was not redundant because if the measures taken were not effective, obligations under the draft Convention would not be fulfilled.

375. In response to a question from the Government member of Australia of whether the removal of the word “effective” would change the meaning of the rest of Article 6, the deputy representative of the Secretary-General explained that the term had been used to emphasize the need for measures that would produce tangible results in addressing violence and harassment and to highlight the outcome-oriented nature of the provision. Even in the absence of the term, supervisory bodies would assess both the measures adopted and their practical application.

376. The Government member of Colombia recalled concerns raised by the Employers' group regarding the creation of a dual level of protection for platform workers and emphasized that the purpose of the Committee's work was to establish a new level of protection for a category of workers that currently lacked adequate coverage, noting that similar approaches had been taken in other sectors like the maritime and agricultural sectors.

377. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Argentina and Singapore did not support the amendment to maintain consistency with existing ILO instruments, including Article 8 of Conventions Nos 190, 189 and 155.

378. The amendment was withdrawn.

A.16

379. The Government member of India introduced an amendment, seconded by the Employer Vice-Chairperson, to replace the word "protect" with "extend protection against violence and harassment in the world of work as available to other workers, to", and deleting the text "against violence and harassment in the world of work". The proposed change would clarify the intent to extend protection to all workers, including digital platform workers, rather than require the application of new regulations.

380. The Employer Vice-Chairperson noted that the amendment spoke to the importance of ensuring equality and consistency of protections across the economy. Digital platform workers should benefit from the same protections afforded to other workers with the same classification status.

381. The Worker Vice-Chairperson did not support the amendment as it shifted the intention to linking protections to existing national frameworks rather than the obligation to take appropriate measures to effectively protect all platform workers.

382. The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Argentina, Brazil, Indonesia, Colombia, Mexico and the Philippines did not support the amendment as it would limit the scope of protection.

383. The Government member of Australia did not support the amendment which risked undermining the principle-based approach having regard to the three criteria that Australia saw as underpinning a principle-based approach: having clear obligations, promoting broad principles of protection, and without reference to the means of country-level implementation.

384. The amendment was withdrawn.

A.49

385. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to add ", especially persons in vulnerable situations" after the phrase "all digital platform workers" to emphasize the particular relevance to especially vulnerable persons like those engaged in on-location platform work and to align with Article 6 of Convention No. 190.

386. The Worker Vice-Chairperson supported the amendment as it would help address the risks and challenges faced by workers in vulnerable situations, including women workers fearful of violence and harassment on the job, especially given the exclusion of references to gender-based violence in the draft instruments. The principles and protections contained in Convention No. 190, including gender-based violence, applied to all workers, including platform workers, and the text of the Convention under discussion should not be interpreted as limiting or diminishing those protections.

387. The Employer Vice-Chairperson did not support the amendment and considered that identifying particular groups could lead to an open-ended exercise of listing situations and categories requiring protection.

388. The Government member of Brazil supported the amendment and requested clarification from the Office regarding existing ILO definitions or lists of persons in vulnerable situations.

389. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Chile, the Islamic Republic of Iran, and the United States did not support the amendment since the proposed wording and the challenge to define vulnerable persons as a global construct risked diffusing the objective to protect all workers.

390. The Government member of Australia did not support the amendment and asked the Secretariat to clarify whether the added text would alter the substance of the obligation or affect the approach of supervisory bodies.

391. The Government member of Indonesia supported the amendment on the understanding that Member States retained flexibility to identify vulnerable groups in accordance with national laws and practices.

392. The amendment was withdrawn and another amendment (A.21) was withdrawn.

A.45

393. The Employer Vice-Chairperson introduced an amendment to replace “in the world of work, including violence and harassment perpetrated or involving third parties, such as clients and customers” with ”when conducting work on or through digital labour platforms”. The existing wording was overly broad and the subsequent elements tended towards an exercise of listing specifics that were already covered by the provision.

394. The Worker Vice-Chairperson did not support the amendment as the “world of work” was given a specific meaning in Convention No. 190 that extended beyond the performance of work itself, including work-related aspects such as commuting and training sessions. Her group did not agree to narrowing the scope of its meaning nor to deleting the reference to violence and harassment perpetrated online or involving third parties. She asked the Secretariat to clarify if the proposed wording would narrow the scope.

395. The representative of the Secretary-General responded that the wording proposed in the amendment would limit the protection provided under Convention No. 190, particularly regarding digitally-mediated (online) violence and harassment involving third parties. Convention No. 190 required third parties to be considered where relevant but did not limit the obligation. The phrase “to the extent possible” would lower the level of protection by comparison.

396. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia speaking on behalf of the Africa group; Brazil, Colombia, Indonesia, Mexico, the Philippines and Uzbekistan did not support the amendment.

397. The Employer Vice-Chairperson proposed a subamendment to retain the reference to violence and harassment perpetrated online or involving third parties while adding “to the extent possible” and to replace “in the world of work” with “in platform work”. This would provide greater flexibility in implementation.

398. The Worker Vice-Chairperson did not support the subamendment given the lack of clarity on defining “to the extent possible”.

399. The Government member of the United States supported further efforts to pare down the text, but cautioned against engaging in listing exercises that required research on the legal

and practical consequences of the applicability of each word. The discussion concerned the platform economy and the text should therefore include the word “platform” rather than “world of work”. Suggesting that there was no global agreement that violence could be committed purely online and such a proposition was not agreed upon internationally, he questioned the inclusion of such concept in a draft Convention that all parties wished to see widely adopted and ratified.

400. The Government members of Indonesia, Singapore, the United Kingdom and Uzbekistan did not support the amendment or the subamendment but agreed to substitute the phrase “platform work” for “the world of work”.

401. The Government member of Mexico did not support the amendment or subamendment as a risk to the future compliance by governments or digital platforms. The term “violence and harassment” was an established ILO term defined in Convention No. 190. It should not be separated into distinct concepts that would apply differently to specific actors.

402. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Australia did not support the subamendment which would dilute the level of protections.

403. The subamendment and the amendment were withdrawn.

A.51

404. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to replace “the world of work” with “platform work” to make the text more specific to the context of the draft Convention.

405. The Worker Vice-Chairperson proposed a subamendment to add “digital” before “platform work”. She asked the Secretariat to clarify whether the proposed text would narrow the scope of protection compared to the phrase “the world of work” used in Convention No. 190.

406. The representative of the Secretary-General replied that the notion of the world of work was broader. Convention No. 190 applied to violence and harassment in the world of work occurring in the course of, linked to, or arising out of work, covering: in the workplace, including public and private spaces; places where the worker is paid, takes a rest or break or a meal, use a sanitary washing and changing facilities; during work-related trips, travel; and through work-related communications, including those enabled by information and communication technologies in employer-provided accommodation and commuting to and from work. She added that, in the draft Convention, the term used was “work via digital labour platform” and not “platform work”.

407. The Employer Vice-Chairperson supported the amendment.

408. The Government member of Mexico did not support the amendment which would narrow the intention of the Article and pointed out, in agreement with the Government member of Colombia and the Employer Vice-Chairperson that the Spanish translation of the amendment should be reviewed.

409. The Government member of the United States supported the subamendment and raised a concern that the explanation of the Secretariat pointed to a broader concern in its inclusiveness of all digital platform workers, including self-employed, and all their diverse modalities of working. The broad implications of the text were inappropriate for a binding Convention.

410. The Government member of Singapore introduced a further subamendment, seconded by the Government member of Uzbekistan, and supported by the Government member of Indonesia, to change “platform work” to “work via digital labour platforms”.

411. The Government member of Thailand supported the subamendment proposed by Singapore, which would reduce ambiguity and pointed that the Article would be redundant if it would simply repeat provisions of Convention No. 190.

412. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Australia, Canada, and the United Kingdom, as well as the Worker Vice-Chairperson did not support the amendment or subamendments which would introduce language that deviated from the terminology in Convention No. 190 and narrow the scope of the Article.

413. The Government member of the Islamic Republic of Iran, seconded by the Government member of Indonesia, proposed to replace the word "via" with "through".

414. The Employer Vice-Chairperson requested clarification from the Secretariat regarding the use of the terms "through" and "via" and reference in previous versions of the text to "on or through" in relation to digital labour platforms.

415. The representative of the Secretary-General explained that the wording in the questionnaire included in the first report prepared for the standard-setting process had referred to work "on or through" digital labour platforms and had subsequently been changed to "via" in the second report [9] to improve readability.

416. The Government members of the Islamic Republic of Iran and Singapore withdrew their subamendments and the amendment was withdrawn.

417. The Government member of the United States asked for clarification on the impact of the provision on self-employed persons who had their own client base. He wondered to what extent Convention No. 190 would be enforceable in relation to the conduct of clients of a self-employed business owner, including clients found through digital labour platforms. The language "the world of work" and its application of the digital labour platform economy, which cut across many sectors, had not been fully examined. He highlighted the limited ratification rate of Convention No. 190 and wondered if it would be premature to make reference to it in the instrument.

418. The Chairperson recalled, based on discussions leading to the adoption of Convention No. 190, that clients and customers were included within the scope of the instrument.

419. As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account the discussions with government members, agreed to adopt the Article without amendment. Therefore, amendment A.43 was not adopted and amendments A.10 and A.15 fell.

420. Article 6 was adopted without amendment and Part V was adopted.

Title of Part VI

A.47

421. The Employer Vice-Chairperson introduced an amendment to change the title from "Employment promotion" to "Promotion of decent work" to more accurately reflect the scope of the instrument, which included self-employed platform workers.

422. The Worker Vice-Chairperson did not support the amendment as the title would no longer align with the content of Article 6. The promotion of decent work was the objective of the entire Convention under discussion, while Part VI aimed to address the context of

[9] *Realizing decent work in the platform economy*, first report, 2024 (ILC.113/Report V(1)) and second report, 2025 (ILC.113/Report V(2)).

employment policy specifically, which required the use of the word "employment". She introduced a subamendment for the text to read: "Employment promotion for decent work".

423. The Government members of Argentina and Chile did not support the subamendment since the content of Article 6 concerned opportunities for decent work and did not refer to employment promotion or to the contractual means by which a person worked on a platform.

424. The Government members of India and the United States supported the amendment, but not the subamendment.

425. The Worker Vice-Chairperson withdrew the subamendment.

426. The amendment was adopted and the title of Part VI was adopted as amended.

Article 7

427. Article 7 was adopted.

New Articles after Article 7

A.50

428. The Employer Vice-Chairperson introduced an amendment proposing to insert after Article 7 a new Article to read:

> Each Member shall take measures to simplify business registration for self-employed platform workers, to strengthen social protection participation and contributions and to facilitate formalization where needed.

429. The amendment sought to maximize the formalization potential of the platform economy by simplifying business registration so that entrepreneurs and small businesses, which provided the majority of global demand for online platform work, could more easily access social protection systems.

430. The Worker Vice-Chairperson did not support the amendment since concerns regarding social protection and formalization would be taken up in other sections of the draft Convention and because business registration would fall outside the scope of the Committee's work.

431. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Canada, Colombia, and Mexico did not support the amendment as the reference to business registration would alter the scope of the draft Convention.

432. The Government member of the United Kingdom did not support the amendment which would imply the provision of additional support for platform businesses or self-employed platform workers that was not available to self-employed workers outside platform work.

433. The Employer Vice-Chairperson reiterated the intention of the amendment to address issues raised in the first and second discussions, including the concern that certain workers in some jurisdictions fell outside existing systems. The reference to facilitating formalization "where needed" was in recognition that formalization was more relevant in some jurisdictions than others. She proposed a subamendment to delete "to strengthen social protection participation and contributions and".

434. The Worker Vice-Chairperson and the Government member of Thailand did not support the subamendment.

435. The Employer Vice-Chairperson introduced a further subamendment to delete after "simplify" the word "business", after "self-employed platform workers" the phrase ", to strengthen social protection participation and contributions and", and after "formalization" the phrase "where

needed" so that the proposed new Article would read: "Each Member shall take measures to simplify registration for self-employed platform workers to facilitate formalization." Formalization was important for many, not just for businesses.

436. The Worker Vice-Chairperson did not support the subamendment. Formalization was indeed a priority, but the topic was better reflected in Articles pertaining to social protection, or in the draft Recommendation. Registration, however, was not part of the Committee's aim.

437. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment, as registration did not need to be addressed.

438. The Government members of Ecuador, Mexico, Argentina, Chile and Colombia supported the subamendment, appreciating the clarity and emphasis on formalization.

439. The Government member of Brazil introduced a further subamendment to delete, after "registration for", the term "self-employed" so that the proposed new Article would read: Each Member shall take measures to simplify registration for platform workers to facilitate formalization". The subamendment fell for lack of secondment.

440. The Government member of Namibia, speaking on behalf of the Africa group, did not support the Employers' group subamendment because it did not address the issue of decent work.

441. The Employer Vice-Chairperson asked the Government member of Namibia whether adding "and decent work" after "formalization" would capture the Africa group's concerns.

442. The Government member of Grenada, speaking on behalf of the CARICOM countries, introduced a further subamendment to insert "appropriate" before "measures" and "of all platform workers" after "formalization" so that the proposed new Article would read: "Each Member shall take appropriate measures to facilitate formalization of all platform workers." The platform economy was relatively informal in most cases and singling out self-employed was too restrictive.

443. The Employer Vice-Chairperson and the Government members of Oman speaking on behalf of the GCC countries, Chile, Ecuador, and the United States did not support the further subamendment because it departed from the intention to formalize certain self-employed platform workers.

444. The Government member of Cyprus, speaking on behalf of the EU and its Member States, and the Government members of Brazil and the Philippines supported the subamendment proposed by the CARICOM countries.

445. The Worker Vice-Chairperson also supported the subamendment because formalization applied to all workers and included a breadth of measures like extension of protection that went beyond business registration.

446. The Employer Vice-Chairperson recalled that the scope of the instrument covered employees, the self-employed, and, in some countries, established third categories. However, successive amendments appeared not to reflect that shared understanding, to the point that formalization measures were being opposed.

447. The Worker Vice-Chairperson reiterated her support for formalization but that it should be dealt with under other provisions, such as one pertaining to social security.

448. The Government members of Brazil, and Cyprus, speaking on behalf of the EU and its Member States, noted that "all platform workers" included self-employed workers.

449. At the request of the Government member of Cyprus, speaking on behalf of the EU and its Member States, the representative of the Secretary-General confirmed that the subamendment was in line with Recommendation No. 204.

450. The Government member of Australia supported the subamendment. Formalization related more closely to decent work than business registration, which was more in the realm of commercial law. Moreover, the text of the original amendment was perhaps too prescriptive and better suited for the Recommendation.

451. The Government member of Indonesia did not support the subamendment.

452. The Government member of Namibia, speaking on behalf on the Africa group, proposed a further subamendment for the text to read: "Each member shall take appropriate measures to facilitate formalization of digital labour platform work, including registration of self-employed".

453. The Government member of Mexico supported the subamendment proposed by the Africa group because it called on Member States to facilitate not just registration but the formalization of digital platform workers, including self-employed workers.

454. The Government member of Colombia also supported the subamendment. It would allow informal workers to be registered and enable contributions to be made. It would also facilitate formalization for platforms and retain workers' freedom to remain self-employed.

455. The Employer Vice-Chairperson and the Government members of Grenada, speaking on behalf of the CARICOM countries, Brazil, Chile, and Switzerland supported the subamendment.

456. The Worker Vice-Chairperson proposed to replace "of self-employed" with "to ensure effective social protection" to avoid narrowing the scope to the self-employed and to reintroduce the reference to social protection.

457. The Employer Vice-Chairperson and the Government member of Chile did not support the subamendment of the Workers' group.

458. The Government members of Ecuador and Indonesia supported the subamendment proposed by the Africa group, but not the proposal by the Workers' group.

459. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Africa group and asked the Secretariat for an explanation on what "registration" would include according to Recommendation No. 204.

460. The representative of the Secretary-General noted that "registration" was referred to in paragraph 25 of Recommendation No. 204 and applied to workers or economic units. Therefore, depending on the national context it could be business registration, tax registration or social security.

461. The Government member of Singapore raised concerns that registration may inadvertently produce administrative burdens that may become a barrier for platform workers to access protections.

462. The Government member of Argentina supported the subamendment proposed by the Africa group, but, seconded by the Employers' group, suggested to add the words "digital platform workers" after "self-employed" to ensure the target group was clear.

463. The Worker Vice-Chairperson withdrew the subamendment.

464. The Government members of Brazil, Brunei Darussalam and Türkiye appreciated the subamendment of Argentina but wondered whether it was necessary as the sentence already made clear that self-employed workers were part of digital platform work.

465. The Government member of Argentina explained his intention was to reflect a new law passed in Argentina concerning the definition of platform workers. Despite seeming redundant, the proposed phrasing would make clear that the target group was informal self-employed digital platform workers.

466. The Government member of the United States supported the subamendment as it provided additional legal clarity.

467. The Worker Vice-Chairperson asked the Secretariat what the most appropriate term would be to refer to "self-employed" so as to ensure consistency throughout the instruments.

468. Following the clarification from the Secretariat that Article 1 of the draft instrument did not use the term "self-employed" but "workers who are not in an employment relationship" which included the self-employed, the Worker Vice-Chairperson proposed a subamendment to change "self-employed" to "workers who are not in an employment relationship" to ensure consistency.

469. The Employer Vice-Chairperson noted that the term "self-employed" was used in other international labour standards and so should be acceptable.

470. The Government member of Chile asked the Office whether Article 2(1)(b) of the draft Convention applied to all its provisions. If so, it would not be necessary to incorporate its specific wording in the Article under discussion, and only "self-employed" could be retained.

471. The representative of the Secretary-General confirmed that the scope established in Article 2(1)(b) included all categories of persons working in the platform economy.

472. The Government member of Argentina and the Worker Vice-Chairperson withdrew their subamendments.

473. The amendment was adopted as subamended and the new Article was adopted.

Proposal to insert a new part and new Article after Article 7

A.52

474. The Employer Vice-Chairperson introduced an amendment to insert, after Article 7, a new Part and a new Article as follows:

> **Protection of the rights of digital labour platforms**
>
> **Article**
>
> Each Member shall ensure that the measures in this instrument protect and do not interfere with or compromise commercially sensitive information, intellectual property or trade secrets of digital labour platforms.

475. The ILO was concerned with advancing decent work, which also required attention to the rights of employers. Several provisions in the draft Convention could put commercially sensitive information, intellectual property and trade secrets at risk, which would affect the ability of businesses to operate, innovate and protect their intellectual capital. The amendment sought to address those concerns.

476. The Worker Vice-Chairperson did not support the amendment. The ILO Constitution set out the Organization's mandate as the pursuit of social justice through workers' rights and conditions of work. The purpose of the draft Convention was to protect workers and regulate working conditions, not establish or expand corporate intellectual property rights. The refusal of digital labour platforms to disclose information and the opacity of their working methods, often justified on grounds of commercial sensitivity, affected workers' ability to challenge deactivation, loss of income, discrimination and unsafe working conditions. During informal consultations, the Secretariat had clarified that the Committee's work was not to regulate technology, but to regulate work, including where automated systems affected working conditions and access to work.

477. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Brazil, Mexico, Canada, Colombia,

Uzbekistan, and Australia did not support the amendment. While intellectual property rights and commercial secrets were important, the regulation of such matters fell outside the scope of the draft Convention and the mandate of the ILO. The addition would interfere with the transparency sought by the Committee to enable workers to understand decisions affecting their work and could create an obligation for Governments to guarantee intellectual property rights. The focus of the draft Convention was on the implementation of measures by Member States, and neither the draft Convention nor the Blue report required the disclosure of trade secrets or commercially sensitive information.

478. The Employer Vice-Chairperson recalled that the Committee had already decided that the scope included self-employed workers and MSMEs, making the discussion fundamentally about business and commercial relationships, which was unprecedented in international labour standards. The ability of businesses to innovate and protect innovations was critical to provide the work opportunities that the Convention aimed to protect. The Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), already called for the establishment and application of legal provisions relating to the protection of intellectual property rights.

479. The Government member of the Islamic Republic of Iran noted that the use of "shall" created a legal obligation and that more flexible wording might be necessary.

480. The Government member of Colombia asked the Employers' group which elements of the draft text presented a risk to trade secrets and intellectual property.

481. The Employer Vice-Chairperson cited proposals advanced during the first standard-setting discussion, including mandatory source-code sharing and consultation requirements involving external parties, as examples of provisions that could threaten commercially sensitive information. Requiring digital labour platforms to disclose their underlying technology to persons outside business management raised concerns from a commercial perspective.

482. The Government member of the United States introduced a subamendment to delete the words "protect and", considering that it fell outside the ILO's mandate. While questioning the need for the amendment, some text might be necessary to ensure that the instrument did not interfere with or compromise commercially sensitive information.

483. The Employer Vice-Chairperson seconded the subamendment.

484. The Government member of Singapore introduced a further subamendment to add "unreasonably" before "interfere", which was seconded by the Employers' group.

485. The Government member of Brazil and Mexico did not support the subamendments advanced by the Government members of the United States and Singapore. Workers had fewer protections than companies and needed transparency regarding their classification and access to work. Intellectual property and industrial property rights were already protected through other instruments, whereas the draft Convention focused on algorithmic systems and their impact on working conditions.

486. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson through informal discussions, the amendment was not adopted and an amended version of the proposed new Article was inserted as new paragraph 4 in Article 23 (see paragraph 1271 below).

Title of Part VII

A.70

487. The Employer Vice-Chairperson introduced an amendment to change the proposed title from "Classification in respect of the existence of an employment relationship" to "Work relationship". The wording better reflected the platform economy, which included different types of classification.

488. The Worker Vice-Chairperson did not support the amendment. The proposed title no longer reflected the substance of the part's content concerning the determination and classification of employment relationships.

489. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Canada did not support the amendment.

490. The Government members of Brazil, Colombia and Mexico suggested discussing the substance of the provision before considering its title.

491. When resuming the discussion at a later sitting, after having considered Article 8, the Government member of Mexico introduced a subamendment for the title of Part VII to read: "Classification of digital platform workers' status in employment", reflecting a compromise reached among several Government members and the Employers' and Workers' groups in the context of discussions on Article 8.

492. The amendment was adopted as subamended. Consequently, another amendment (A.137) fell.

493. The title of Part VII was adopted as amended.

Article 8

A.74

494. The Employer Vice-Chairperson introduced an amendment to replace the text after "workers in" with "line with national laws and regulations". The change would simplify the provision and ensure that the appropriate classification of digital platform workers was implemented in line with national laws and regulations.

495. The Worker Vice-Chairperson did not support the amendment. It would remove substantive guidance from the provision and weaken protections against misclassification.

496. The Government members of the United Kingdom and Australia did not support the amendment. Correct classification of employment status was fundamental to determining workers' rights and protections and should be based on the facts relating to the performance of work rather than contractual labels. The draft text provided sufficient flexibility for implementation within different legal systems.

497. The Government member of Canada did not support the amendment as misclassification undermined workers' access to labour and social protections, distorted competition and reduced public revenues.

498. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Mexico, Colombia, Norway, the Philippines and Uzbekistan did not support the amendment. The primacy of facts in determining employment status constituted a core principle of the Convention and provided sufficient flexibility for implementation within national legal systems.

499. The Government member of Brazil did not support the amendment. Governments were already acting in line with national laws and regulations, but this was not preventing misclassification.

500. The Government member of the United States supported the amendment. Classification frameworks varied significantly across jurisdictions, and requiring countries to align with the specific factors drawn from the Employment Relationship Recommendation, 2006 (No. 198) through a binding Convention would discourage ratification, complicate implementation and disregard the diversity of national approaches, including those grounded in the totality of circumstances and the economic reality of the working relationship. The Article should require governments to take measures to ensure the appropriate classification of digital platform workers in accordance with national law and practice without prescribing a single classification methodology.

501. The Government members of Argentina, Chile, Costa Rica, Ecuador, Israel, Malaysia, the Islamic Republic of Iran, Peru and India supported the amendment. They considered that the classification of employment relationships should be determined in accordance with national legal frameworks and that the proposed wording would provide flexibility while respecting national sovereignty and legal diversity.

502. The Government member of Israel asked the Secretariat if a country would be considered compliant with the Article if employment relationships were determined by case law, or if it would be necessary for it to legislate.

503. The representative of the Secretary-General clarified that Article 8 established a principle-based approach to the correct classification of digital platform workers in respect of the existence of an employment relationship, which had to be guided primarily by the facts. It was for Member States, however, to determine how to implement the principle. The Article did not require the adoption of a legislation on classification of workers; it could also be implemented through court decisions, for example, or other means consistent with Article 23 of the draft Convention.

504. The Employer Vice-Chairperson asked the Secretariat whether the reference to Article 23 on court decisions would still apply if the amendment introduced by the Employers' group to the title of Part VII (A.70) was adopted.

505. The Worker Vice-Chairperson asked the Secretariat if the original Office text stating that correct classification should be guided primarily by the facts related to the performance of work, would still allow for implementation in accordance with national law and practice, including through judicial processes.

506. The representative of the Secretary-General clarified that proposed Article 23 of the draft Convention and the possibility to implement the eventual Convention through court decisions applied regardless of the adoption of the amendment. However, the amendment would modify the nature of the obligations under Article 8, as it would remove the duty to abide by the principle of primacy of facts.

507. The Employer Vice-Chairperson stated that classification was a matter of national law and should remain so. The amendment had been drafted to allow for any measures necessary to ensure appropriate classification, including measures addressing misclassification where relevant. This should not imply a presumption that businesses were failing to comply with existing rules. The objective was to ensure appropriate classification while preserving flexibility for implementation under national systems. Given the diversity of national approaches, it would be difficult to agree on a common list of factors for determining classification. Such a list could also create inconsistencies with existing national classification frameworks and pose challenges for adoption and ratification. She recalled that the standard-setting discussions on the question of contract labour at the 85th (1997) and

86th Sessions (1998) of the Conference, which had failed to reach an outcome, had stalled because of a lack of agreement on the same issue and emphasized the need for principle-based language.

508. The Worker Vice-Chairperson agreed on the need for a principle-based Convention and considered that the relevant principle was that the classification of workers should be guided by the facts relating to the performance of work. The application of that principle would remain a matter for national systems, as with other principles set out in the Convention. When workers were labelled as self-employed despite being in a subordinate relationship, the burden of proof fell on them. The Office text reflected the principle that classification should be guided by the facts of the situation rather than contractual labels. The primacy of facts was a core component of Recommendation No. 198 and was meant to address disguised employment relationships. Therefore, referencing Recommendation No. 198 was not prescriptive but necessary to give effect to a universally recognized principle.

509. The Government member of Australia considered that the Article should establish a normative standard for the classification of workers rather than simply require Member States to ensure compliance to avoid misclassification.

(The decision on A.74 was taken after the Committee had considered all the proposed amendments to draft Article 8. See paras 540–550 below.)

A.71

510. The Employer Vice-Chairperson introduced an amendment to add ", where applicable" after "Each Member shall". In some countries, classification already worked well and, in some jurisdictions, there were dedicated laws on classification in the platform economy. The provision would therefore not be applicable everywhere.

511. The Worker Vice-Chairperson did not support the amendment. It was either superfluous or might be understood to undermine the need to take measures.

A.66

512. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to include "effective and appropriate" between "Each Member shall take" and "measures". The amendment sought to ensure that Member States adopted measures that effectively enabled workers to obtain the correct classification of their employment status and were appropriate to national circumstances.

513. The Worker Vice-Chairperson and the Government member of Canada supported the amendment.

514. The Employer Vice-Chairperson indicated that, before adding qualifiers to the text, it would be useful to know how the remainder of the paragraph would be formulated.

A.91

515. The Worker Vice-Chairperson introduced an amendment to add "effectively combat misclassification of status in employment in the platform economy and", after the terms "Each Member shall take measures to". Platform workers were sometimes misclassified as independent workers and thereby denied rights and protections. Misclassification could be deliberate and used as a business model to avoid the costs and responsibilities associated with employment relationships, transferring the costs and risks of work to workers themselves. The consequences were significant, as workers could be denied rights relating to minimum wages, working time, OSH, and social protection. Members should therefore be required to take effective measures to combat misclassification, as correct classification was

important not only for workers concerned, but also for employers, social protection systems and society.

516. The Employer Vice-Chairperson did not support the amendment. It was redundant because measures to ensure appropriate classification already captured issues related to misclassification. She expressed concern that the Workers' group did not sufficiently recognize the existence of genuine self-employed workers in the platform economy. The Committee had agreed that different approaches to classification existed across jurisdictions and that the platform economy encompassed workers who are in an employment relationship, self-employed workers, and a third category, where applicable.

517. The Government member of Canada supported the amendment.

518. The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Chile, Singapore, Mexico, Colombia, Türkiye, Uzbekistan, the Philippines, Malawi, and the United Kingdom, did not support the amendment. "Correct classification" already covered the issue of misclassification.

519. The Government member of Australia could support the amendment but preferred the Office text. Measures to ensure correct classification already encompassed measures to address misclassification, and this could be clarified in the record of proceedings.

520. The Government member of Switzerland considered it difficult to take a position on the amendment in isolation, as related amendments had been bracketed. He therefore favoured discussing those amendments before deciding on the present proposal.

521. The Government member of Mexico asked the Secretariat whether the phrase "guided primarily by the facts" provided sufficient room for manoeuvre for Member States regarding the elements referred to in Article 8. In his view, the word "primarily" allowed other elements to be considered and therefore provided sufficient flexibility. He requested guidance from the Secretariat on the use of similar wording in other instruments.

522. The amendment was withdrawn.

A.72 and A.138

523. The Employer Vice-Chairperson introduced an amendment (A.72) to replace "correct" with "appropriate" before the word "classification". Classification frameworks varied significantly across jurisdictions, which the instrument should recognize without imposing a single global standard.

524. The Government member of Switzerland, speaking also on behalf of the Government members of Bahrain, India, Japan, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates and the United States, introduced an identical amendment (A.138). The replacement was substantive rather than semantic. The term "correct" carried an evaluative connotation and could imply the existence of a single predetermined outcome for the classification of employment relationships. "Classification", however, depended on the facts of each case and national legal frameworks and could therefore vary across jurisdictions. The word "appropriate" ensured that the classification process was conducted rigorously and in accordance with national law, without presupposing a single outcome, and was consistent with established ILO terminology, including Recommendation No. 198.

525. The Worker Vice-Chairperson did not support the amendment. The Secretariat had already clarified that "correct classification" meant classification based on the facts of the situation and did not predetermine the outcome of that assessment.

526. The Government members of China, Argentina and Indonesia supported the amendment, emphasizing the need to reflect national diversity in determining employment relationships.

527. The Government member of India supported the amendment, reiterating the arguments presented by the Government member of Switzerland.

528. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries, the United Kingdom, Canada and Mexico did not support the amendment. As clarified by the Secretariat, "correct" reflected a principle-based approach and did not imply a uniform outcome.

529. The Government member of Namibia, speaking on behalf of the Africa group, expressed preference for the Office text, while indicating some flexibility.

530. The Worker Vice-Chairperson noted the broad support for the Office text. Although Article 8 was of particular importance to the Workers' group, she expressed willingness, in the interest of consensus, to withdraw all amendments submitted by her group if the proponents of other amendments did likewise, so that the Committee could adopt the original Office text.

531. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Australia, the United Kingdom, Colombia, and Mexico expressed support for the proposal of the Worker Vice-Chairperson.

532. The Employer Vice-Chairperson indicated that she could not withdraw her amendments, as her group had concerns regarding the original Office text.

533. The Government member of the United States, speaking also on behalf of the Government member of Switzerland, could not accept the proposal of the Worker Vice-Chairperson.

A.73

534. The Employer Vice-Chairperson introduced an amendment to insert after "platform workers," the phrase "which is often civil and commercial relationships" with the intent to ameliorate issues of legal ambiguity with respect to the employment relationship in the Office text. The Committee had already agreed that the draft Convention covered employees, self-employed workers, and, where applicable, workers in a third category. In keeping with that spirit, the provision should make clear that it also encompasses the broader range of work arrangements such as those based on civil and commercial relationships.

535. The Worker Vice-Chairperson introduced a motion to close the discussion of Article 8 based on articles 41and 15(3)(e) of the Standing Orders of the International Labour Conference due to lack of progress in arriving at consensus on the text Article.

536. The Employer Vice-Chairperson expressed concern that amendments from various constituents had not yet been introduced or discussed, and thus all paths towards achieving consensus on proposed Article 8 had not been exhausted. She also expressed concern that the Workers' group's motion to close discussion would lead to votes on each of the eight amendments that had already been introduced, jeopardizing the Committee's prospects for social dialogue and a consensus-based outcome.

(The work of the Committee was suspended to allow consultations among its members.)

537. When resuming the discussion at a later sitting, the Worker Vice-Chairperson, noting the progress made in tripartite consultations towards reaching consensus, withdrew the motion to close the discussion on Article 8.

538. The Employer Vice-Chairperson welcomed the constructive dialogue, which had led to a possible compromise text reflecting the concerns of all parties. She underscored the importance of Article 8 and reiterated the Employers' willingness to continue the dialogue.

539. The Government member of the Niger welcomed the withdrawal of the motion and the ongoing consultations among the social partners, but recalled that a similar situation had

arisen during the first discussion without resulting in agreement. He emphasized the need for flexibility and a tripartite approach.

540. When resuming the discussion at a later sitting, the Government member of Mexico introduced a subamendment to A.74 for Article 8(1) to read:

> Each Member shall take appropriate measures to ensure the correct classification of digital platform workers in respect of the existence or non-existence of an employment relationship, guided mainly by the facts relating to the performance of work, the remuneration or payment of the digital platform worker, among other elements, and considering the specificities of work via digital labour platforms.

541. The proposal was the outcome of extensive tripartite consultations involving many Governments and the Employers' and Workers' groups. The text aimed to establish a principle-based approach consistent with the Committee's mandate while preserving flexibility for Member States.

542. The Worker Vice-Chairperson supported the subamendment. While the Workers' group preferred the Office text, she appreciated the considerable efforts undertaken to reach a compromise acceptable to all constituents.

543. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Switzerland, Brazil, India, Malawi, New Zealand, Argentina, Australia, Colombia, Singapore, Malaysia, Uruguay, Zimbabwe, Eswatini, Türkiye, Nigeria, Norway, China, Uzbekistan, Peru, Chile, and Bangladesh supported the subamendment and welcomed the compromise reached through tripartite dialogue. In its intervention in support of the consensus, the Government member of Cyprus, speaking on behalf of the EU and its Member States, underlined that the compromise translated into the Convention the principle of the primacy of facts.

544. The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the subamendment. It preserved the principles of the Office text, particularly the emphasis on a factual assessment of the work relationship, while introducing clarifications. The references to the existence or non-existence of an employment relationship and to "other elements" reinforced the flexible and principle-based nature of the provision and preserved Member States' ability to determine employment relationships in accordance with national contexts.

545. The Government member of the United States supported the subamendment noting that the proposed text would assist countries in addressing misclassification.

546. The Government member of Indonesia supported the subamendment. It provided a balanced and practical approach to classification by recognizing that the existence or non-existence of an employment relationship should be determined primarily based on factual elements, including the performance of work and remuneration, while also allowing consideration of other relevant factors. He underscored the diversity of platform work arrangements, including differences in levels of control, economic dependency and organization of work across sectors, and welcomed the reference to the specificities of platform work as a means of avoiding a one-size-fits-all approach.

547. The Employer Vice-Chairperson supported the subamendment as it represented a strong basis for progress and reflected the value of tripartite social dialogue. The group wished to underline and reiterate how they understood and interpreted Article 8 and all measures falling under the Article. National laws and practices governing the classification of workers varied significantly across jurisdictions. The instrument must respect the existence or non-existence of an employment relationship and the different approaches governments used to determine worker classification. The instrument should leave no room for legal ambiguity or inadvertent implications wrongly pointing towards the existence of one single

correct classification or that the only possible classification was that of employees. The reference to existence or non-existence of an employment relationship constituted a clear recognition that the platform economy included employees, self-employed and, where applicable, third categories. The provision must therefore be considered and applied in accordance with national laws and practices and the various ways each country gave effect to the question of classification.

548. In addition, this point was also properly reflected in the title of the part, as much as in the content of the Article. The title "classification of digital platform workers status in employment" respected and recognized the different types of workers in the platform economy, namely employees, self-employed workers and, where applicable, third-category workers. This diversity was firmly acknowledged by the Committee last year and there was no need to reopen the debate on whether these categories existed. Similarly, this understanding had been expressed many times by the Secretariat itself and was reflected in the record of proceedings. The Committee was now discussing a binding Convention that would have implications for all these categories and for the diverse arrangements they encompassed. That reality must therefore be reflected consistently throughout the whole instrument.

549. Third, it was true that in some jurisdictions, classification was determined on the basis of facts. In many Member States, however, classification was determined by numerous other elements enjoying equal importance regarding appropriate classification, including the terms of contracts, opportunity for profit and loss, exclusivity, and any investments made by the worker, for example. The adopted text, with the reference to "guided mainly by the facts relating to the performance of work, the remuneration or payment of digital platform workers, among other elements, and considering the specificities of work via digital labour platforms", did include these elements at equal level of importance as facts.

550. The amendment (A.74) was adopted as subamended and the nine other amendments fell (A.139, A.71, A.66, A.72, A.138, A.73, A.140, A.92, A.94).

551. Article 8 was adopted as amended and Part VII was adopted as amended.

Title of Part VIII

A.98

552. The Worker Vice-Chairperson introduced an amendment for the title to read: "Remuneration or payment, fees and costs, and working time" to align the title with the content of the part, assuming further amendments concerning fees, costs and working time would be adopted.

(The decision was deferred until all other amendments to Part VIII would have been considered.)

553. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions, the amendment fell and the title of Part VIII – Remuneration and payment – was adopted without amendment.

Article 9(1)

A.80

554. The Government member of the United Kingdom, speaking also on behalf of the Government members of Japan, Switzerland, Türkiye and Uzbekistan, introduced an amendment for the text after "paid in full" to read: ", subject to lawful deductions and in a timely manner, to the extent authorized by national laws and regulations or collective agreements, and by lawful means of payment, including electronic transfer where permitted under national laws and regulations."

555. The amendment aimed to improve clarity and coherence, safeguard workers' entitlement to full and timely payment, recognize lawful deductions, including those relating to tax and social security systems, while protecting against unlawful deductions, accommodate diverse payment schedules and digital means of payment, and strengthen worker protections by removing references to payment in kind.

556. The Employer Vice-Chairperson and the Worker Vice-Chairperson sought clarification on the treatment of in-kind payments under the proposed wording. While the Employer Vice-Chairperson supported the amendment in principle, the Worker Vice-Chairperson provisionally supported references to lawful deductions, timely payment and lawful means of payment, but not in-kind payments.

557. The Government member of the Islamic Republic of Iran supported the amendment. References to timely payment and lawful means of payment were positive but lawful deductions should be limited, transparent and subject to effective oversight to prevent misuse.

558. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment as it would make the provision more prescriptive.

559. The Government member of Chile supported the amendment, as it would facilitate formalization and appropriately reflected the growing use of electronic payments. The wording should be flexible enough to accommodate future developments in payment systems.

560. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment.

561. The Government member of the United Kingdom clarified that in-kind payments would remain permissible where authorized under national laws and regulations.

562. In light of this clarification, the Employer Vice-Chairperson and the Government member of Oman, speaking on behalf of the GCC countries, supported the amendment.

563. The Government member of Mexico requested clarification from the Secretariat regarding the meaning of "payments in kind" in ILO instruments.

564. The deputy representative of the Secretary-General explained that the Protection of Wages Convention, 1949 (No. 95), permitted partial payment of wages in kind under specific conditions, including that such payments be customary, appropriate for the personal use and benefit of the worker and their family, and fairly valued. Convention No. 189, also provided that the proportion of remuneration paid in kind should be limited.

565. Following the clarification provided by the Secretariat, the Government members of Namibia, speaking on behalf of the Africa group, and Mexico supported the amendment.

566. The amendment was adopted and, as a result, another amendment (A.77) fell.

567. Two amendments (A.99 and A.146) were withdrawn and Article 9, paragraph 1 was adopted as amended.

Article 9(2)

A.126

568. The Employer Vice-Chairperson introduced an amendment to delete paragraph 2 of Article 9. Remuneration and compensation for work-related expenses were already regulated under national legal frameworks and there was no justification for creating platform-specific obligations, particularly given the diversity of the platform economy. The provision could also create difficulties for countries without minimum wages.

569. The Worker Vice-Chairperson did not support the amendment. Adequate remuneration and compensation for work-related expenses were fundamental principles set out in the ILO Constitution and the Declaration of Philadelphia and were particularly important for digital platform workers. Wage levels required to ensure a decent standard of living had been set out in the Meeting of Expert on Wage Policies, including living wages (February 2024), and the Office had developed methodologies for their estimation. Compensation for work-related expenses was also critical, as platform workers, particularly those not recognized as employees, were required to bear costs that would otherwise be assumed by enterprises, thereby reducing their effective remuneration.

570. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

571. The Government member of Mexico did not support the amendment. While amendments to the text may be necessary, provisions protecting workers' rights should be retained.

572. The Government member of Brazil did not support the amendment. Decent living wages were at the core of the Convention. The Office text already accommodated countries without minimum wages through the qualifier "if any".

573. The Government members of Namibia speaking on behalf of the Africa group, Australia, Colombia, and the Philippines did not support the amendment.

574. The amendment was withdrawn.

A.127

575. The Employer Vice-Chairperson introduced an amendment to replace subparagraphs (a) and (b) with "receive remuneration in accordance with applicable national laws and regulations or collective agreements" for the same reasons as those cited during discussion of A.126.

576. The Worker Vice-Chairperson did not support the amendment. Deleting references to adequate remuneration and compensation for work-related expenses would weaken workers' protection.

577. The Government member of Brazil did not support the amendment. The proposed wording added little value, as Governments were already required to act in accordance with national laws and regulations.

578. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

579. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Uruguay, and Australia also did not support the amendment as it fundamentally altered the character of the provision by removing the requirement that remuneration be adequate.

580. The Government member of New Zealand supported the amendment but preferred retaining a reference to "adequate" remuneration.

581. The Employer Vice-Chairperson withdrew the amendment but encouraged Governments to consider whether the proposed text would create a distinct remuneration framework for platform workers alongside existing national systems.

A.101 and A.130

582. The Worker Vice-Chairperson introduced an amendment (A.101) to delete the limitation "in an employment relationship" so that the remuneration protections in Article 9(2) would apply to all digital platform workers. Many platform workers, including those not recognized as employees, faced depressed earnings through opaque algorithmic pay-setting, commission

rates, piece-rate models, unpaid waiting time and unreimbursed work-related expenses. Adequate remuneration and compensation for costs should be granted regardless of employment status.

583. The Government member of China, who submitted an identical amendment (A.130), stated that their amendment reflected current regulations and practices in China. Given the diversity, complexity and ambiguity of platform work, an excessive focus on classification would make consensus more difficult. It was preferable to focus on protecting the basic rights of platform workers, including OSH, income security and occupational insurance, irrespective of employment status.

584. The Employer Vice-Chairperson did not support the amendment as it would contradict the labour relations frameworks applied around the world. It was not possible to have a minimum wage or compensation for expenses for self-employed workers.

585. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Under proposed paragraph 3 of the Article, Member States could, to the extent possible and as appropriate, extend the measures adopted to digital platform workers who are not in an employment relationship, thus making the proposed text redundant.

586. The Governments member of Brazil supported the amendment as did the Government member of Australia, who recalled that during the first discussion in 2025 the agreed preference had been for a Convention of general applicability, covering all platform workers irrespective of their classification. The text as amended by the Worker Vice-Chairperson would provide sufficient flexibility to set the minimum standards associated with remuneration for all digital platform workers.

587. The Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Mexico, New Zealand, Chile, Norway, Japan, Türkiye, Uzbekistan and India did not support the amendment.

588. The Government member of Singapore did not support the amendment as it would be important to keep the coverage of the draft Convention broad and respect the autonomy of workers to choose their employment arrangements, payment and more.

589. The Worker Vice-Chairperson acknowledged that there was no general support for the amendment but having seen some support and given the criticality of the issue, she did not withdraw the amendment, but did not block the consensus for not adopting it.

590. The amendments were not adopted. As a consequence, another amendment (A.102) was not adopted.

A.67 and A.148

591. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment (A.67) to delete the text “that is adequate” after “remuneration” given the vagueness of the term and understanding that wages which were negotiated within many countries would be, by default, adequate. The Government member of Malayasia had submitted an identical amendment (A.148).

592. The Employer Vice-Chairperson supported the amendment and appreciated its alignment to the principle of producing an instrument compatible with the diverse practices existing within countries.

593. The Worker Vice-Chairperson did not support the amendment as it contradicted the principle that all pay for workers should be adequate.

594. The Government members of Oman, speaking on behalf of the GCC countries; the United States, India and Uzbekistan supported the amendment.

595. The Government member of Canada asked the Secretariat if other ILO Conventions referred to an "adequate minimum wage" and whether, in that context, the term "adequate" could be defined.

596. The deputy representative of the Secretary-General explained that the term "adequate" was often used in relation to wages or remuneration. There was no official ILO definition of adequate remuneration, but the *Manual for drafting ILO instruments* indicated that the term "adequate" gave Member States a certain level of discretion. The term appeared in several Conventions and in the Preamble to the ILO Constitution, which referred to adequate living wages. The Conclusions of the Tripartite Meeting of Experts on Wage Policies, including Living Wages, adopted in 2024, had observed that wage-fixing processes rested on two pillars: the needs of workers and their families, including the cost of living; and economic factors such as productivity. The term "adequate" was often used to refer to situations in which those two sets of factors were taken into account while allowing flexibility to determine the exact level.

597. The amendments were adopted.

A.103

598. The Worker Vice-Chairperson introduced an amendment to insert "inclusive of periods of time during which they are waiting for work," after "receive remuneration that is adequate" and a subamendment to insert "that is" so that the text would read: "receive remuneration that is inclusive of periods of time during which they are waiting for work, and the amount …". The amendment would ensure that periods during which workers were waiting for work or at the disposal of the enterprise be counted as paid time, regardless of the employment relationship. A platform worker's pay should be inclusive of periods of time that they spent waiting for work. Through no fault of their own, platform workers could face delays while working, like waiting for food preparation at a restaurant before delivery. It would be unfair to platform workers for platforms to externalize those costs by leaving it to workers to bear the burden of that waiting time without being paid for it. Digital platform workers' remuneration should be inclusive of periods of time for which they were waiting for work as they could not spend that time as they pleased.

599. The Employer Vice-Chairperson did not support the amendment because the text blurred the lines between independent or self-employed workers and workers in an employment relationship.

600. The Government members of Namibia, speaking on behalf of the Africa group, Cyprus, speaking on behalf of the EU Member States; Uzbekistan, the United States, India, China, Japan and Singapore did not support the amendment as being too prescriptive and inconsistent with the reality of platform work.

601. The Worker Vice-Chairperson proposed a subamendment to replace the phrase "waiting for work" with "at the disposal of the digital labour platform" to reflect the language used in the definition of hours of work included in the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). As the Committee of Experts had emphasized, both Conventions defined hours of work based on the criteria of being at the disposal of the employer and, in time counted as hours of work, the employee must be entitled to remuneration for such time, including overtime.

602. The Government members of the Philippines and Australia supported the subamendment.

603. The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU Member States, Malaysia, and Chile, did not support the subamendment.

604. The amendment was not adopted and another amendment (A.141) fell.

A.68

605. The Government member of Cyprus, speaking on behalf on the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, the Republic of Moldova and Ukraine, introduced an amendment to add "according to national law and practice" to add flexibility to the text.

606. The Employer Vice-Chairperson and the Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf on behalf of the Africa group; India, New Zealand, Singapore, the United States, Türkiye, Honduras, Uzbekistan, the Philippines, Switzerland, the Islamic Republic of Iran, Argentina and Malaysia supported the amendment for its added implication of flexibility.

607. The Worker Vice-Chairperson and the Government member of Uruguay did not support the amendment. The Worker Vice-Chairperson asked the Secretariat whether "according to national law and practice" would be better placed at the end of the sentence to ensure the intended meaning to protect national flexibility in implementation, rather than the principle that there should be compensation, which the deputy representative of the Secretary-General confirmed.

608. The Worker Vice-Chairperson introduced a subamendment to move "according to national law and practice" after "reasonably compensated". The Government member of Cyprus, speaking on behalf on the EU and its Member States, supported the subamendment.

609. The Government member of Brazil wondered if the multiple insertions of the phrase "according to national law and practice" nullified the value of an international instrument.

610. The amendment was adopted as subamended.

A.105

611. The Worker Vice-Chairperson introduced an amendment to remove "reasonably" before "compensated". Persons having to pay expenses or costs incurred in the performance of their work should be compensated for those costs.

612. The Employer Vice-Chairperson did not support the amendment.

613. The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Oman, speaking on behalf of the GCC countries; Brazil; and Uzbekistan supported the amendment.

614. The amendment was adopted.

615. An amendment (A.149) submitted by the Government member of Malaysia for the first part of subparagraph (b) to read "are compensated, where applicable," was not seconded and therefore not discussed.

616. Article 9, paragraph 2 was adopted as amended.

Article 9(3)

A.83 and A.57

617. The Employer Vice-Chairperson introduced an amendment (A.83) to delete the text of Article 9(3) because it blurred the distinction between employees and self-employed workers. The text would contradict the agreements reached by the Committee under the Articles concerning definition and scope, as well as Article 9(2), that there was a distinction between

employees and those not in an employment relationship in national legal frameworks and labour laws, and that the content of Article 9(2) should not apply to self-employed workers.

618. The Government member of India, speaking also on behalf of the Government members of Argentina, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, Türkiye, the United Arab Emirates, the United States and Uzbekistan introduced an identical amendment (A.57) to preserve the conceptual and legal distinction between employment and non-employment relationships within the platform economy. Extending the remuneration measures itemized in Article 9(2) to those not in an employment relationship raised significant legal, interpretive and implementation challenges, given the differences across jurisdictions, and created uncertainties linked to implementation and enforcement. He also questioned how Member States would report on the Article.

619. The Government member of China withdrew an identical amendment (A.128).

620. The Worker Vice-Chairperson did not support the amendment. Article 9(3) was necessary to ensure effective protection for digital platform workers outside an employment relationship as they comprised a large proportion of the platform workers that the draft Convention sought to protect and were more likely than employees to bear the full costs and expenses incurred in performing their work. Limiting adequate remuneration and compensation for work-related expenses to workers in an employment relationship would leave some of the most vulnerable platform workers without protection and create incentives for misclassification, as access to remuneration guarantees would thus depend on the outcome of classification disputes. The qualification "to the extent possible and as appropriate" in the Office text provided sufficient flexibility for implementation across different legal systems.

621. The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment. The provision did not blur the lines but rather reflected the realities of work in the platform economy, namely that there were different classifications. The Office text reflected the Committee's commitment to the principle-based approach to providing broad and inclusive protections for all digital platform workers. Moreover, the proposed Article would not impose a rigid obligation.

622. The Government members of Brazil, Mexico and Malawi did not support the amendment because the draft instrument's intent was to cover all digital platform workers. The proposed Article provided an option to extend protection to self-employed workers while respecting the diversity of national legal systems.

623. The Government members of Chile and New Zealand supported the amendment because the Office text created uncertainty about the distinctions between employees and self-employed workers.

624. The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Uruguay, Colombia, Peru and Switzerland did not support the amendment because the proposed Article 9(3) offered sufficient flexibility for Member States to make choices on the extension of protections beyond employees with the phrase "to the extent possible and as appropriate".

625. The Government member of Singapore asked the Office to clarify the terms "appropriate" and "to the extent possible" and whether they would enable the preservation of distinctions within each Member States' legal systems.

626. The deputy representative of the Secretary-General explained that the phrase "to the extent possible and as appropriate" left flexibility for Member States to determine which provisions could be extended to which categories of digital platform workers considering national conditions and specific circumstances such as modalities of work. Extending those protections might not be possible, for instance owing to enforcement capacities, where

workers worked online or where workers, the platform and the clients were situated in different countries. In other instances, it might not be appropriate, for example, setting minimum rates for highly qualified platform workers might be considered inappropriate.

627. The Government members of Singapore, Indonesia and Egypt did not support the amendment given the response of the Secretariat.

628. The Government member of Canada did not support the amendment as it remained important for governments to fill regulatory gaps and extend legal protections to platform workers regardless of their status. The proposed Article would provide sufficient flexibility to facilitate its implementation.

629. The Government member of the Niger did not support the amendment. Articles 1 and 2 set the scope of the instrument to protect all digital platform workers regardless of the employment relationship. The distinction on the classification of workers in the two paragraphs of Article 9 was clear: paragraph 2 would apply to digital platform workers in an employment relationship, and paragraph 3 would apply, to the extent possible and as appropriate, to those who were not.

630. The Government member of Australia did not support the amendment. The decent work deficits faced by self-employed workers in the platform economy, particularly regarding pay, deserved serious consideration as part of a standard-setting discussion aiming to establish decent work for all platform economy workers.

631. The Government member of Türkiye considered that the adoption of draft Article 9 would reopen the discussions on some provisions already agreed upon. Extending the scope to include platform workers who were not in an employment relationship would create significant challenges for Member States in terms of implementation and reporting on its application upon ratification.

632. The Government member of the United States supported the amendment. The proposed text of paragraph 3 went far beyond paragraph 2 and would pressure governments to extend employee-level remuneration protections to individuals not in an employment relationship. It would impose a sector-wide mandate and unfairly burden those commercial arrangements built around digital technologies. It would not improve the conditions of remuneration for digital platform workers who wanted to remain independent, as platforms would have to behave like employers by setting rules to organize the work of these workers, taking away flexibility, freedom and autonomy. It also would create an international framework that disfavoured entrepreneurship and innovation as imposing new regulations on independent platform could discourage the expansion of the sector which has generated new work opportunities, particularly for small businesses, around the world.

633. The draft Convention should not be built on an institutional model that would not exist in many Member States. The draft already gave the means to avoid misclassification and to thus clearly identify workers in an employment relationship that would receive full remuneration protections under Article 9(2). Where workers were genuinely independent, remuneration protections designed for employment relationships would not be appropriate and should not be imposed. A binding international instrument should not codify the belief that employment was inherently superior or that other forms of work were deviations to be corrected. To ensure the draft Convention remain balanced, coherent and adoptable, he urged the deletion of Article 9(3).

634. The Government members of Oman, speaking on behalf of the GCC countries; Argentina, and Uzbekistan supported the amendment. The proposed text disregarded the autonomy and responsibility of self-employed workers and undermined the distinction between independent and employed workers that other Articles tried to strengthen.

635. The Government member of Türkiye asked the Secretariat whether the expression "to the extent possible and as appropriate" would ensure flexibility for governments when applying the Convention.

636. The deputy representative of the Secretary-General clarified that ratifying Member States would be required to report on the extent to which the measures under Article 9(3) had been extended to workers outside an employment relationship and to explain at the same time the reasons for which some measures or some categories of workers were not included in those extensions.

637. The Government member of Brazil noted that phrases such as "to the extent possible" were used in other instruments such as the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and Convention No. 190.

638. The Employer Vice-Chairperson pointed to impracticalities in extending protections on remunerations to self-employed workers for instance in determining who would pay the minimum wage for self-employed platform workers and how to determine responsibility when workers were engaged through multiple platforms. The provision would also create an imbalance in the treatment of self-employed digital platform workers and self-employed workers who are not platform workers and ultimately prevent innovation and business expansion. It would be especially harmful to small platforms operating in developing countries.

639. The proposed Article 9(3) introduced a risk that the draft Convention would extend two competing understandings of its definitions and scope in the area of remuneration, thus undermining its legal coherence and generating interpretive ambiguity. While there was agreement that the draft instrument covered workers of all classification statuses, it did not mean that every provision would apply to all workers. She asked the Secretariat to confirm that Article 9(1) was relevant for countries that had a minimum wage for all workers, including the self-employed.

640. The deputy representative of the Secretary-General confirmed that where national laws, regulations or collective agreements provided for a minimum wage applicable to self-employed workers, the obligation to ensure payment of amounts due in full, subject only to lawful deductions and through lawful means, would apply equally to those workers.

641. The Worker Vice-Chairperson noted that draft Article 9(3) had no impact on the definitions set out in Article 9(2). Instead, it offered the option of extending the measures set out in Article 9(2) to workers outside an employment relationship. The provision was important to allow States the opportunity to ensure basic dignity to all platform workers, to protect the many workers who were not in an employment relationship from poverty, and, by extension, to prevent wage depression among workers generally.

642. The Government member of South Africa did not support the amendment or the arguments that the Office text blurred the established distinctions in employment status agreed to in Article 1. The inclusion of the proposed paragraph would accord to the recognition made in the draft Convention to the existence of digital platform workers with or without an employment relationship but would not impose that similar conditions be extended to each group. The proposed text would offer flexibility and discretion to Member States.

643. The Government members of Uruguay and the Niger recognized concerns about the impact of regulation on smaller and emerging platforms but asserted that governments had a responsibility to strike a balance between supporting innovation, employment creation and ensuring adequate worker protection.

644. The Government member of Burkina Faso did not support the amendment. Paragraph 3 was central to the principle of universality, as it sought to extend key remuneration-related

protections to platform workers outside employment relationships. Many platform workers in Africa operated in the informal economy or under hybrid arrangements and were commonly classified as independent contractors. Deleting paragraph 3 would leave a large and vulnerable segment of platform workers without adequate remuneration protections and would undermine the relevance and credibility of the Convention for African countries.

645. The Government member of Uzbekistan acknowledged the Secretariat's explanation but maintained concern that despite the intended flexibility, workers outside an employment relationship would remain within the scope of the provision and Member States would still be required to report on measures affecting those workers after ratification.

646. The Government member of the United States argued that applying employee-style remuneration rules to workers outside an employment relationship could inadvertently increase the costs of formal participation to a level that small operators and new market entrants would be unable or unwilling to meet. This could encourage self-employed workers and small businesses to operate informally. Prolonged operation in the informal economy could limit opportunities for business growth and formalization, and therefore an approach that allows self-employed platform workers to determine their own remuneration arrangements within the formal economy was preferable.

647. The Government member of Zambia did not support the amendment since the text allotted the flexibility for governments to determine what is appropriate and possible considering national circumstances and given the broad principle of the draft Convention to ensure decent work for all platform workers.

648. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Each Member shall give consideration to whether the measures adopted notably under paragraph 2(a) of this Article shall be provided to digital platform workers who are not in an employment relationship.

649. Amendment A.83 was adopted as subamended and, as a consequence, amendment A.57 fell.

650. Another amendment (A.106) was withdrawn and paragraph 3 was adopted as amended.

Proposals to insert new paragraphs in Article 9

A.108

651. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph after paragraph 3 that read:

> Each Member shall take measures to ensure that digital platform workers:
>
> (a) are adequately protected in relation to maximum hours of work and minimum rest periods;
>
> (b) are compensated for the periods of time during which they are waiting for work;
>
> (c) can decline a task or disconnect from a digital labour platform without retaliation.

652. Limits on working time and guarantees of minimum rest were among the oldest and most relevant protections in international labour standards. Platform work created strong incentives for workers to remain connected for extended periods, particularly where access to income depended on unpredictable demand, ratings, incentives or the algorithmic allocation of tasks, making excessive hours and insufficient rest foreseeable risks. The provision did not prescribe a single model of working time regulation but sought to ensure protection against excessive hours, which were closely linked to OSH risks particularly in sectors such as transport and delivery. Workers often spent significant periods awaiting assignments, preparing for work and travelling while remaining available for dispatch and

constrained in their use of time. As payment was limited to completed tasks, the cost of demand fluctuations was borne by workers, reducing effective hourly earnings, in some cases below minimum wage levels. A right to disconnect was necessary to safeguard health and safety, as continuous availability could lead to fatigue, road safety risks and psychosocial harm. Workers needed to be able to decline tasks without retaliation or penalties, in line with the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Penalties for refusal, such as suspension or deactivation, undermined that freedom. The phrase "shall take measures" reflected the need to implement measures in accordance with national circumstances.

653. The Employer Vice-Chairperson did not support the amendment. Certain rights pertained to an employment relationship, as was very clear in subparagraphs (a) and (b). It would be impossible to monitor compliance with limits on working time or rest periods of self-employed workers, and it was unclear who would be responsible for such monitoring. The autonomy to decide when to work and rest was inherent in self-employment. Similar issues arose regarding compensation, as no compensation could be provided in the absence of economic activity. Overall, the amendment blurred the distinctions between different employment statuses.

654. The Government members of Cyprus, speaking on behalf of the EU and its Member States; and Namibia, speaking on behalf of the Africa group, did not support the amendment because it was too prescriptive.

655. The Government member of Switzerland introduced a subamendment, seconded by the Government member of Australia, to insert, after "measures", the phrase "considering digital platform workers' statuses in employment", to provide the legal basis for national application without undermining protections.

656. The Worker Vice-Chairperson asked whether the text, as subamended, would mean that Member States should consider digital platform workers' status in employment when taking implementation measures, specifically, to which the deputy representative of the Secretary-General responded affirmatively.

657. The Employer Vice-Chairperson and the Government member of Namibia, speaking on behalf of the Africa group, did not support the subamendment as it was too prescriptive and added to legal uncertainty.

658. The Government member of Switzerland withdrew the subamendment.

659. The Government member of Grenada, speaking on behalf of the CARICOM countries, recognized the importance of the objective pursued by the amendment. However, the provision was overly prescriptive and insufficiently reflective of the legal and labour market realities of Member States.

660. The Government member of Uzbekistan did not support the amendment as it introduced highly specific obligations that were closely linked to the classification of digital platform workers and were addressed differently across national systems. The Convention should establish broad principles while allowing sufficient flexibility for Member States to determine the most appropriate means of implementation in line with national practice.

661. The Government member of Bangladesh did not support the amendment. Making such obligations mandatory would affect workers' welfare, since many workers were also consumers, and the cost of goods and services was kept low partly because of those factors. Entrepreneurship and participation in digital platforms might be affected, and provisions on maximum hours of work and compensation for waiting time might ultimately reduce workers' opportunities to work.

662. The Government member of Canada indicated that such a provision was already in the draft Recommendation. However, given the possibility that the Committee might not reach the draft Recommendation, retaining the language in the Convention was important.

663. The Employer Vice-Chairperson reiterated her commitment to discuss the issue in the context of the draft Recommendation, where such a provision could be considered.

664. As a result of an agreement reached between the Employers' and Workers' groups through informal discussions having taken into account the views of government members, the amendment was not adopted.

A.109

665. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph after paragraph 3 reading "Each Member shall prohibit digital labour platforms from charging fees or costs to digital platform workers". The long-standing fundamental principle that labour was not a commodity implied that work should be free of charge to workers. Charging fees or costs to workers could give rise to abusive practices and trap workers in debt. High and variable commission rates, as well as additional fees charged after a job had been accepted, required workers to undertake work without knowing their net remuneration. Such fees and commissions also constituted a significant source of platform revenue.

666. The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, India, Brazil, and Uzbekistan did not support the amendment. The text was too broad and prescriptive. It limited business freedom, blocked entrepreneurship and might prohibit legitimate business arrangements between digital labour platforms and platform workers.

667. The Worker Vice-Chairperson introduced a subamendment to add "take appropriate measures to" after "shall", and "save for optional services offered by the digital labour platform that are not necessary for accessing or performing work or receiving remuneration or payment" after "workers". While allowing platforms to charge for optional additional services, the subamendment maintained the principle that workers should not have to pay fees or costs to access or perform work, or to receive remuneration or payment.

668. The Employer Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; and Nigeria, did not support the subamendment. It was too rigid given the diversity of national laws and platform business models.

669. The Government member of Tunisia asked the Secretariat whether there were any legal grounds preventing digital labour platforms from making deductions from workers' remuneration or imposing costs and fees on workers.

670. The deputy representative of the Secretary-General clarified that the Private Employment Agencies Convention, 1997 (No. 181), provided that private employment agencies should not charge, directly or indirectly any fees or costs to workers. The Protection of Wages Convention, 1949 (No. 95), also provided that any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment should be prohibited.

671. The Government member of South Africa recognized that the amendment raised an important issue but considered the conflation of employment and independent contractor status problematic. Certain contractual arrangements contained subscription fees based on clear commercial agreements and rationales. Restrictions on such arrangements were unlikely to find support given the legal distinction between employment relationships and

commercial activities. Appropriate language was needed to protect workers in both contexts while also accommodating enterprise development and economic activity. The intention of the amendment, namely to prohibit charging for work and prevent arbitrary or unreasonable deductions, could be expressed more clearly.

672. The Government members of Mexico and Singapore did not support the amendment.

673. The Worker Vice-Chairperson proposed a further subamendment to replace "save for optional services offered by the digital labour platform that are not necessary for accessing or performing work or receiving remuneration or payment" with "to access work".

674. The Government members of Uzbekistan and India did not support the amendment or subamendment. The proposal concerned the operational and commercial functioning of digital labour platforms rather than labour protection and the matter would be better addressed in the draft Recommendation.

675. The Government member of Argentina stated that no worker should be required to pay to access work, but considered that the right was already captured for workers in an employment relationship in the ILO's fundamental Conventions. Attempting to apply it to self-employed workers could interfere with freedom of contract and freedom of enterprise.

676. The Government members of Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; and the Government members of India, Chile, Peru and the United States did not support the amendment or subamendment as the matter was already addressed, appropriately, in the draft Recommendation. The Government members of Grenada, speaking on behalf of the CARICOM countries, and the United States added that the wording did not adequately distinguish between different work relationships.

677. The Government member of Bangladesh did not support the amendment or subamendment. He questioned whether the proposed prohibition on charging fees would extend to service fees charged for using the platform and who might pay for those fees if not the workers. Prohibiting such fees could have an unfair impact on platform owners, many of whom were themselves self-employed.

678. The Worker Vice-Chairperson reiterated that the prohibition to charge fees to workers emanated from a foundational principle that was well-established in international labour standards and should therefore be included in the Convention, especially if the intention was for the Convention to be principle-based.

679. As a result of an agreement reached between the Employers' and Workers' groups through informal discussions having taken into account the views of government members, the amendment was not adopted.

680. Article 9 was adopted as amended.

Article 10

A.69

681. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to insert ", according to national law and practice," after "Each Member shall". While his group supported the provision of information to digital platform workers, flexibility was needed to take account of different national laws and practices concerning remuneration, payment and deductions.

682. The Employer Vice-Chairperson supported the amendment.

683. The Worker Vice-Chairperson did not support the amendment, noting that proposed Article 23(1) already provided flexibility in implementing the provisions of the Convention. Recalling prior advice from the Legal Adviser that the proposed phrasing was not always the best way of qualifying how measures should be taken, she introduced a subamendment to replace ", according to national law and practice," with "take appropriate measures to".

684. The Government member of Oman, speaking on behalf of the GCC countries, could support the amendment and subamendment.

685. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

686. The Employer Vice-Chairperson did not support the subamendment. It was her understanding that the Committee had agreed that the phrase "according to national law and practice" did not have the same meaning as "take appropriate measures".

687. The Worker Vice-Chairperson and the Government member of the United Kingdom asked the Secretariat to explain the different legal effects of the phrase "according to national law and practice". The Government member of the United Kingdom asked the Secretariat to confirm if the same logic applied to the use of other similar qualifying phrases such as "according to classification of status in employment".

688. A representative of the Legal Adviser recalled the Legal Adviser's earlier guidance that the legal effect of the phrase "according to national law and practice" depended on the substantive and grammatical context. When it appeared at the at the beginning of a sentence after the verb "shall", it tended to restrict the content of the obligation itself whereas, in this case, if it appeared later in the provision, for instance after the word "provide", it would more clearly be understood as referring to the means of implementation of Members' obligations. The same applied to similar qualifying phrases such as the one mentioned by the Government member of the United Kingdom.

689. The Government member of Australia supported the subamendment. The Article as proposed in the Office text intended to create a substantive obligation to correct information asymmetries in the platform economy, which should not be diluted by circumscribing it to national law and practice. "Taking appropriate measures", however, was more in line with the Office text.

690. The Government members of Grenada, speaking on behalf of the CARICOM countries, and the Government members of Uzbekistan, Singapore, Chile, India, Japan, and Peru supported the amendment (A.69) but did not support the subamendment.

691. The Government member of Namibia, speaking on behalf of the Africa group, and the Government member of Bangladesh did not support the amendment or the subamendment.

692. The Government member of Uruguay noted that the use of the word "require" in proposed Article 10 created a positive legal obligation for Member States. Based on the Secretariat's explanation, he understood that making that obligation subject to national law and practice would undermine it, as it weakened the expectation that States adopt new national regulations.

693. The Government members of Brazil and Mexico did not support either the amendment or the subamendment. Having heard the Secretariat's explanation, the Government member of Mexico stated that the Office text more effectively addressed information asymmetries between workers and digital labour platforms.

694. The Government member of Switzerland did not support the subamendment, but supported the amendment and indicated flexibility regarding the placement of the phrase "according to national law and practice".

695. The Government members of New Zealand; Malaysia; and Türkiye supported the amendment and not the subamendment.

696. The Government members of Colombia and Malawi preferred the Office text after having heard the Secretariat's explanation.

697. The Worker Vice-Chairperson withdrew the subamendment. She expressed preference for the Office text but could support the amendment if the wording ", according to national law and practice," was moved after the verb "provide".

698. The Government member of Brazil introduced a subamendment, seconded by the Government member of Mexico to move ", according to national law and practice," after "provide".

699. The Government members of Zimbabwe and Malawi preferred the Office text as they found it provided greater flexibility, particularly for Member States without existing laws that might apply to the platform economy. The insertion of "according to national law and practice", wherever it was placed in the Article, appeared to assume the existence of relevant national laws and practices, making it unclear how countries without them could comply with the Article, should the amendment or subamendment be adopted. The issue was particularly relevant for countries that had not yet established a specific legal framework for platform work. They asked the Secretariat to clarify the practical implications of the amendment and subamendment for Member States that had no applicable legislation, or no legislation concerning the platform economy specifically. It was their understanding that the purpose of a Convention was to provide Member States with the standards upon which future legislative reforms could be adopted to comply with its provisions, a purpose that was particularly relevant to those that had not yet regulated the platform economy.

700. The Worker Vice-Chairperson expressed preference for the Office text after having heard the remarks of the Government member of Zimbabwe.

701. The Government member of Argentina supported the amendment and could support the subamendment.

702. The Government member of the Niger asked the Secretariat if the ILO considered that the expression "in accordance with national law and practice" carried a specific legal meaning or set of implications, or if its implementation was left to the discretion of Member States without further consequences at the supervisory level. He also asked for the Secretariat to cite sources for the answers provided.

703. The Government member of Namibia, speaking on behalf of the Africa group, asked the Secretariat to clarify whether the proposed text referred to general labour laws already in place or to the specific law for the platform economy, which certain countries still needed to develop.

704. The Employer Vice-Chairperson echoed the questions asked by the Government members of Namibia on behalf of the Africa group and the Niger. Further clarification was needed regarding the meaning and implications of the phrase "according to national law and practice," both in Article 10 and throughout the draft instrument. She sought guidance from the Legal Adviser on how ILO instruments typically ensured that provisions were applied consistently with existing national laws and practices without limiting their applicability in countries where no such legislation yet existed.

705. The Government member of Switzerland asked whether adding the phrase "according to national law and practice" in the Article meant that a country must already have existing legislation covering platforms, or whether the phrase simply meant that measures taken should be consistent with existing national legislation.

706. The Government member of Cyprus, speaking on behalf of the EU and its Member States, stated that they would not block any emerging consensus on the subamendment.

707. The Government member of Australia noted that it should not be controversial that workers benefit from pay transparency. The ILO supervisory system already had an inherent, in-built flexibility in relation to the implementation of international labour standards.

708. The Government member of Singapore did not support the subamendment as it was too prescriptive and technical. The Article addressed the substance of obligations placed on countries and was not just an issue of implementation.

709. The Government member of the United States understood that in the absence of a preexisting law specific to the platform economy, a country was to operate within its framework of labour law in general but could still ratify and implement the Convention.

710. An expert from the International Labour Standards Department (NORMES) explained that several ILO instruments contained the clauses "in accordance with national law and practice" or "according to national law and practice". Proposed Article 10 of the draft Convention, as it stood, established an obligation to produce a certain result, which was that digital labour platforms provide accurate and easily understandable information on remuneration or payment and on any deductions made to digital platform workers. It was an obligation to which ratifying Member States would be expected to give effect.

711. The phrase "in accordance with national law and practice" allowed Member States to determine, through tripartite consultation, the methods of achieving that result, without detracting from the key obligation. The phrase did not establish an obligation to adopt legislation. It required law and practice to be aligned with the obligation in the provision, meaning first and foremost that they should not conflict with it. Member States did not necessarily need to give effect to the obligation through the adoption of new laws; there were other means of giving effect to the obligation, including collective agreements, arbitration awards, decisions from authorities, executive decrees and practices.

712. If no laws, regulations or practices existed, the function of the Convention was precisely to provide guidance. The proposed Article contained elements of guidance that countries could follow even without preexisting law or practice: it identified the duty bearer as digital labour platforms; the rights holder as digital platform workers; and the nature and qualities of the obligation, to provide information that needed to be accurate and easily understandable.

713. The placement of the phrase in the sentence would not have significant implications for its meaning. In the interest of clarity, however, it was best placed after "provide", because it was then the manner in which the information was provided that would be qualified by "in accordance with national law and practice".

714. There were alternatives to the qualification "in accordance with national law and practice" such as "consistent with national law and practice", "in line with national law and circumstances", or "compatible with national law". While their wordings differed, they shared the aim of creating alignment between national law and practice and the international labour standard to be adopted.

715. The Government member of Malawi asked the expert from NORMES to confirm her understanding that, under Article 10 as it was phrased, Member States would not be required to have platform-specific legislation; they could draw on other existing regulations of relevance, such as an employment act that governed lawful deductions that could be applied to the platform economy. The expert from NORMES confirmed his understanding.

716. The Government member of Cyprus, speaking on behalf of the EU Member States, proposed a further subamendment to delete "according to national law and practice" and to insert "take appropriate measures to" after "shall", following the explanation provided by the expert from

NORMES and by previous explanations provided by representatives of the Secretariat. The term "appropriate measures" provided the intended flexibility for Member States to implement the provision.

717. The Employer Vice-Chairperson asked the Secretariat whether "according to national law and practice" equated to not contradicting national law and practice, where it existed; whether Member States had reporting obligations regardless of the inclusion of such language; whether the use of such language had a similar legal effect when speaking of employment classification; and if there was a difference between "take appropriate measures" and "according to national law and practice".

718. The Government member of Australia questioned whether the language was necessary at all, or if the ILO supervisory mechanisms understood that countries would have flexibility to consider how best to give effect to the substantive obligation set out in a provision.

719. The expert from NORMES noted that, if the qualification were to be included in Article 10, it would mean that national law and practice would have to give effect to the Article's central obligation, that is, the provision of accurate and easily accessible information. National law and practice that was clearly not in conformity with the proposed standard would have to be reviewed and revised. The international labour standard in itself did not have to reflect national law and practice as it stood around the world because the purpose of adopting a standard was to bring national law and practice in line with international standard to give effect to it over time.

720. If the provision were adopted as it stood, ratifying Member States would have to report on the result and on the methods, namely how information on remuneration or payment and deductions was provided, specifying means taken in law, whether through specific or general legislation, and in practice. When "in accordance with national law and practice" related to classification, it would also provide flexibility with respect to the methods pursued in giving effect to the obligation established. Finally, using "appropriate measures" instead of "according to national law and practice" would offer the same level of flexibility with respect to the methods pursued in making the information available. In line with the ILO Constitution, it remained a question of bringing law and practice into conformity with the standard.

721. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Mexico, and Colombia supported the subamendment.

722. The Worker Vice-Chairperson and the Government member of Grenada, speaking on behalf of the CARICOM countries; Australia and Canada, supported the subamendment, on the understanding that it meant that Members would have to take measures that were appropriate to implement the rights in question.

723. The Employer Vice-Chairperson supported the subamendment.

724. The amendment was adopted as subamended.

A.84

725. The Employer Vice-Chairperson submitted an amendment to replace the word "require" with "encourage", so that the text of Article 10 would read: "Each Member shall encourage digital labour platforms to regularly provide digital platform workers with accurate and easily understandable information on their remuneration or payment and any deductions made." The intention was to ensure that the instrument was not too prescriptive, as platforms, especially small or new ones would struggle to provide information to workers regularly, and it was important that the provision not become a barrier to entrepreneurship.

726. The Worker Vice-Chairperson did not support the amendment as workers needed clarity on and transparency around their remuneration or payment, and "encourage" was not appropriate terminology for an international labour standard.

727. The Government member of Mexico did not support the amendment. It seemed clear that platforms had to give clear, precise and timely information to workers.

728. The Government member of Chile did not support the amendment. While there was information that companies should not have to disclose to employees, information concerning a worker's payment was basic information to which they had a right.

729. The Government member of Brazil did not support the amendment. Digital labour platforms, like all companies, should be required to provide workers the information concerned, including in the interest of fair competition.

730. The Government member of New Zealand supported the amendment. The word "require" would entail that governments had to monitor and enforce the requirement, which would be especially difficult in the context of commercial relationships. Such a requirement raised practical questions, including how to determine whether information was considered easily understandable and how to develop a compliance framework and apply penalties when it was determined that information provided was not easily understandable. He questioned whether enforcing such requirements was a good use of Government resources compared with other cases of non-compliance with the law and noted the risk of Government overreach into the affairs of private enterprise.

731. The Government member of Colombia did not support the amendment, emphasizing that workers must understand what remuneration or payment they were agreeing to prior to undertaking work and must be able to verify the amount payable upon completion. Remuneration transparency was essential for workers to meet other obligations, including tax declaration.

732. The Government members of Uzbekistan, Namibia, and Australia did not support the amendment.

733. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. Governments, as enforcement authorities, required workers to have accurate and complete information to resolve complaints effectively.

734. The Government member of Australia did not support the amendment, stating that the purpose of the Article was to establish a clear, enforceable benchmark for workers across jurisdictions, which wording that simply required Member States to "encourage" action would fail to provide.

735. The amendment was withdrawn.

A.86 and A.62

736. The Employer Vice-Chairperson introduced an amendment (A.86), proposing the deletion of the word "regularly". The Employers' group supported the objective of ensuring transparency in remuneration but considered that the term "regularly" did not adequately reflect the diversity of platform work arrangements, nor the capacity of many digital platforms. Many platform workers engaged in irregular or task-based work, rather than in recurring schedules, which make the regular provision of information inappropriate or impractical. Similar considerations had been discussed under Article 9(1) regarding payments, where the Committee, acknowledging the irregularity of some platform work, had agreed on language emphasizing timeliness rather than fixed periodicity. Consistency across provisions was essential.

737. The Government member of Japan, speaking also on behalf of the Government members of Saudi Arabia, Bahrain, Chile, the United Arab Emirates, the United States, India, Kuwait, Oman, Uzbekistan, Qatar and Türkiye introduced an identical amendment (A.62) because the requirement to disclose information regularly did not reflect the reality of one-off or occasional work arrangements. The deletion could facilitate wider ratification of the Convention.

738. The Worker Vice-Chairperson did not support the amendment. Transparency regarding remuneration constituted a fundamental precondition for the effective exercise of workers' rights, particularly in the platform economy where remuneration was often determined through complex mechanisms, including algorithms, dynamic pricing, incentives and deductions. Workers required accurate and accessible information to verify payments and challenge errors. Remuneration systems could change frequently and automatically, and information provided at first might quickly become outdated. Workers in employment relationships outside of the platform economy routinely received regular pay slips or invoices detailing earnings and deductions, and self-employed workers routinely had invoices reflecting taxes, deductions and fees. There was no reason the same standards should not be applied to workers in the platform economy, especially given the capacity of digital platforms to automate such processes.

739. The Government members of Colombia and Mexico did not support the amendment, pointing to significant information asymmetries in the platform economy. It was necessary and feasible for platforms to provide such information when applicable, whether by task or by periodicity. Such information was also essential for compliance with tax obligations and for the exercise of other rights.

740. The Government member of Brazil underscored the importance of transparency for ensuring fair competition, noting that such practices were standard in other sectors and should apply equally in the platform economy.

741. The Government members of Argentina and the United States supported the amendment because it ensured that the Article would apply to all digital platform workers, irrespective of the existence of an employment relationship. The term "regularly" implied a continuous employment relationship and did not reflect the reality of independent contracting, where engagements were intermittent.

742. The Government member of Namibia, speaking on behalf of the Africa group, asked the Secretariat to define "regularly".

743. The deputy representative of the Secretary-General explained that "regularly" referred to the need to provide information at appropriate intervals rather than only once at the start of engagement. This could include, for example, after each task or on a periodic basis. The objective was to ensure that workers received timely information enabling them to assess whether remuneration and deductions were accurate and, where necessary, to seek redress.

744. The Employer Vice-Chairperson, agreeing that it was important to uphold fair competition, proposed a subamendment to add the words "in a timely manner" after the word "provide", as it could apply to both task-based and continuous or regular engagements. The wording was also consistent with that adopted in Article 9(1).

745. The Government members of Japan, India, Chile, Peru, Brazil, Argentina, Türkiye, Singapore, Uruguay, Honduras, Uzbekistan and Colombia supported the subamendment.

746. The Government member of Singapore suggested adding a comma after "manner"; the suggestion was referred to the Drafting Committee.

747. The Government member of Mexico indicated a preference for the Office text but supported the subamendment as long as it safeguarded workers' right to information.

748. The Worker Vice-Chairperson preferred the Office text but accepted the subamendment on the understanding that it maintained the requirement for accurate information and ensured that such information would be provided in a timely manner, particularly in cases of ongoing remuneration.

749. The amendments were adopted as subamended.

A.129

750. The Government member of the United States introduced an amendment, seconded by the Government member of Israel, to insert after "workers", the phrase "in an employment relationship under national law and practice". The duty to provide regular, detailed remuneration information presupposed an employment relationship and a clear legal framework governing wage deductions and employer responsibilities. Applying the requirement to workers outside of an employment relationship would create legal uncertainty, impose obligations on platforms without a corresponding basis in national labour law, and blur important distinctions between employees and independent contractors. Such legal clarity was especially needed considering the Legal Adviser's explanation regarding the terms "take appropriate measures" and "national law and practice".

751. The Worker Vice-Chairperson did not support the amendment. Workers classified as self-employed could not meaningfully assess the value of their work, the profitability of their activity, or the fairness of contractual terms without knowing how remuneration or payment had been calculated and what deductions had been made. In platform work, prices, commissions, fees, incentives and deductions were frequently determined unilaterally by the platforms and could change over time without notice. Transparency regarding payments was especially important for workers outside an employment relationship, who were expected to bear economic risks and manage their own activity.

752. The Employer Vice-Chairperson expressed flexibility on the amendment and asked that the correction regarding "payment" be made to ensure consistency with agreed definitions. Moreover, she recalled that the Office's explanation regarding national law and practice meant that countries would have to rewrite their laws regardless of the framing, which the Committee should be mindful of.

753. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Australia, Colombia, Brazil, China, and Mexico did not support the subamendment. The obligation to provide accurate and easily understandable information should benefit all digital labour platform workers, regardless of their classification in employment.

754. The amendment was withdrawn.

A.87

755. The Employer Vice-Chairperson introduced an amendment deleting "and easily understandable" before "information", as it could lead to differing interpretations. The term "accurate information" that remained was more objective.

756. The Worker Vice-Chairperson did not support the amendment, arguing that information provided to workers should be not only accurate but also easily understandable, particularly where remuneration involved complex calculations, commission structures or varying rates of pay. Information generated through algorithmic systems may be technically accurate yet difficult for workers to comprehend, undermining their ability to verify and challenge payments where necessary. The concept of providing information in an understandable

manner was already reflected in established international labour standards, such as Conventions Nos 189 and No. 95.

757. The Government members of New Zealand and Uzbekistan supported the amendment.

758. The Government member of Mexico did not support the amendment, emphasizing the importance of ensuring that information provided to workers was easily understandable. Mexican legislation adopted by tripartite consensus required the use of simple language, avoiding imprecise, ambiguous or vague expressions. Workers should be able to clearly identify how much they have earned, when payments were made and how commissions or percentages were calculated.

759. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia speaking on behalf of the Africa group; and Colombia did not support the amendment.

760. The Employer Vice-Chairperson proposed to add, after "accurate", the term "and clear" information.

761. The Government members of Namibia speaking on behalf of the Africa group; the Niger, and Colombia did not support the amendment nor the subamendment.

762. The Government member of Peru supported the subamendment.

763. The Worker Vice-Chairperson did not support the subamendment, as the word "clear" could introduce ambiguity.

764. The Government member of Uruguay noted that "accurate" was an objective dimension, while "easily understandable" was a subjective one, and that both were needed. Information might be precise yet still be difficult to comprehend for linguistic, technical or other reasons.

765. The amendment was withdrawn.

766. The Worker Vice-Chairperson, with the understanding that the text of the Article implicitly included the sharing of information on how deductions and payments had been calculated, withdrew an amendment (A.110) that proposed to insert, after "payment", the phrase ", including how it is determined,". Workers needed to understand how their remuneration or payment had been determined to know whether deductions were justified and whether they received a fair rate.

767. Article 10 was adopted as amended and Part X was adopted as amended.

Title of Part IX

768. The title of Part IX – Social security – was adopted.

Article 11

A.112

769. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph in Article 11 that read:

> Each Member shall, according to national circumstances, take effective measures to progressively extend comprehensive social security protection to all digital platform workers, including by setting targets and time frames.

770. Platform workers often had lower levels of social security coverage than other workers due to factors such as employment misclassification. Self-employed workers generally enjoyed less protection than workers in an employment relationship, while the nature of platform work created additional implementation challenges similar to those faced by other

vulnerable groups, including informal workers. Proposed Article 11, as well as Paragraph 2 of the draft Recommendation would benefit from clear obligations and guidance on the need to progressively extend social security to all platform workers. Several ILO instruments called for the progressive extension of social security, including the Social Protection Floors Recommendation, 2012 (No. 202), provided that Members should progressively ensure higher levels of social security to as many people as possible. Moreover, the conclusions of the 2021 recurrent discussion on social protection stated that considerable additional efforts were urgently needed to extend coverage and guarantee universal access, with particular focus on those unprotected and in vulnerable situation, including platform workers. Recent international labour standards calling for the extension of social protection to particularly unprotected and vulnerable workers included the Work in Fishing Convention, 2007 (No. 188), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). The proposed amendment allowed for flexibility to Members to progressively extend such protection with due regard to their national circumstances.

771. The Employer Vice-Chairperson did not support the amendment. The proposed text duplicated proposed Article 11, was too prescriptive and did not reflect existing ILO language on social security.

772. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, and Bangladesh did not support the amendment. Government members stated that they would not be willing to support any of the proposed amendments to Article 11 because they preferred to retain the proposed text as drafted by the Office.

773. The Worker Vice-Chairperson would not withdraw the amendment as the 2021 commitment to extend social protection was key, but she would not prevent its non-adoption.

774. The amendment was not adopted.

A.88

775. The Employer Vice-Chairperson introduced an amendment to add “simplifying business registration where required, and” before “ensure”. Simplifying business registration would support the formalization of small platform businesses.

776. The Worker Vice-Chairperson did not support the amendment as it did not include worker registration.

777. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom and the United States did not support the amendment.

778. The amendment was withdrawn and another amendment (A.60) was withdrawn.

A.89

779. The Employer Vice-Chairperson proposed an amendment to replace “enjoy” with “have access to” to align with common terminology in international labour standards and the ILO Centenary Declaration. She asked the Secretariat to confirm which term was more appropriate and a representative of the Secretariat noted that the word “enjoy” was used in Article 14 of Convention No. 189.

780. The Worker Vice-Chairperson did not support the amendment. Social protection was a right and "enjoyment of a right" was normal language.

781. A representative of the Secretariat clarified that the expressions "to enjoy" and "to have access to" had similar uses in international labour standards. Effective access constituted one dimension of enjoyment, alongside adequacy and comprehensiveness. As those additional dimensions were addressed elsewhere in the provision, "enjoy" and "have access to" could be, in that particular context, considered equivalent.

782. The Employer Vice-Chairperson stated that the term "enjoyment" was subjective, and that governments could only guarantee access.

783. The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Colombia, speaking also on behalf of the Government members of Brazil and Uruguay; Mexico and Indonesia supported the amendment, as having access to social protection was a prerequisite to its enjoyment.

784. The amendment was adopted.

A.90

785. The Employer Vice-Chairperson introduced an amendment to add "sustainable" before "social", and to change "protection" to "systems". Upon implementation, social security systems needed to be sustainable, which would benefit governments, fiscally, but also workers and businesses. Using "social security systems" was consistent with existing ILO language, and paragraph 12 of the draft Recommendation.

786. The Worker Vice-Chairperson did not support the amendment because the aim of the proposed Article was to ensure that workers enjoyed social protection, not access to systems. She expressed flexibility on the word "sustainable".

787. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom, the United States, Chile, the Dominican Republic, and Switzerland did not support the amendment.

788. The amendment was withdrawn.

A.114

789. The Worker Vice-Chairperson introduced an amendment to remove "with the same classification of status in employment", as workers should not receive weaker social protection because of contractual classifications that were often erroneous or imposed by platforms. Platform workers should enjoy social security protections on terms no less favourable than other workers, allowing national systems to determine implementation, while avoiding a hierarchy of protection according to contested or imposed labels.

790. The Employer Vice-Chairperson did not support the amendment. It was important to clarify which rights and benefits were tied to which classification.

791. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Grenada speaking on behalf of the CARICOM countries; Israel, Colombia, Mexico, Canada, Brazil, Malaysia, Australia, Türkiye, Bangladesh, the United Kingdom, the United States, Chile, the Dominican Republic, and Switzerland did not support the amendment.

792. The amendment was not adopted.

A.93

793. The Employer Vice-Chairperson introduced an amendment to insert "within the Member's jurisdiction, in accordance with national law" after "status in employment", to clarify that digital platform workers should receive social security protection no less favourable than that afforded to other workers in the same jurisdiction. She asked the Secretariat to confirm that the comparison was intended to be within, rather than across, jurisdictions and to explain how the provision would apply to online platform workers residing in a different country from the platform.

794. A representative of the Secretariat explained that social security access generally depended on the country of residence or employment, subject to eligibility conditions such as minimum contribution or residence periods. For workers with temporary or mobile work patterns, including those referred to as "digital nomads", access would depend on national legal frameworks and fulfilment of eligibility criteria. Moreover, the reference to "no less favourable terms" applied within each jurisdiction and not across jurisdictions.

795. The amendment was withdrawn, Article 11 was adopted as amended and Part IX was adopted as amended.

Title of Part X

796. The title of Part X – Impact of the use of automated systems – was adopted.

Article 12

797. Article 12 was adopted.

Proposal to insert a new Article before Article 13

A.116

798. The Worker Vice-Chairperson introduced an amendment to insert a new Article with the following text:

> Each Member shall require digital labour platforms to consult workers' representatives, with the assistance of a technical adviser of their choice, about the matters referred to in Article 12.

799. She stressed that consultation was a core ILO principle and particularly important in platform work, where systems affecting working conditions could be opaque, especially when they were established through automated systems. Moreover, the use of independent expert assistance was a well-established practice in OSH, where workers participated in risk assessment. The amendment was not intended to call for consultation on technology itself, but on systems used to monitor and evaluate work or to generate decisions affecting the working conditions of digital platform workers. Moreover, allowing workers access to technical expertise would help address information asymmetries and strengthen worker participation in algorithmic management.

800. The Employer Vice-Chairperson did not support the amendment because, in effect, it modified the agreed text of Article 12, whose discussion the Committee had agreed not to reopen. Additionally, the amendment would require companies to consult with unions before a worker was employed or engaged, and because it was too prescriptive in requiring a technical adviser of the workers' choice to provide assistance.

801. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment, considering it was too prescriptive.

802. The Government members of Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Chile, Argentina, Uzbekistan and Malaysia, did not

support the amendment. The Government member of Colombia did not support the amendment because, although he recognized the importance that workers understand how decisions were made and to have technical assistance, it departed from the agreed text of Article 12.

803. The Government member of Mexico supported the amendment, as it was fundamental that workers be able to engage in social dialogue on matters affecting their working conditions. He disagreed that the proposal overlapped with Article 12, arguing that the new Article concerned consultation and collective bargaining, whereas Article 12 dealt with informing workers about algorithms and automated decision-making systems. To reduce the level of detail, he introduced a subamendment, seconded by the Worker Vice-Chairperson, to delete ", with the assistance of a technical adviser of their choice,".

804. The Government member of the Niger asked whether Article 23 might address the concern raised by the Government member of Mexico.

805. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account the views of government members, the amendment was not adopted.

Article 13

A.100 and A.64

806. The Employer Vice-Chairperson introduced an amendment (A.100) to delete Article 13 arguing that Article 3 already required Member States to uphold fundamental principles and rights at work in the platform economy. Those obligations rested with Member States, not companies, and thus Article 13 was inconsistent with the 1998 Declaration.

807. The Government member of India, speaking also on behalf of the Government members of Bahrain, India, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Uzbekistan, introduced an identical amendment (A.64). The fundamental principles and rights addressed in Article 13 were adequately covered by Article 3 of the draft Convention, and the proposed content on automated systems and algorithmic management was too detailed given the rapid evolution in technology and its regulation. He proposed moving the Article to the Recommendation to provide guidance while allowing flexibility in implementation.

808. The Worker Vice-Chairperson did not support the amendment. Article 13 did not duplicate Article 3 but rather indicated how Member States should implement its obligations in relation to automated systems. Automated systems could infringe on workers' fundamental rights, for example: digital monitoring could deter organizing and collective bargaining; opaque penalties and the threat of deactivation could intensify economic coercion and the risk of forced labour; algorithmic ranking systems could be discriminatory by penalizing workers for illness, care responsibilities or participation in collective action; and algorithmic quotas and surveillance could contribute to exhaustion, unsafe behaviour and preventable accidents. It was necessary for the provision to ensure the protection of fundamental principles and rights in all dimensions and stages of platform work.

809. The Government member of Australia did not support the amendment and requested that the Secretariat advise the Committee as to why it had included the Article in the draft Convention and what responses had been received from jurisdictions in the context of the Brown report. [10]

[10] ILC.114/Report V(3).

810. The Government member of the Bahamas did not support the amendment, as it was important for some jurisdictions.

811. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

812. The Government members of the United States and Argentina supported the amendment, as Article 3 applied to the whole Convention and correctly placed the duty to protect fundamental rights on governments, while businesses would be responsible for complying with national laws giving effect to that duty. Article 13, by contrast, would require governments to oblige platforms to ensure fundamental principles and rights at work.

813. The Government member of Colombia did not support the amendment. Article 13 usefully recalled that automated systems could give rise to violations of fundamental principles and rights at work.

814. The representative of the Secretary-General explained that the inclusion of the provision in the draft Convention reflected the views expressed by constituents in their responses to the Brown report. Most respondents supported its inclusion in the instrument. While the original draft had contained more detailed provisions, the Office revised the text in line with constituents' preference for a principle-based Convention, moving the detailed elements to paragraph 15 of the Recommendation. The provision did not duplicate Article 3. Article 3 established a general obligation to respect, promote and realize fundamental principles and rights at work in the platform economy, whereas Article 13 imposed a specific obligation to ensure that the operation of automated systems did not undermine those rights.

815. The Government member of Cambodia supported the amendment. While reaffirming the importance of fundamental principles and rights at work, Article 13 extended beyond traditional labour standards by addressing automated systems and digital technologies. These were complex and rapidly evolving areas for which no international consensus existed. The Convention should focus on workers' rights and working conditions, while allowing countries sufficient flexibility to develop their own approaches to regulating technological developments.

816. The Government member of Chile supported the amendment. Article 13 raised concerns about its implications for digital labour platforms and automated systems. While recognizing the importance of protecting workers' rights, the broad wording of Article 13 could lead to interpretations extending beyond that objective and could affect business operations. Workers' fundamental rights were already adequately protected under Article 3.

817. The Government member of Mexico did not support the amendment. Automated systems could create risks and vulnerabilities for workers and Article 13 established a necessary minimum standard without which the Convention would have limited practical effect. As reflected in Article 2, fundamental principles and rights at work were universal rights applicable to all workers, regardless of employment status. Article 13 extended that commitment by ensuring that automated systems did not undermine those rights.

818. The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Australia, Brazil, Canada, Colombia, Indonesia and Switzerland did not support the amendment.

819. The Employer Vice-Chairperson noted that proposed Article 13 departed from the 1998 Declaration, which placed responsibility for respecting, promoting, and realizing fundamental principles and rights at work on Member States, and not on companies. She also questioned how governments would implement the proposed provision, and how compliance would be assessed and reported to the ILO.

820. The representative of the Secretary-General explained that proposed Article 13 was in line with the 1998 Declaration in that it did not transfer Member States' obligations under the Declaration to private actors, but rather called on Member States to prescribe obligations on other actors, including private sector actors, in operationalizing their obligations. The proposed Article would require Member States to ensure that digital labour platforms did not use automated systems in ways that infringed fundamental principles and rights at work, consistent with existing ILO standards, such as Convention No. 155, under which Member States fulfilled their obligations by requiring employers and other private actors to take specific measures. Article 13 therefore did not seek to transfer the constitutional commitment of Member States, but rather specified one means by which Member States could fulfil their obligation by requesting certain actors to take necessary measures to ensure that the fundamental principles and rights at work of digital platform workers were respected in the use of automated systems.

821. The Worker Vice-Chairperson and the Government member of Peru did not support the amendment.

822. The Employer Vice-Chairperson maintained that Article 13 created an obligation on digital labour platforms in relation to their use of automated decision-making systems, which was inconsistent with the allocation of responsibilities under the 1998 Declaration.

823. The Government member of the United States, supported by the Government member of India, stated that the Office's clarification had reinforced his concern that the amendment would require Member States to impose obligations on digital labour platforms regarding automated systems and the fundamental principles before those obligations and concepts had been defined in national law.

824. The Government member of Uruguay did not support the amendment. Regulating platform technologies and automated systems should not be seen as an affront to technology or digital labour platforms, but as a recognition of their growing role in organizing, monitoring and directing work in the platform economy. The objective was not additional regulation but the adaptation of existing legal protections to new realities to safeguard workers' rights. While governments remained responsible for establishing and enforcing legal protections, private actors also had to respect those rights.

825. The Government member of Mexico did not support the amendment. While acknowledging concerns regarding implementation, he cited national provisions that regulated digital labour platforms requiring that rules governing service provision be clear and understandable to workers, and that algorithmic systems be reasonable, reflect the objective needs of work, and not undermine workers' health or integrity. Those provisions had been negotiated and accepted by platform companies, demonstrating that such measures were feasible and enforceable.

826. The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment.

827. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Each Member shall take appropriate measures to ensure responsible use of automated systems by digital labour platforms as defined in Article 1(a), as consistent with Member States' obligations to respect, promote, and realize the fundamental principles and rights at work.

828. The Government member of Brazil recalled that he had presented an amendment (A.65) to ensure that automated systems were not used to circumvent applicable legal obligations or to create undue competitive advantages for businesses, which was vital for protecting fundamental principles and rights at work in the platform economy. He would not, however, block consensus on the agreed text.

829. Amendment A.100 was adopted as subamended and, as a consequence, the other amendments (A.64, A.131, A.132 A.134 and A.65) fell.

830. Article 13 was adopted as amended.

Proposal to insert a new Article after Article 13

A. 76

831. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to add a new Article after Article 13, that would read:

> Members shall require digital labour platforms to regularly monitor and evaluate the impact of the use of automated systems, and apply any necessary corrective measures, in collaboration with digital platform workers' representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers.

832. Automated systems were a defining feature of platform work and therefore fell within the scope of the instrument. Platforms should be required to monitor and evaluate the impact of such systems and take corrective action where necessary.

833. The Worker Vice-Chairperson supported the amendment.

834. The Employer Vice-Chairperson did not support the amendment. Decisions regarding the use, monitoring and evaluation of technology were an enterprise's prerogative. The proposal would require platform companies to share proprietary information far beyond what was required of other businesses, noting the widespread use of automated decision-making systems beyond the platform economy. It was unfair to impose such obligations solely on platform companies.

835. The Government members of Namibia, speaking on behalf of the Africa group; Mexico, Chile, Argentina, the United States, India, Colombia, Türkiye, Peru, Thailand, China, Malaysia and Singapore did not support the amendment as it was overly prescriptive.

836. The amendment was withdrawn.

Article 14

A.111

837. The Employer Vice-Chairperson introduced an amendment to delete Article 14. The Article went beyond the ILO's mandate by prescribing specific approaches to the governance of automated decision-making systems. Requiring written explanations and human review constituted implementation measures rather than principles and would be difficult to apply, particularly for MSMEs, given the scale of automated decision-making by digital labour platforms. The Article also raised concerns regarding the personal data of digital platform workers, as it would permit a broad range of organizations to request that information. Those measures would also undermine the effective use of automated decision-making systems. It was unfair to impose such obligations solely on digital labour platforms.

838. The Worker Vice-Chairperson did not support the amendment. Workers should have access to information concerning decisions affecting their working conditions and access to work. Article 14 did not regulate technology itself but rather sought to ensure transparency and accountability in decisions taken through automated systems. Providing explanations for decisions such as suspension, deactivation or restrictions on access to work was comparable to information workers would ordinarily receive in a traditional workplace and could be provided without disclosing confidential or commercially sensitive information. Access to

explanations and human review would enable workers to understand and challenge decisions that adversely affected them.

839. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment. Automated systems were a defining feature of platform work and therefore fell within the ILO's mandate. They could create risks relating to transparency, privacy, opaque decision-making and hidden forms of control, including through the misclassification of workers. Human oversight was essential.

840. The Government member of the United States supported the amendment. Article 14 imposed obligations that would be difficult to implement. Requiring platforms to provide written explanations for decisions affecting working conditions or access to work could apply to a very large number of automated decisions and, combined with obligations to respond on request and without unreasonable delay, would create disproportionate compliance burdens, particularly for smaller and emerging platforms. Requiring human review of certain decisions mandated a specific operational process rather than a principle, despite limited evidence regarding its effectiveness and concerns that automated review could in some circumstances provide greater protection against discrimination and retaliation. Article 14 also singled out digital labour platforms although similar technologies were used throughout the economy. Binding international rules on algorithmic management would be premature given the evolving international debate on artificial intelligence governance and could undermine ratification, innovation, job creation and enterprise development.

841. The Government member of Australia did not support the amendment, noting the advice previously provided by the Legal Adviser that technological developments fell within the ILO's mandate where they affected employment, working conditions or labour rights. Automated systems were a key feature of platform work and Article 14 addressed important decent work concerns arising from their use.

842. The Government members of Argentina, Cambodia, Japan and New Zealand supported the amendment. Article 14 was overly prescriptive and could create implementation challenges. The Government member of Argentina further considered that Article 12 already provided relevant protections concerning information on automated systems.

843. The Government members of Namibia speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Canada, Chile, Indonesia, Mexico, Switzerland, Singapore, Colombia, Türkiye, Peru, Thailand, and Uruguay did not support the amendment. Transparency, accountability and human oversight were important safeguards where automated systems affected access to work, remuneration or continued engagement with digital labour platforms. The Government members of Chile and Colombia considered, however, that the provision should be less prescriptive and that human review should focus on decisions with significant consequences for workers.

844. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> Where decisions are generated by an automated decision-making system, each Member shall take appropriate measures to require digital labour platforms to ensure that digital platform workers have access, on request, and without unreasonable delay, taking into account the classification of status in employment, to:
>
> (a) a written explanation for significant decisions that adversely impact their working arrangements and access to work;
>
> (b) a review of decisions as appropriate that result in the non-disbursement of any amount due to digital platform workers, or the suspension, or deactivation of their account, the termination of their employment or engagement with a digital labour platform.

845. Amendments A.111, A.113 and A.115 were adopted as subamended and, as a consequence, all the other amendments to the Article fell (A.61, A.58, A.59, A.78, A.145, A.147, A.143, A.142, A.117, A.118, A.79, A. 144, A.136, A.119, A.81, A.82, A.120 and A.95).

New paragraph in Article 14

A.104

846. Following informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account views expressed by Government members during the consideration of Article 14, it was agreed to insert in the Article a new paragraph to read:

> 2. In giving effect to paragraph 1, each Member shall ensure that digital labour platforms have appropriate human involvement.

847. The Government member of Singapore asked if the intended meaning was to ensure human involvement in the adoption of the appropriate measures to be taken by Member States as referred to in the first paragraph's introductory sentence, in subparagraph (a), in subparagraph (b), or in all of them.

848. The Worker Vice-Chairperson requested that the text be subamended to read "each Member shall ensure appropriate human involvement in digital labour platforms", so that it would clearly be the responsibility of governments to ensure that human involvement in the implementation of all actions delineated in paragraph 1.

849. The Chairperson noted his understanding that the agreement was to establish an obligation on the Member States to ensure that digital labour platforms would comply with their responsibility to ensure human involvement in giving effect to the actions delineated in the entire paragraph 1.

850. The Government members of Australia and Singapore expressed concerns regarding disagreement between social partners on the terminology used, as it could jeopardize implementation.

851. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment based on his understanding that "human involvement" meant a meaningful human intervention in the review of all the decisions mentioned in paragraph 1.

852. Amendment A.104 was adopted as subamended, another amendment (A.121) fell and Article 14 was adopted as amended.

853. Part X was adopted as amended.

Title of Part XI

854. The title of Part XI – Protection of digital platform workers' personal data and privacy – was adopted.

Article 15

A.133

855. The Government member of the United States, seconded by the Employer Vice-Chairperson, introduced an amendment to delete Article 15. Digital privacy was not unique to the platform economy and should be addressed in a wider-scope standard. The technologies concerned were already used throughout the economy and would become increasingly widespread. A more general safeguard provision could be included in the draft Recommendation.

856. The Employer Vice-Chairperson indicated that data privacy was an economy-wide issue and that platform-specific regulations could create an unwanted hierarchy of privacy protection between platform and non-platform workers. A forthcoming ILO experts' meeting would address the topic and well-developed national and regional data privacy laws already applied across the economy, including to digital labour platforms. Data was also used to promote safety and prevent fraud on platforms.

857. The Worker Vice-Chairperson did not support the amendment. While not unique to the platform economy, the continuous collection and processing of workers' data was a structural feature of platform business models, which warranted the explicit application of protection to platform workers. Article 15 applied the principles of necessity and proportionality in relation to personal data, already existent in labour and data protection law, to the platform economy. The provision did not prohibit the processing of data required for the organization of work or legal compliance but ensured that the monitoring and collection of workers' personal data remained linked to legitimate purposes related to the work relationship or engagement. Without such safeguards, platform workers risked being exposed to excessive surveillance and profiling. The Private Employment Agencies Convention, 1997 (No. 181), also addressed personal data. The ILO had previously addressed broader issues through instruments focused on specific categories of workers, as was the case in Convention No. 190.

858. The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Brazil, Mexico, Chile, Canada, Switzerland, and Indonesia did not support the amendment given the significant risks associated with the collection and processing of digital platform workers' personal data.

859. The Government member of Argentina supported the amendment. The proposed Article had merit, but would be better placed in the draft Recommendation.

860. The Government member of Australia did not support the amendment. The processing of workers' personal data was intrinsic to the platform economy and needed to be dealt with in the Convention. Constituents should consider the intent of the proposed Article, notably that workers' data should only be used in connection with their work.

861. To allow flexibility and adherence to national laws, the Government member of Israel, seconded by the Government member of the United States, introduced a subamendment for the text to read: "Each Member shall establish effective and appropriate safeguards concerning digital platform workers' personal data as required by its national laws and regulations".

862. The Worker Vice-Chairperson did not support the subamendment, as without the restrictions on data processing, the Article would lack substantive content and a clear safeguard.

863. The Employer Vice-Chairperson and the Government members of Japan, Chile, India, and Argentina supported the subamendment.

864. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Mexico, Canada, Switzerland, Uruguay, Colombia and Australia did not support the subamendment.

865. The subamendment and the amendment were withdrawn.

A.123

866. The Employer Vice-Chairperson introduced an amendment to replace "establish effective and appropriate safeguards concerning" with "ensure that relevant privacy laws apply to". The

focus should be on applying existing national, regional and international privacy laws, rather than on the establishment of new measures specific to the platform economy.

867. The Worker Vice-Chairperson did not support the amendment. Specific obligations restricting the use of personal data were needed to ensure effective and appropriate safeguards for the collection and processing of personal data in the platform economy. A generic reference to privacy laws, which might be absent, insufficiently applicable to the platform economy, or inadequate in addressing the risks associated with algorithmic management, was insufficient.

868. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

869. The Government member of Australia requested clarification on whether existing privacy laws could satisfy the requirement or whether new or dedicated legislation would be needed and the Government member of Canada asked what would happen in countries with no workers' personal data protections.

870. The representative of the Secretary-General explained that where a country already had effective data protection laws or regulations that applied to platform workers, those protections would continue to apply. Where existing legislation did not cover platform workers, or where no adequate data protection framework existed, Member States would need to extend existing protections or adopt new measures to ensure appropriate coverage.

871. The Employer Vice-Chairperson expressed concern that Article 15 could create a separate set of privacy-related requirements applicable only to platform workers, rather than ensuring that digital platform workers were adequately covered by broader national privacy frameworks. Noting the preference in the Committee for retaining safeguards, she proposed a subamendment to add the term "risk-based" to read in full "Each Member shall establish effective, risk-based and appropriate safeguards".

872. The Worker Vice-Chairperson did not support the amendment or subamendment since it added a qualification on what safeguards should be put in place. The Office text was clearer.

873. The Government members of Namibia, speaking on behalf of the Africa group, and Mexico did not support the amendment which modified the scope of the Article.

874. The Employer Vice-Chairperson withdrew the amendment and expressed hope that a middle-ground solution would be found.

A.125

875. The Employer Vice-Chairperson introduced an amendment to delete "and ensure that it is processed only to the extent strictly necessary for the purpose of their employment or engagement or as required by national laws and regulations". At the same time, she proposed a subamendment to reinstate much of the proposed deletion for that text to read "ensure that it is processed <u>reasonably</u> for the purpose of their employment or engagement and <u>business operations</u> or as required by national laws and regulations". If relevant privacy laws were applied, by definition, the data would be processed as required by national laws and regulations. Language such as "extent strictly necessary" was not in line with a principle-based Convention. Data processed by digital labour platforms was often used not only in relation to workers' engagement or employment but also for broader operational purposes. The point was to ensure that platforms could continue to operate effectively while respecting privacy protections.

876. The Worker Vice-Chairperson did not support the amendment or subamendment which would alter the draft provision's intent away from its core objective of protecting workers' personal data and could create legal ambiguities. Removing the requirement that data be

processed only to the extent strictly necessary would weaken that protection and replace a specific obligation with a more general and less effective formulation.

877. The Government member of the United States supported the subamendment considering that it remained true to the intent of the Office text while providing scope for digital labour platforms and businesses to use, retain and process data that might be needed for safety, compliance and liability-related reasons.

878. The Government member of the United Kingdom proposed a further subamendment, seconded by the Government member of Singapore to provide a middle ground by inserting after "processed" the phrase "for the purposes for which it is collected, and not further processed in a manner that is incompatible with those purposes". The existing phrase "to the extent strictly necessary for the purpose of their employment or engagement" lacked a settled meaning in data protection law. The proposed amendment would take a purpose-based approach, requiring data to be processed only for the purposes for which it was collected and not further processed in a manner incompatible with those purposes. The language was used in established data protection frameworks, including the Council of Europe's Convention for the protection of individuals with regard to the processing of personal data (Convention 108), the Guidelines on the Protection of Privacy and Transborder Flows of Personal Data of the Organisation for Economic Co-operation and Development (OECD Privacy Guidelines), and the EU General Data Protection Regulation, as well as various domestic legal systems.

879. The Employer Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Japan, Switzerland, Mexico, Norway, Brazil, Colombia and Canada supported the subamendment.

880. The Worker Vice-Chairperson expressed concern that the discussion was moving away from the protection of platform workers' personal data collected on the job and the restriction on how such data were used, especially where such data collection served other profiteering purposes. To realign the scope of the draft Article, she proposed another subamendment for the draft paragraph to read "Each Member shall establish effective and appropriate safeguards concerning digital platform workers personal data and ensure that it is processed for the legitimate purpose for which it is collected, and not further processed in a manner that is incompatible with the rights and protections set out in this Convention".

881. The Employer Vice-Chairperson preferred the subamendment of the United Kingdom as it already captured the points raised by the Workers' group.

882. The Government member of Australia supported the subamendment of the Workers' group as it was important to impose limits on the use of data.

883. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Oman, speaking on behalf of the GCC countries; Namibia, speaking on behalf of the Africa group; Canada, Indonesia, Uruguay, Brazil, Uzbekistan, Mexico, Switzerland, Colombia, Norway, the United Kingdom and Argentina supported the subamendment.

884. The Employer Vice-Chairperson in a spirit of flexibility, supported the subamendment of the Workers' group.

885. The amendment was adopted as subamended, two other amendments (A.97 and A.107) fell, and Article 15 was adopted as amended.

886. Part XI was adopted as amended.

Proposal to insert a new part after Part XI

A. 135

887. The Government member of Switzerland, speaking also on behalf of the Government member of Türkiye, introduced an amendment to insert a new Part after Part XI to address the protection of confidential business information as follows:

> **Business confidentiality**
>
> **New Article**
>
> Each Member, after consultation with representative organizations of employers and workers, shall take measures to protect business confidentiality with respect to commercially sensitive information, so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not compromised thereby.

888. While the draft Convention did not ask businesses to disclose sensitive commercial data, there should be an explicit safeguard provision clarifying that transparency obligations should not require the disclosure of confidential business information, to provide legal clarity without altering the substantive balance of the text.

889. The Worker Vice-Chairperson did not support the amendment. It was important to focus the discussion on workers' rights and the impact of technology on working conditions. Platform workers were sometimes prevented from organizing or discussing aspects of their work on grounds of commercial sensitivity. The proposed text could require workers to demonstrate that their rights had been compromised before obtaining access to information withheld on those grounds.

890. The Employer Vice-Chairperson introduced a subamendment to delete "after consultation with representative organizations of employers and workers" and ", so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not compromised thereby".

891. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

892. The Employer Vice-Chairperson proposed another subamendment to insert "while also protecting the rights of digital platform workers under this Convention" after "information".

893. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the subamendment.

894. The Government member of Brazil did not support the subamendments and asked the Secretariat whether "business confidentiality" was commonly used in ILO Conventions.

895. The representative of the Secretary-General noted that the specific term "business confidentiality" was not used in existing ILO standards. However, there existed provisions in ILO instruments that protected confidential business information, including the Biological Hazards Convention, 2025 (No. 192), and the Chemicals Convention, 1990 (No. 170). Both instruments required competent authorities to make special provisions for the protection of confidential information whose disclosure to competitors could harm an employer's business, if worker safety and health were not compromised.

896. The Worker Vice-Chairperson introduced a subamendment to delete the proposed title and to modify the text of the new proposed Article to read:

> Each Member, after consultation with representative organizations of employers and workers, shall take measures to protect confidentiality of commercially sensitive information, so long as the rights and protection of digital platform workers under this Convention and as provided under national or international law are not thereby compromised.

897. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, though informal discussions having taken into account the views of government members, the subamendments fell and the amendment was not adopted.

New paragraphs under Article 15

A.122

898. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph under draft Article 15 to read:

> Each Member shall ensure that digital platform workers have the right to demand access to and the rectification and erasure of their personal data processed by digital labour platforms.

899. The proposed text addressed a gap in the safeguarding of personal data by ensuring that digital platform workers would have access to the data to verify its accuracy, as well as the opportunity to contest underlying decisions affecting them. Without such access, workers would be unable to contest or rectify calculations of remuneration, dismissal or other disciplinary decisions, or challenge erroneous outcomes. Affording platform workers the right to demand erasure of their data would also protect them from indefinite surveillance and from possible consequences following their departure from a platform. The paragraph would ensure minimum rights on personal data access and the rectification and erasure of data across jurisdictions, applicable irrespective of employment status, and consistent with protections afforded to workers in other contexts.

900. The Employer Vice-Chairperson did not support the amendment since it drew the ILO into areas, namely data protection and privacy, that extended beyond its mandate. The draft Convention should remain focused on labour-related principles rather than detailed data governance provisions.

901. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the amendment.

902. The Government member of the United States did not support the amendment. There were a myriad of legitimate legal and operational reasons why enterprises might be required to retain data, including for compliance with regulatory obligations such as taxation, auditing or legal accountability. Imposing a general obligation to erase data could conflict with such requirements and create significant legal and operational difficulties.

903. The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to replace the word “request“ with “demand” to avoid language that could be considered overly prescriptive.

904. The Government member of Israel did not support the amendment since the right to erasure was not recognized in national legislation.

905. The Government members of Canada, Uzbekistan, Mexico and Uruguay supported the amendment as subamended.

906. The Employer Vice-Chairperson proposed to add “subject to applicable data retention laws” at the end of the paragraph to make the provision more workable since businesses were often required by law to retain certain data, including for fiscal, regulatory or compliance purposes. With this addition, the Employers’ group would be prepared to join the consensus.

907. The Government member of China asked the Secretariat to clarify the intended scope of “personal data”.

908. The representative of the Secretary-General stated that “personal data” referred to any information relating to an identified or identifiable individual, consistent with existing ILO

instruments, including the ILO code of practice on the protection of personal data and the Private Employment Agencies Convention, 1997 (No. 181).

909. The Worker Vice-Chairperson and the Government members of Thailand, the United Kingdom and Colombia supported both subamendments.

910. The Government member of the United States proposed to clarify punctuation and ensure legal clarity in the listing of rights so that the text would read:

> Each Member shall ensure that digital platform workers have the right to request access to, the rectification of, and erasure of their personal data processed by digital labour platforms subject to applicable data retention laws.

911. The Government members of Cyprus, speaking on behalf of the EU and its Member States, China, Mexico and New Zealand, and the Worker Vice-Chairperson supported the subamendment.

912. The amendment was adopted as subamended by the Africa group, the Employers' group and the Government member of the United States, and the new paragraph in Article 15 was adopted.

A.124

913. The Worker Vice-Chairperson introduced an amendment to insert another new paragraph under Article 15 to read:

> Each Member shall ensure that digital platform workers enjoy the right to the portability of personal data generated through their performance of work, including their ratings and reviews.

914. Portability of personal data, including data linked to their reputation, was of great importance to digital platform workers. Such portability would allow them to demonstrate their experience, skills and earnings across digital platforms, thereby facilitating career mobility within the platform economy. Data portability could also support access to social protection and compensation schemes requiring proof of income and experience and enable continuity of benefits across platforms.

915. The Employer Vice-Chairperson did not support the amendment based on its operational challenges. Digital platforms utilized different technologies, methodologies and metrics, which would make data portability across systems technically difficult. A further challenge would be the protection of proprietary information and intellectual property. Enterprises should retain the freedom to design their own technological systems and avoid the risk that imposing standardized portability requirements could have on their capacity to innovate.

916. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Norway and Uruguay supported the amendment.

917. The Government member of the United States did not support the amendment since mandating portability would be unnecessary and burdensome. Workers already retained the ability to share their data voluntarily through curricula vitae. Forcing enterprises to harmonize their proprietary tools would constrain innovation and limit their capacity to design distinct business models.

918. The Worker Vice-Chairperson clarified that the amendment did not seek to require platforms to accept or integrate rating systems from other platforms, nor to harmonize systems. The intention was limited to ensuring that workers could obtain a machine-readable copy of their own personal data, which could then be used independently by the worker. The draft paragraph related solely to workers' data and should not pose a risk to third-party data that could be anonymized.

919. The Government member of Argentina did not support the amendment given the complexity implied by its implementation and since it would potentially create differentiated standards across categories of workers.

920. The Government member of Japan did not support the amendment. The portability of social security data was already established, and portability of ratings and similar personal data fell outside the scope of the ILO mandate.

921. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account views of government members, the amendment was not adopted.

Title of Part XII

A.166

922. The Worker Vice-Chairperson introduced an amendment to insert the word "Restriction," at the beginning of the title, with the intention of including restriction of digital platform workers' access to work in the Articles thereunder. Account restrictions required the same level of clear and enforceable safeguards as suspension or deactivation of accounts, as they could harm workers' livelihoods by gradually preventing them from accessing work, thereby generating stress and precarity.

923. The Employer Vice-Chairperson did not support the amendment, as restrictions were common in the platform economy, for instance where self-employed platform workers chose not to receive work offers during certain periods, or work offers of a certain type.

924. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the amendment since restrictions placed on digital platform workers' accounts could have a significantly negative and detrimental impact on their access to work.

925. The Government member of Singapore considered that the title should reflect the content of the Articles in the part concerned.

926. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account views of government members, the amendment was not adopted and another amendment (A.151) fell.

927. The title – Suspension or deactivation of account and termination of employment or engagement – was adopted without amendment.

Article 16

A.178

928. The Employer Vice-Chairperson introduced an amendment, to replace "take measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their employment or engagement with a" with "encourage digital labour platforms to make information available about the grounds for deactivation and suspension". While the Employers' group agreed that the world of work should be free from discrimination, that right was already addressed in international, regional and national laws, including in Article 3 of the draft Convention, and Member States already had the necessary tools to identify and prevent discrimination. Digital platforms sometimes had to suspend or deactivate accounts to promote safety and prevent fraud, for example if a minor attempted to create an account or an account was created with false information, and their ability to do so should be respected and protected. Thus, the Article should encourage rather than require platforms to make information available about the grounds for deactivation and suspension.

929. The Worker Vice-Chairperson did not support the amendment as encouragement was not a sufficiently strong measure to prevent deactivation and suspension for unjustified or discriminatory reasons. The amended text also suggested that the platform would first have to decide that an action was discriminatory, and only then make the information available, which was the opposite of what was intended.

930. The Employer Vice-Chairperson noted that her group's intention was to propose deleting "when it is based on discriminatory or otherwise unjustified grounds" in another amendment. The Article would encourage platforms to share information about deactivation and suspension based on any grounds.

931. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Australia and Mexico did not support the amendment as the deletion would significantly weaken the text.

932. The Government members of Namibia, speaking on behalf of the Africa group; Niger and Brazil did not support the amendment.

933. The Government member of Colombia did not support the amendment and preferred the original text as it provided a well-defined framework for the situations in which platforms would have to share information regarding the deactivation or suspension of an account, which was a reasonable request.

934. The Government member of Uruguay did not support the amendment, remarking that encouragement was not a sufficient consequence of a platform suspending or deactivating an account on discriminatory grounds; sanctions were called for when such rights were violated.

935. The Government member of Canada did not support the amendment and asked the Office to clarify the phrase "otherwise unjustified grounds".

936. A representative of the Secretariat clarified that the meaning of "otherwise unjustified grounds" was not defined in the Article, allowing Member States to define it in their legal frameworks. Some countries had included unjustified grounds for termination in their legal frameworks applying to the platform economy, as well as justified grounds. In the Yellow report, some governments expressed a preference for "unjustified grounds" to be further defined, whereas others did not, and it was subsequently not defined further.

937. The Employer Vice-Chairperson remarked that the draft instrument repeatedly sought to restrict business. For those platform workers who were self-employed, termination implied ending a commercial contract, which went beyond the ILO's mandate. It was important that the employer community be able to support the instruments when finalized and that would mean not placing so many restrictions on businesses. To move forward, she would withdraw the amendment but urged the Committee to not hinder the opportunities brought by the platform economy.

938. The amendment was withdrawn.

A.156

939. The Government member of India, seconded by the Employers' group, introduced an amendment to insert ", in accordance with national law and practice," before "take measures", and to delete "or otherwise unjustified", giving Member States flexibility in implementing measures as they differed in the regulation of the evolving platform economy. The wording "other unjustified grounds" was too broad and vague.

940. The Worker Vice-Chairperson did not support the amendment. The design of measures need not be circumscribed to national law and practice, and suspension, deactivation or termination should not only be restricted on the grounds of discrimination. For example, a

ride-hail driver who feared abuse or violence, or a domestic worker who felt unsafe entering a home due to concerns about harassment, should be able to refuse the work without fear of penalty. Platform workers should be free to decline assignments on safety or other reasonable grounds.

941. The Government member of the Niger noted that proposed Article 16 did not aim to prohibit enterprises from taking any actions, it was only trying to prohibit them from taking specific actions that were based on discrimination. It seemed obvious that enterprises did not have a right to suspend or deactivate a worker's account on discriminatory grounds.

942. The Government member of Mexico could not support the amendment and preferred the Office text, as there were legitimate grounds beyond discrimination, such as the non-fulfilment of a contract or the non-fulfilment of duties, on which Members should prohibit suspension, deactivation or termination, whether or not the worker concerned was self-employed. Moreover, workers had the right to know the grounds on which a platform barred them from accessing work, and those reasons should be justified. He did not support the inclusion of "in accordance with national law and practice" based on earlier explanations provided by the Legal Adviser.

943. The Employer Vice-Chairperson proposed a subamendment to add "or otherwise unlawful grounds" before "discriminatory", recognizing that there were indeed other legal grounds that should be included. "Unlawful" was clearer than "unjustified" and captured the possible scenarios described.

944. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the deletion of "or otherwise unjustified" and introduced a subamendment to remove ", in accordance with national law and practice," as it was not required in that Article.

945. The Government member of Oman, speaking on behalf of the GCC countries, supported the amendment as subamended by the Employers' group and the EU Member States for the sake of legal clarity and consistent application across different legal and cultural contexts.

946. The Government member of the United States, seconded by the Government member of Argentina, proposed to insert the word "unlawful" before "discriminatory or otherwise unlawful grounds".

947. The Worker Vice-Chairperson proposed a further subamendment for the phrase to read: "when it is based on discriminatory or otherwise invalid or arbitrary grounds", allowing flexibility for Member States to decide what grounds to include, as the term "unlawful" would not capture instances of workers being barred from work for refusing potentially unsafe work or working on multiple platforms.

948. The Government member of the United States noted that his subamendment also provided room for Member States to determine what was unlawful. The word "unlawful" was also necessary if the Article did not distinguish according to employment classification.

949. The Government member of the United Kingdom supported the subamendments introduced by the Employers' group, the EU Member States, and the Government member of the United States.

950. The Government member of Colombia supported the subamendment introduced by the Workers' group as it prevented the arbitrary nature of actions that could affect workers access to work. The remainder of the text of the Article however should remain as proposed by the Office.

951. The Employer Vice-Chairperson did not support the Workers' group's subamendment as it simultaneously imposed limits on measures platforms could take while providing ambiguous guidance on the nature of those limits. The Employers' group supported anti-discrimination

measures, but it was important to provide clear guidance regarding the grounds covered and who would be responsible for determining them. She supported the subamendment introduced by the EU Member States, as subamended by the Government member of the United States. "Unlawful grounds" was a clear concept that captured invalid and arbitrary measures, providing a basis for compromise.

952. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment or any of the subamendments. She introduced a subamendment proposing to end the sentence after the words "discriminatory grounds".

953. The Government member of Canada supported the Office text. It was principle-based while providing sufficient flexibility for Member States to determine what grounds would be considered justified. Moreover, including "otherwise unjustified grounds" would not prevent platforms from taking justified action to suspend or deactivate an account or terminate an engagement.

954. The Employer Vice-Chairperson expressed willingness to work with the amendment of the Africa group and introduced a subamendment to insert the word "unlawful" before "discriminatory grounds". Platforms needed to be able to remove accounts unlawfully held by minors, for example, and the term "discriminatory grounds" alone could create legal difficulties in such circumstances.

955. The Government member of Brazil supported the Office text. The expression "unlawful discriminatory grounds" or other references to "unlawful" were unnecessary, since conduct that was unlawful was already prohibited.

956. The Government member of Australia noted that the Office text provided desirable flexibility to allow for a range of approaches, and suggested that regulating justified grounds was perhaps more straightforward, citing examples from Australia.

957. The Government member of Uzbekistan supported the subamendment proposed by the Africa group as subamended by the Employers' group.

958. The Worker Vice-Chairperson stated that, in the interest of consensus, she could support returning to the Office text. Protection should extend beyond "unlawful discriminatory grounds" and should also cover arbitrary or otherwise unjustified grounds.

959. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment proposed by the Africa group but did not support the further subamendment proposed by the Employers' group.

960. The Government member of Chile supported the subamendment proposed by the Africa group.

961. The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the Office text and, to accommodate the concerns expressed during the discussion, submitted a subamendment to end the provision with "discriminatory, unlawful or otherwise unjustified grounds".

A.197

962. The Government member of Switzerland, speaking also on behalf of the Government members of India, Japan, Türkiye, the United Kingdom and the United States, introduced an amendment to insert ", according to the classification of digital platform workers' status in employment," after "take measures". The termination of an employment relationship differed fundamentally from the termination of a commercial contract and a reference to the classification of digital platform workers' status in employment was necessary to make the provision workable, implementable and fair.

963. The Worker Vice-Chairperson did not support the amendment. Protection against discriminatory, unlawful or otherwise unjustified termination should apply regardless of employment status and should therefore not depend on classification. She introduced a subamendment to delete ", according to the classification of digital platform workers' status in employment," and insert "appropriate" after "Each Member shall take" and before "measures", as an alternative measure of flexibility.

964. The Employer Vice-Chairperson supported the amendment but not the subamendment. The termination of an employment contract differed from the termination of a commercial relationship and therefore an explicit reference to employment classification was necessary. The phrase "appropriate measures" lacked legal clarity and did not adequately capture distinctions based on status.

965. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and supported the subamendment. The reference to "appropriate measures" provided sufficient flexibility while maintaining consistency throughout the instrument.

966. The Government member of Chile supported the amendment but did not support the subamendment.

967. The Government member of Australia supported the subamendment. The amended text would provide sufficient flexibility while ensuring protection against discriminatory or otherwise unjustified suspension or deactivation.

968. The Government member of Mexico supported the subamendment. The instrument should remain principle-based rather than prescriptive and the phrase "appropriate measures" would allow protection to be adapted to different forms of work, including both employed and self-employed digital platform workers.

969. The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Uruguay, Brazil, Canada, Colombia, Indonesia, and Singapore supported the subamendment.

970. The Government member of India did not support the subamendment. It was necessary to recognize the diversity of legal statuses of digital platform workers across and within jurisdictions.

971. The Government member of Singapore asked the Secretariat whether the phrase "appropriate measures" encompassed the meaning intended in the deleted text.

972. The representative of the Secretary-General clarified that "appropriate measures" could include the consideration of the classification of status in employment if it was necessary for a Member State to make that distinction.

973. The Government member of the United States asked the Office to explain if and when it would be necessary to make use of contract law and employment law to implement the Article as proposed.

974. The representative of the Secretary-General explained that the proposed Article established a principle. It was for Member States to determine the most appropriate legal mechanisms to give effect to the protection sought thereunder, which could be achieved through labour law frameworks, commercial or contract law or any other legal mechanism, depending on the country context. In some cases, specific digital platform legislation might cover both employees and workers outside an employment relationship, spanning different classification statuses.

975. The Government member of the United States noted that most jurisdictions distinguished sharply between employment relationships and commercial contracts, and that the

termination of a commercial contract could not be treated identically to the termination of an employment relationship. Proposed Article 16 required Member States to determine which body of law applied, and the United States understood the provision as permitting Member States to apply commercial contract law, rather than employment termination law, to the termination of engagements with independent contractors.

A.152 and A.167

976. The Worker Vice-Chairperson introduced an amendment to insert the word "restriction," after the words "prohibit the". Restrictions, including limits on visibility, search ranking or access to key platform features, were often used as a form of opaque algorithmic penalization. Workers could remain formally active on the platform while effectively losing access to work opportunities without appeal, justification or transparency.

977. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an identical amendment. Unilateral restrictions imposed by digital labour platforms could have the same effect as suspension or deactivation.

978. The Employer Vice-Chairperson did not support the amendment. The instrument was already prescriptive, and many arrangements that workers valued, such as the ability to choose shifts in some jurisdictions or indicate a preference for certain types of offers, could be considered restrictions and thus prohibited. Limitations on how platform workers appeared in search results would prevent many platforms from operating.

979. The Government member of Australia supported the amendment. The term restriction captured certain nuances of how the platform economy worked beyond suspension or deactivation.

980. The Government members of Grenada, on behalf of the CARICOM countries; Namibia, on behalf of the Africa group; Brazil, Canada, Colombia, and Uruguay supported the amendment.

981. The Government member of India did not support the amendment. The term "restriction" was overly prescriptive, ambiguous and potentially counterproductive.

A.153

982. The Government member of Cyprus, speaking on behalf of the EU Member States, introduced an amendment to add "or any other decision of equivalent detriment" after "engagement".

983. The Employer Vice-Chairperson, the Government member of Namibia, speaking on behalf of the Africa group, and the Government members of Japan, Chile, and India, did not support the amendment. The draft Convention was already sufficiently prescriptive, and the proposed addition would extend the scope of proposed Article 16 to cover any decisions with negative consequences, which was too broad and unclear, creating potential challenges to interpretation and implementation.

984. The Worker Vice-Chairperson supported the amendment. All decisions with significant adverse consequences for workers should be prohibited.

985. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the proposal in A.156 so that the text would read:

> Each Member shall take appropriate measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their employment or engagement with a digital labour platform, when it is based on discriminatory or otherwise unlawful grounds.

986. The amendment was adopted as subamended, and, as consequence the other subamendments and amendments (A.197, A.150, A.167, A.152, A.153, A.179, A.192, A.198 and A.154) fell.

987. Article 16 was adopted as amended and Part XII was adopted as amended.

988. Two amendments proposing to insert new Articles after Article 16 (A.168 and A.157) fell.

Title of Part XIII

989. The title – Terms and conditions of employment or engagement – was adopted.

Article 17

A.193

990. The Government member of the United States, seconded by the Government member of Israel, introduced an amendment to delete proposed Article 17. The provision covered independent contracting relationships and would require Member States to regulate commercial contractual arrangements.

991. The Employer Vice-Chairperson could support the amendment and requested clarification from the Secretariat on the use of "terms and conditions", noting that it was common in business settings but not in ILO instruments relating to self-employment.

992. The Worker Vice-Chairperson did not support the amendment. Access to information on terms of employment or engagement was necessary to help rebalance asymmetries in the relationship between digital labour platforms and workers.

993. The amendment was withdrawn.

A.191

994. The Employer Vice-Chairperson introduced an amendment to replace "timely, verifiable and easily understandable" with "clear". The text was overly prescriptive and dictated how commercial contracts should be drafted, which was beyond the scope of a principle-based Convention.

995. The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, and Colombia did not support the amendment.

996. The Government members of Namibia, speaking on behalf of the Africa group; Brazil, Uruguay, Kiribati, Australia and Indonesia did not support the amendment because the Article as proposed by the Office provided appropriate benchmarks to address information asymmetries.

997. The Employer Vice-Chairperson introduced a subamendment to replace "clear" with "timely and easily understandable".

998. The Worker Vice-Chairperson and the Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

999. The Government members of Grenada, speaking on behalf of the CARICOM countries; Mexico and Türkiye, did not support the amendment or subamendment.

1000. The Government member of Israel supported the amendment as subamended.

1001. The Employer Vice-Chairperson withdrew the subamendment and the amendment and recalled that the Committee had agreed to pursue a principle-based Convention that was not overly prescriptive. The inclusion of lists of requirements, particularly in relation to

commercial relationships, would set an undesirable precedent for future international labour standards.

A.194

1002. The Government member of the United States, seconded by the Government members of Israel and Argentina, introduced an amendment to delete “or engagement” after “the terms and conditions of their employment”. The Article as drafted would extend to commercial business relationships and require digital labour platforms to provide timely, verifiable and easily understandable information on contractual arrangements to independent contractors, which would create legal uncertainty and be difficult to enforce. Commercial contract law generally fell outside the competence of ministries of labour, and it was inappropriate to impose such requirements through labour regulation.

1003. The Worker Vice-Chairperson did not support the amendment. It was important that platform workers, including those who were self-employed, whether through misclassification or not, had timely, verifiable and easily understandable information on the conditions of their engagement.

1004. The Employer Vice-Chairperson indicated that her group could support the amendment and echoed concerns about interference with contract law and the need for consistency in the Committee’s work.

1005. The Government members of Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Brazil, Colombia, Uruguay, and Kiribati did not support the amendment.

1006. The amendment was not adopted and Article 17 was adopted without amendment.

1007. The Government member of the United States asked the Secretariat to clarify whether the phrase “in accordance with national law and practice” meant that a country could comply without taking any measures regarding commercial relationships, independent contractors or self-employed persons.

1008. The representative of the Secretary-General stated that the phrase “in accordance with national law and practice” had to be interpreted in its specific context and provided flexibility regarding the means of implementation. Ratifying countries that already had relevant laws, regulations or practices in place would have to ensure that those complied with the obligations set out in the Article. Countries with no specific laws or practices in place to give full effect to Article 17 would have to adopt measures to implement its requirements. Implementation could be achieved through a range of mechanisms, including regulations, collective agreements, arbitration awards, standardized or individual contracts, as well as general labour law, specialized legislation, commercial law, transport law or a combination thereof.

1009. The Government member of Cyprus, speaking on behalf of the EU and its Member States, considered that the phrases “in accordance with national law and practice” and “taking appropriate measures”, which were used interchangeably throughout the draft Convention, as explained by the Secretariat on various occasions, provided Member States with the necessary flexibility regarding how and to what extent a specific provision had to be implemented. Following an assessment of the national circumstances and the employment status of the persons concerned, Member States could conclude that their existing legal framework already provided adequate protection and that no additional measures were required.

1010. The Employer Vice-Chairperson indicated that she had a different understanding. If the Committee wanted a differentiation based on classification, it should be stated explicitly, for

example through a reference to “the classification of status in employment”. The formulations “in accordance with national law and practice”, “taking measures” or “taking appropriate measures”, and a reference to “the classification of status in employment” provided different degrees of flexibility and were not equivalent.

Article 18

A.195

1011. The Government member of the United States, seconded by the Government member of Argentina, introduced an amendment to delete Article 18. Allowing contracting parties to choose the governing law reflected established legal principles and provided legal certainty for workers and businesses. Such flexibility was especially important in the platform economy, where operations spanned multiple jurisdictions, and would promote coherent regulatory oversight and dispute resolution without undermining existing legal frameworks.

1012. The Employer Vice-Chairperson supported the amendment. The Article raised issues of national sovereignty and would interfere with established principles of international law. Workers and businesses had long operated across jurisdictions, and existing legal frameworks already addressed such situations. By way of example, she noted that a platform worker whose contract was governed by the law of one country could become subject to the law of another country merely by being temporarily present there.

1013. The Worker Vice-Chairperson did not support the amendment. The law applicable to workers’ contracts should be that of the country where workers lived and worked. Otherwise, workers could face significant obstacles in enforcing their rights, creating opportunities for abuse. The same concern applied to workers misclassified as self-employed, who might be required to establish their employment status in another jurisdiction. The Office text provided legal certainty by linking the applicable law to the place where the worker was based, unless otherwise provided under national law or international instruments.

1014. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

1015. The Government member of Argentina considered that the proposed Article 18 was redundant, as international law and national legislation already determined the law applicable to labour issues and the protection of workers’ rights. The Article could be interpreted in a manner that conflicted with existing legislation.

1016. The amendment was withdrawn.

A.188

1017. The Employer Vice-Chairperson introduced an amendment to replace “where the work is performed, unless otherwise provided for in” with “specified contractually, as allowed under the conflict of laws principle, and in line with relevant”. The proposed text omitted a reference to contractually specified jurisdiction, a well-established principle under conflict of laws rules. The amendment also sought to clarify that only relevant national laws, international instruments and bilateral or multilateral agreements should be considered, as not all such instruments addressed jurisdiction.

1018. The Worker Vice-Chairperson did not support the amendment, as it suggested the sole primacy of the contract, whereas it was the principle of territoriality that should apply. The law applying to workers’ contracts had to be the law of the country in which the work was performed.

1019. The Government members of Namibia, speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Uruguay, Colombia, Canada, Türkiye, Kiribati, Australia, Mexico, Singapore, Chile and Indonesia did not support the amendment.

1020. The Employer Vice-Chairperson indicated that, in many jurisdictions, what was being discussed concerned commercial relationships and self-employed workers, and therefore civil and commercial relationships.

1021. The Government member of Brazil asked the Secretariat to clarify whether references to international instruments and bilateral or multilateral agreements would affect the application of existing national laws, and whether the text implied that such instruments and agreements prevailed over national laws.

1022. The representative of the Secretary-General responded that Article 18 did not place international instruments, multilateral agreements or bilateral agreements above national law, nor did it interfere with Member State sovereignty. The draft provision established the principle that the terms and conditions of employment or engagement of digital platform workers were governed by the law of the country in which the work is performed, unless otherwise provided for under national laws and regulations, international instruments or bilateral or multilateral agreements. The references to international instruments and agreements were intended to provide flexibility for Member States that choose to assume obligations through such arrangements, rather than to create any hierarchy over national law.

1023. The Government member of Brazil thanked the Office for the explanation and indicated support for the Office text.

1024. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to subamend the text to read:

> The terms and conditions of employment or engagement of digital platform workers shall preferably be governed by the laws and regulations of the country where the work is performed, unless otherwise provided for in national laws and regulations, international instruments or multilateral or bilateral agreements, taking into account the contractual arrangements.

1025. The Government member of Singapore understood that the proposed wording meant that terms and conditions of employment or engagement of the digital platform workers were primarily governed by the domestic law of the country, which would include the classification of workers, the contract and any bilateral or multilateral agreements. He asked the Secretariat to confirm if that was a correct interpretation.

1026. The Government member of Australia stated that the phrase “shall preferably be governed by” did not appear to establish an obligation so much as a disposition towards a certain outcome.

1027. The Government member of Mexico asked the Secretariat which other instruments used the word “preferably” and what its scope was, as it seemed to give certain preference to an extraterritorial application of the scope of the Convention.

1028. A representative of the Secretariat explained that “preferably” was used in international labour standards but not in that particular context. One example of its use was Article 7 of Convention No. 189, which read:

> Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements.

1029. The Government member of Malawi, having heard the explanation on the word "preferably", was not sure what it set out to achieve. She requested a clarification from the Employers' and Workers' groups as to the intention behind the negotiated text.

1030. The Government member of Mexico explained that after consulting with governments and the Employers' and Workers' groups, he understood "preferably" to mean first giving preference to national law and then to international or bilateral agreements, where applicable. With that understanding and in the spirit of consensus, he supported the subamendment. The Government member of Australia shared that interpretation.

1031. The Government member of Cyprus, speaking on behalf of the EU and its Member States, asked the Secretariat to explain what the original intention of the draft text was, to indicate how the subamended text differed from it, and to provide an interpretation of how Article 18 as subamended should be read in conjunction with Article 23(2), namely if it limited in any way a Member State to regulate platform workers present and working in its territory and operating under the terms of conditions of its jurisdiction.

1032. A representative of the Secretariat stated that Article 18, as drafted by the Office based on the responses from Member States, laid out the principle that the terms and conditions of employment or engagement of digital platform workers should be governed by the country in which the work was performed, unless otherwise provided for international laws and regulations, international instruments, or multilateral or bilateral agreements, and therefore reflected the interpretation shared by the Government members of Mexico and Australia. The first part of the Article expressed the default position of the territoriality principle in international law, under which States possessed sovereignty over their territory and their jurisdiction and over events and persons within that territory. The second part enabled Member States to take other measures, where national laws and regulations, international instruments or multilateral or bilateral agreements provided otherwise. The Office could not assess the difference between proposed Article 18 and the subamended text, as it could not speak to the intentions of the proponents of the subamended text. Finally, while both Articles 18 and 23(2) made use of the territoriality principle, Article 18 as subamended concerned the determination of the law applicable to the terms and conditions of employment or engagement, whereas Article 23(2) concerned more broadly the implementation of the Convention.

1033. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment but did not object to the consensus being reached. He affirmed their understanding that Article 18, as amended by the social partners, did not limit the sovereign competence of Member States recognized in Article 23(2) to regulate platform workers who were present and working within their territory and to require that the terms and conditions under which they operated be governed by their own jurisdiction.

1034. The amendment was adopted as subamended and, as a result, two other amendments (A.169 and A.165) fell.

1035. Article 18 was adopted as amended and Part XIII was adopted as amended.

Title of Part XIV

1036. As a result of the adoption of Article 19 without amendment, an amendment (A.200) fell and the title – Protection of migrants and refugees – was adopted.

Article 19

1037. The Government member of the United States proposed an amendment (A.196) to delete the Article to avoid the draft Convention singling out particular groups of digital platform workers for special protections. The draft Article risked duplicating existing migration-related

frameworks and extended the scope of the draft Convention. Proposed Articles 2 and 3 already included the general provisions for non-discrimination and equal treatment and provided a sufficient basis for protecting digital platform workers during recruitment and engagement processes. The amendment was not seconded and therefore not discussed.

A.201

1038. The Government member of the United States, seconded by the Government member of Argentina, proposed an amendment to replace the term "migrants and refugees" with "digital platform workers" and delete the phrase "digital platform workers" at the end of the text. This would ensure consistency to the purpose of the draft Convention and its aim to extend recruitment-related protections to all digital platform workers, regardless of employment status or nationality. The amendment would avoid conflating the distinct legal categories of migrants and refugees, keeping the focus on digital platform work and leaving migration and asylum issues to the international and national frameworks specifically designed to address them.

1039. The Employer Vice-Chairperson expressed flexibility on the amendment.

1040. The Worker Vice-Chairperson did not support the amendment. Migrants and refugees merited explicit reference in the draft Convention given their disproportionate levels of vulnerability in the platform economy.

1041. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Brazil, Chile, Mexico, Indonesia and Uruguay did not support the amendment.

1042. The amendment was withdrawn.

A.158

1043. The Government member of India, speaking also on behalf of the Government member of Türkiye, proposed an amendment to insert "in accordance with national laws and practice" after "shall" since matters relating to migration and refugee status and their residence and access to employment fell within the sovereign authority of Member States and were governed by national legal and policy frameworks. The amendment would not alter the objective of extending protections to migrant and refugee platform workers but would ensure that such protections were implemented through mechanisms consistent with national legal and administrative frameworks.

1044. The Worker Vice-Chairperson did not support the amendment, which would weaken the international standard set in draft Article 19. Migrant workers and refugees faced heightened risks of exploitation in the digital platform economy due to their precarious legal status, as well as linguistic and cultural barriers. Article 19 would assert their protection as a vulnerable group.

1045. The Employer Vice-Chairperson expressed flexibility on the amendment.

1046. The Government members of Singapore and Israel supported the amendment for the flexibility it allotted to the diverse circumstances of Member States with respect to migrants and refugees while preserving the core obligation to take measures to ensure their adequate protection as digital platform workers.

1047. The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to remove "in accordance with national law and practice" and add instead: "in line with relevant and applicable international obligations and in accordance with national law and practice," after "migrants and refugees".

1048. The Government member of Egypt shared the purpose for the subamendment to recognize and adhere to the distinct legal status, rights, and protections of migrants and refugees that were embedded in international law, including with respect to access to work. Refugee rights were governed by the Convention relating to the Status of Refugees, 1951, and the rights of migrant workers were addressed through other international instruments and bilateral labour agreements. The reference to "relevant applicable international obligations" would better capture the distinctions between the migrants and refugees while accounting for the adherence of Member States to the relevant instruments as well as to their own national legal frameworks.

1049. The Government members of Oman, speaking on behalf of the GCC countries; Malaysia and Chile supported the amendment and not the subamendment.

1050. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Mexico, and Uruguay did not support the amendment or subamendment.

1051. The Worker Vice-Chairperson and the Government members of Türkiye, India, Indonesia and Zimbabwe supported the subamendment.

1052. The Government members of Australia, Brazil and Canada expressed a preference for the Office text for its clarity but were willing to support the subamendment.

1053. As a result of informal discussions, the Employer Vice-Chairperson and the Worker Vice-Chairperson, having taken into account the discussions with government members, agreed to keep the Office text.

1054. The Government member of the United States objected to the content of the Article, but would not block consensus.

1055. The Government member of Namibia, speaking on behalf of the Africa group, proposed a subamendment to insert, after "refugees", the phrase ", in line with relevant and applicable international obligations and in accordance with national law and practice". The Government member of Malawi explained that most refugees did not have the direct right to work in Africa because reservations had been made in the ratification of the 1951 Geneva Convention relating to the Status of Refugees. The reference was therefore intended to provide flexibility both for those who had a direct right for refugees to work and for those who did not.

1056. The Government member of Mexico supported the subamendment recognizing the different situations of each region. However, he expressed preference for the Office text.

1057. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Colombia did not support the subamendment. The Government member of Colombia acknowledged the concerns expressed by the Africa group, but urged, nevertheless the governments to support the consensus.

1058. The subamendment was withdrawn, the amendment was not adopted and Article 19 was adopted without amendment.

1059. Part XIV was adopted.

Title of Part XV

1060. The title – Dispute resolution and remedies – was adopted.

Article 20

A.170

1061. The Worker Vice-Chairperson introduced an amendment to delete "and digital labour platforms" after "workers" to assure the focus of the draft Article on protecting the access of

digital platform workers to safe, fair and effective dispute resolution mechanisms. Workers, and not digital labour platforms, were the ones facing barriers and it was the responsibility of Member States to ensure such access. A dispute resolution guarantee which was framed around both workers and platforms implied a false symmetry that obscured the power imbalance the draft Convention was meant to correct and could be invoked by digital platforms to claim equivalent procedural entitlements, or to resist worker protective mechanisms on the grounds of fairness to both parties.

1062. The Employer Vice-Chairperson did not support the amendment because employers too should have access to dispute resolution mechanisms, as had been agreed during the discussion on the drafting of Convention No. 190 and the ILO Technical meeting on access to labour justice for all (February 2025).

1063. The Government member of Oman, speaking on behalf of the GCC countries, did not support the amendment as dispute resolution was understood in labour relations and provided by governments equally for employers and workers.

1064. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Türkiye, Uzbekistan and Mexico did not support the amendment.

1065. The Worker Vice-Chairperson added that the amendment was not intended to suggest that digital labour platforms, or employers of others, should not have access to dispute resolution mechanisms, but rather to acknowledge that there was a gap in this area for workers.

1066. The amendment was withdrawn.

A.190

1067. The Employer Vice-Chairperson introduced an amendment to delete “easy” before “access”, delete “safe, fair and” before “effective”, and delete “appropriate and effective” before remedies. While supporting the concepts in the draft Article, it contained too many subjective adjectives that would complicate implementation. The amendment would simplify the text and make it less prescriptive.

1068. The Worker Vice-Chairperson did not support the amendment, as the wording in the Office text was very similar to that agreed in Convention No. 190.

1069. The Government members of Uzbekistan and Malaysia supported the amendment.

1070. The Government member of the United States supported the amendment since the words proposed for deletion added a level of prescription that was at best subjective and at worst vague and could hamper implementation.

1071. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Oman, speaking on behalf of the GCC countries; Brazil, Argentina, Chile, Uruguay, Indonesia and Canada did not support the amendment.

1072. The amendment was withdrawn.

A.202

1073. The Government member of the United States introduced an amendment, seconded by the Employer Vice-Chairperson to delete the word “easy” before “access”. The word was unnecessary since digital platform workers either had access or not.

1074. The Employer Vice-Chairperson supported the amendment for the purposes of streamlining and making the text less prescriptive.

1075. The Worker Vice-Chairperson did not support the amendment because easy access would include allowing digital platform workers to access dispute resolution in the territory in which they lived rather than being forced through contractual provisions to use another.

1076. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Namibia, speaking on behalf of the Africa group, did not support the amendment.

1077. The Government members of Malaysia, India and Uzbekistan supported the amendment.

1078. The Employer Vice-Chairperson drew the room's attention to the point raised by the Workers' group, which was that their reading of the word "easy access" included extraterritorial access to justice.

1079. The Worker Vice-Chairperson responded that what was intended was to assert that that dispute resolution be accessible in the same territory, that is, the same place where the worker was living and working.

1080. The Government member of Grenada, speaking on behalf of the CARICOM countries, did not support the amendment as it risked undermining effective access to justice for digital platform workers and might reduce the enforceability of rights even where formal mechanisms might exist.

1081. The Government member of the United States added for consideration that the word "easy" only blurred binding international law, which should have the utmost legal clarity for those Members looking to adopt the draft Convention.

1082. The amendment was not adopted.

A.171

1083. The Worker Vice-Chairperson introduced an amendment to insert after the word "remedies", "in the territory in which the digital platform worker resides or performs work, regardless of where the platform is established". The added text recognized that digital platform workers were often engaged across multiple territories and were left vulnerable since they did not have the knowledge on how to pursue disputes across borders. Anchoring the territory in which to effectuate dispute resolution as that where digital workers were based gave a concrete context to the provision of "easy access". She also introduced a subamendment to add the terms "digital labour" before the word "platform" at the end of the draft Article for improved clarity.

1084. The Employer Vice-Chairperson did not support the amendment or subamendment as it showed disregard for respecting the critical importance of contracts. Delegates were not there to rewrite well-established principles of international law including matters of jurisdiction. She urged governments to take note of the direct threat to their national sovereignty that was implied in an amendment that sought an extraterritorial application of the law.

1085. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Japan, Uzbekistan, the United Kingdom, Israel, Argentina, Brazil, Chile and Mexico did not support the amendment.

1086. The Government member of Singapore did not support the amendment given its practical implications. The obligation on every Member State to ensure effective remedies regardless of where the platform was established would require Member States to compel enforcement of its judgements or orders against entities in a foreign jurisdiction. This outcome went beyond what domestic legal systems could unilaterally achieve and raised questions of sovereignty that could limit ratification of the draft Convention.

1087. The amendment was not adopted.

A.189

1088. The Employer Vice-Chairperson introduced an amendment to add at the end of the Article: "on par with those available to enterprises generally, and those available to workers with the same classification of status in employment, in the Member's jurisdiction, according to national law and practice". The intention was to ensure fairness and consistency across the economy, prevent preferential treatment for digital platform workers or enterprises, and leave no doubt on the jurisdiction for dispute resolution.

1089. The Worker Vice-Chairperson did not support the amendment as it would weaken the provision by preserving existing deficiencies in access to remedies in cases of conflicts. Linking remedies to employment status would require workers to resolve classification disputes before pursuing other claims.

1090. The Government members of Cyprus speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Namibia, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; Brazil, Canada, and Uruguay did not support the amendment.

1091. The Employer Vice-Chairperson withdrew the amendment and reiterated concerns that the draft Convention risked creating an additional layer of protection applicable only to the platform economy.

1092. Another amendment (A.172) was withdrawn and Article 20 was adopted without amendment.

Proposal to insert a new Article after Article 20

A.157

1093. The Government member of Cyprus, speaking on behalf of the EU and its Member States, introduced an amendment to insert a new Article that read:

> Each Member shall ensure that representative workers' organizations and, where they exist, organizations representing digital platform workers are able to act on behalf or in support of digital platform workers, in accordance with national law and practice.

1094. This supported the principle that workers' organizations should be able to act on behalf of, or in support of, digital platform workers in accessing dispute resolution mechanisms and remedies.

1095. The Employer Vice-Chairperson did not support the amendment and questioned its added value as it could interfere with national civil proceedings. Representation in legal proceedings should remain a matter for national law and practice and not be prescribed in an international labour standard.

1096. The Worker Vice-Chairperson supported the amendment and considered that collective standing was often the only realistic avenue through which digital platform workers could access justice.

1097. The Government members of Namibia, speaking on behalf of the Africa group; Oman speaking on behalf of the GCC countries; Australia, Brazil, Canada, Colombia, Chile and Singapore supported the amendment.

1098. The Government member of Israel requested clarification from the Secretariat regarding whether the proposed provision for representation within workers' organizations under the amendment would apply to self-employed digital platform workers.

1099. The representative of the Secretary-General clarified that all workers, without distinction, had the right to join organizations of their own choosing.

1100. The Government member of South Africa offered observations of a general nature regarding the ongoing discussions. He emphasized the multinational and multi-jurisdictional character of digital labour platforms, the relevance of contractual principles including the sanctity and freedom of contract, the need for consistency with other international instruments, and the importance of clarity regarding the relationship between international standards and national law. He encouraged consideration of these issues to facilitate consensus-building.

1101. The Employer Vice-Chairperson raised the concern that the amendment implied that any group could act on behalf of self-employed workers which had implications for civil proceedings. A version of the sentiment existed already in paragraph 3 of the draft Recommendation.

1102. The Government member of Israel did not support the amendment.

1103. As a result of an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson, through informal discussions having taken into account the views of government members, the amendment was not adopted.

Title of Part XVI

1104. The title – Compliance and enforcement – was adopted.

Article 21

A.173

1105. The Worker Vice-Chairperson introduced an amendment to insert, ", including labour inspection" after the word "mechanisms". Labour inspection warranted an explicit mention in relation to digital platform work owing to its critical role in initiating inspections among workers who might not otherwise file claims due to cost or fear. The proposed wording was also in line with the Conclusions of the Technical Meeting on Access to Labour Justice for All (February 2025).

1106. The Employer Vice-Chairperson did not support the amendment since the Member States should determine which mechanisms were appropriate for compliance and to avoid a listing exercise.

1107. The Government member of Japan did not support the amendment.

1108. The Government member of Oman, speaking on behalf of the GCC countries, did not support the amendment due to implementation concerns.

1109. The Government members of Brazil, Colombia, and Uruguay supported the amendment.

1110. The Government member of Egypt, seconded by the Employer Vice-Chairperson, introduced a subamendment to delete "including labour inspection" and insert the terms "appropriate national" before "mechanisms".

1111. The Worker Vice-Chairperson did not support the subamendment because the purpose of the amendment was to mention labour inspection.

1112. The Government member of the United Kingdom supported the amendment but not the subamendment.

1113. The Government member of Canada could support the amendment but preferred the Office text.

1114. The Government member of Chile supported the subamendment.

1115. The Government member of Switzerland expressed a preference for the Office text, had flexibility on the subamendment and did not support the amendment.

1116. The Government members of India, Israel, Malaysia, Türkiye and Uzbekistan did not support the amendment or subamendment.

1117. The subamendment and the amendment were not adopted.

A.159

1118. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to divide the existing text into an introductory sentence and subparagraph (a) and to add a subparagraph (b) to read:

> Each Member shall take measures so that mechanisms are in place for:
>
> (a) ensuring compliance with and enforcement of relevant national laws and regulations and collective agreements;
>
> (b) providing digital platform workers with the possibility to contact and communicate privately and securely with each other, and to contact or be contacted by their representatives.

1119. This would be a critical enabling measure for digital platform workers to promote their freedom of association.

1120. The Employer Vice-Chairperson did not support the amendment which was too prescriptive. As drafted, it was unclear whether the burden to guarantee communication should fall on Member States or companies. Further, that was ultimately a labour union responsibility.

1121. The Worker Vice-Chairperson supported the amendment as it provided access to fundamental rights for platform workers. The platform itself was the medium through which all work was mediated, which meant it also controlled the channels through which workers would otherwise communicate. A right to communicate privately and securely was therefore important to counter this.

1122. The Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of CARICOM countries; India, Indonesia, Malaysia, New Zealand and Uzbekistan did not support the amendment.

1123. The Government member of Singapore did not support the amendment as it would grant digital platform workers a right that ordinary employees did not enjoy, while placing on digital labour platforms a corresponding burden not imposed on conventional employers.

1124. The Government member of Brazil supported the amendment.

1125. The Government members of Japan, Argentina, Switzerland, Chile and Türkiye did not support the amendment because it was not practicable for governments.

1126. The Government member of the United States did not support the amendment for the added reason of its associated privacy implications.

1127. The amendment was withdrawn.

A.160

1128. The Government member of Cyprus, speaking on behalf of the EU Member States, introduced an amendment to insert an alternative text for a possible new subparagraph (b) that would read: “ensuring that digital labour platforms provide relevant information on platform work to competent authorities and to representative workers’ organizations and, where they exist, organizations representing digital platform workers”. This could help to ensure effective implementation of the draft Convention by Member States.

1129. The Worker Vice-Chairperson supported the amendment. Compliance and enforcement were impossible without sufficient information, which was almost entirely in the hands of the platforms. Calling for digital labour platforms to disclose information not only to competent authorities but also to representative workers' organizations and, where they existed, organizations representing platform workers, recognized the limited resources and capacities of public enforcement authorities and the important role of workers' organizations in monitoring compliance. Disclosure would also counter information asymmetry.

1130. The Employer Vice-Chairperson did not support the amendment given its prescriptive language and the lack of clarity on what would be deemed "relevant information".

1131. The Government member of the United States did not support the amendment for its added administrative burden.

1132. The amendment was withdrawn and Article 21 was adopted without amendment.

1133. Part XVI was adopted.

Title of Part XVII

1134. As a result of the decision to keep the Office text in Article 22, an amendment (A.187) fell and the title – No less favourable treatment – was adopted.

Article 22

A.174

1135. The Worker Vice-Chairperson introduced an amendment to remove "with the same classification of status in employment", as the phrase risked legitimizing the protection gaps affecting platform workers based solely on employment status, which the draft Convention sought to remedy. Many of these workers were classified as self-employed despite performing work under conditions of economic dependency and control.

1136. The Employer Vice-Chairperson did not support the amendment. The Office text ensured fairness between platform workers and non-platforms workers within each status in employment. This principle would be blurred by the amendment.

1137. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Switzerland, Japan, Argentina, Türkiye, Uzbekistan, New Zealand and Malaysia did not support the amendment.

1138. The Government member of Indonesia asked the Secretariat to define "protection".

1139. The representative of the Secretary-General clarified that the protection referred to in Article 22 referred to the protection of platform workers afforded under the draft Convention.

1140. The amendment was not adopted.

A.186

1141. The Employer Vice-Chairperson introduced an amendment to insert "or more" after "no less", and "and that digital labour platforms enjoy no less or more favourable treatment compared to other enterprises" at the end of the text. This would promote fairness across the economy, by ensuring that platform workers would receive, in accordance with their classification of status in employment, protection that would be no less or more favourable than the protection received by workers in that same category outside the platform economy. This would also apply to businesses to ensure fair competition and avoid creating a double layer of protection for one subset of the economy.

1142. The Worker Vice-Chairperson did not support the amendment since the objective of international labour standards was to establish minimum protections for workers, not to restrict Member States in implementing more stringent measures.

1143. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Grenada, speaking on behalf of the CARICOM countries; Colombia, Chile, Uruguay and Mexico did not support the amendment.

1144. The Government member of Brazil proposed a subamendment, seconded by the Employer Vice-Chairperson to change "no less or more favourable than" with "consistent with".

1145. The Government member of the United States supported the subamendment which ensured the principle of parallel treatment for digital platform workers and other workers in the same classification of status in employment.

1146. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment.

1147. The Employer Vice-Chairperson proposed a further subamendment to change the terminology also in the latter clause of the draft Article to read "treatment consistent with that enjoyed by" before "other enterprises" for linguistic consistency.

1148. The Worker Vice-Chairperson did not support the subamendments.

1149. The Government members of Namibia, speaking on behalf of the Africa group; Chile and Mexico did not support the subamendment or the amendment.

1150. The Government member of Colombia asserted that the amendment could work against the intention of the Employers' group since he could imagine situations where a Member State could insist on equal treatment of platform enterprises to other enterprises, for instance, in tax policies.

1151. The Employer Vice-Chairperson explained that fair treatment of workers and fair competition among all businesses were very basic principles. However, as a result of informal discussions with the Worker Vice-Chairperson, she withdrew her group's amendment.

1152. The amendment was not adopted and Article 22 was adopted without amendment.

1153. Part XVII was adopted.

Title of Part XVIII

1154. The title – Implementation – was adopted.

Article 23(1)

A.185

1155. The Employer Vice-Chairperson introduced an amendment for the paragraph to read:

> Each Member shall implement the provisions of the Convention in consultation with the most representative organizations of employers and workers, through laws and regulations, collective agreements, court decisions, a combination of these means, or in any other manner consistent with national practice.

1156. The terminology would thus be similar to that commonly used in existing ILO standards, including in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

1157. The Worker Vice-Chairperson did not support the amendment as it was important to safeguard broader consultations, including with organizations and representatives of self-employed workers.

1158. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Malaysia did not support the amendment.

1159. The Government members of Grenada, speaking on behalf of the CARICOM countries; Australia and Canada preferred the Office text and did not support any amendments on Article 23.

1160. The Employer Vice-Chairperson stated that the international system of social partners was built on the most representative organizations of employers and workers in every country and social dialogue was built around that structure. Reference to other organizations that were not the most representative was not acceptable to the Employers' group.

1161. The Government member of Israel supported the amendment.

1162. The Government member of Mexico stated that he preferred the Office text and therefore did not support the amendment. However, in a spirit of compromise, he proposed a subamendment, seconded by Brazil, to reintroduce "and, where they exist, organizations representing digital labour platforms and digital platform workers," instead of deleting.

1163. The Government members of Chile and Colombia supported the subamendment, the latter noting that the expression "the most representative organizations of employers and workers" was commonly used in ILO instruments.

1164. The Government member of Australia requested clarification from the Secretariat as to whether there was any practical difference between the amendment proposed by the Employers' group and the Office text.

1165. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. Governments consulted not only the most representative organizations of employers and workers when implementing or ratifying Conventions, but also other representative organizations of employers and workers necessary to ensure inclusive social dialogue in line with ILO principles, which would be particularly important for the platform economy given it was not a sector but an area of the economy.

1166. The representative of the Secretary-General indicated that the list contained in the Office text was similar to language already approved by the Committee in Article 2 concerning scope. Several international labour standards extended consultation requirements to organizations representing categories of workers specifically concerned by an instrument, such as Article 2(2) of Convention No. 189, and Article 1(c) of the Work in Fishing Convention, 2007 (No. 188). Some international labour standards referred to "the most representative organizations" of employers and workers, while others referred simply to representative organizations. According to the *Manual for Drafting ILO Instruments*, the expression "the most representative organizations" had generally been used where it was intended to restrict consultation to national inter-occupational organizations.

1167. The Employer Vice-Chairperson questioned the Secretariat's interpretation concerning representative organizations, arguing that it contradicted Convention No. 144, and that the examples cited were largely sectoral labour standards. She sought clarification regarding the frequency in international labour standards of references to "the most representative organizations" versus references to other types of representative organizations.

1168. The representative of the Secretary-General confirmed that most international labour standards referred to the consultation of the most representative organizations; however, some recent instruments referred to consultation with certain additional representative organizations of employers and workers. She recalled that the responses received from constituents during the preparation of the reports for the standard-setting process had overwhelmingly argued that it was important to ensure that those covered by the instrument

should have a voice in the decisions that might affect them, and that was why the formulation had been included in the draft Convention.

1169. As a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to adopt the amendment as proposed by the Employers' group and the subamendments were not adopted.

A.203

1170. The Government member of the United States, seconded by the Employers' group, introduced an amendment to delete "collective agreements, court decisions, or a combination of these means,". The Office text could be interpreted as requiring representative organizations to be consulted through, or in relation to, court decisions, which was not appropriate.

1171. The Employer Vice-Chairperson added that the confusion was likely the result of the language combining two distinct, though standard, implementation provisions.

1172. The Worker Vice-Chairperson did not support the amendment based on earlier explanations provided by the Secretariat concerning implementation provisions. The provision was a standard implementation paragraph, which, to her understanding, did not require social partners to be consulted on court decisions.

1173. The Government member of Malawi asked the Secretariat whether existing international labour standards contained implementation provisions referring to collective agreements, court decisions or a combination of such means.

1174. The Government members of Switzerland and Colombia did not support the amendment, noting the particular importance of collective agreements.

1175. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, and Uruguay did not support the amendment.

1176. The Government member of the United States stated that, while the wording concerning consultation and court decisions was confusing, he accepted the explanation provided by the Secretariat that the provision was workable and coherent.

1177. The amendment was withdrawn.

A.184

1178. The Employer Vice-Chairperson introduced an amendment to delete the terms "court decisions", as those should not be subject to social dialogue.

1179. The Worker Vice-Chairperson did not share the Employers' group understanding of the proposed Article and did not support the amendment.

1180. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment.

1181. The Government member of South Africa did not support the amendment, as the proposed Article was not subjecting court decisions to social dialogue. To his understanding, the proposed Article established that Member States could implement the provisions of the Convention through a range of means, first and foremost through laws and regulations, or collective bargaining. The use of court decisions arose in the absence of collective bargaining agreements and when laws were being challenged, in which case courts made law through judicial pronouncements. The provision allowed Member States the flexibility to choose their means of implementation. Consultation could take place on collective agreements and on legislation to accommodate the Convention, but court decisions were stand-alone, even if

they appeared in the list. Keeping "court decisions" was therefore important, to open the possibility that a court decision alone would mean that the Convention had been implemented.

1182. The Government members of Grenada, speaking on behalf of CARICOM countries; Switzerland, Mexico, Brazil, the United Kingdom, Colombia, and Indonesia did not support the amendment, in line with the arguments put forward by the Government member of South Africa. The Article contained two parts, the first on consultation, the second on means of implementation of the Convention.

1183. The Employer Vice-Chairperson asked the Secretariat to confirm if court decisions normally appeared in the latter half of the sentence and without a reference to consultations; and if, when consultations were mentioned in the context of implementation, court decisions normally did not appear.

1184. The Government member of the United Kingdom asked that the text be referred to the Drafting Committee to resolve the misunderstanding that the Article would require court decisions to be submitted to consultation.

1185. The representative of the Secretary-General confirmed that the proposed wording of the Article was common in international labour standards, and that its purpose was to establish that the Convention should be implemented generally through consultation, not to subject court decisions to consultation.

1186. The amendment was withdrawn and paragraph 1 of Article 23 was adopted as amended.

Proposal to insert new paragraphs after Article 23(1)

A.161

1187. The Government member of Cyprus, speaking on behalf the EU Member States, introduced an amendment to insert a new paragraph in the Article, which would make the Convention more widely ratifiable and implementable by more clearly limiting its scope of application to those platforms that organized work. It read:

> For the purpose of implementing this Convention, each Member may, taking into account national law and practice, exclude services that do not, as a necessary and essential component, organize work.

1188. The intention was to exclude from the definition of digital labour platform, for example, websites that served only as a platform to book medical appointments, even if they used algorithms to enable matching the request with a selected number of available and suitable doctors. If the website also managed payments, the decisive factor should be the organization of work as a necessary and essential component of the service offered. The aim of setting an international standard was to address the conditions of work of persons operating via digital labour platforms. A digital labour platform should go beyond providing space for interaction. The decisive factor for a platform to be deemed a digital labour platform should clearly be the organization of work as a necessary and essential component of the service offered. Therefore, the amendment was proposed to give Member States the necessary flexibility in the implementation to establish legal clarity in their jurisdictions when implementing the Convention.

1189. The Employer Vice-Chairperson did not support the amendment. The Blue report had been very clear that general websites were not in the scope of the instrument. She also expressed disappointment that the amendment proposed by the EU Member States would, in effect, reopen the Convention's definitions and scope sections, which were agreed the previous year. The Committee had committed not to reopen agreed text and it was concerning that the proposal would contradict that agreement.

1190. The Government members of Canada and Colombia supported the amendment as it reaffirmed the intended scope of the Convention. The Committee's intention was to cover digital labour platforms that organized work, notably through algorithmic management that determined the working conditions of platform workers. The aim was to address regulatory gaps and provide better protection for digital labour platform workers. The intention was not to cover platforms that merely offered intermediation space to facilitate the connection between clients and workers, for example social networks, online advertising, search engines or job boards. As such, the amendment provided needed clarity and appropriate scope for Member States' implementation of the Convention.

1191. The Government members of Namibia, speaking on behalf of the Africa group; Argentina, the United States, Brazil, Mexico, and Chile did not support the amendment as the Committee had already agreed on the definitions and scope of the Convention.

1192. The Government member of Cyprus, speaking on behalf of the 34 countries proposing the amendment, clarified that the amendment was not reopening the definition of digital labour platforms, and that Articles 1 and 2 remained untouched. If the amendment were adopted, all Members that ratified and implemented the Convention without making use of the flexibility clause could do so. The inclusion of the new paragraph focusing on the organization of work as a necessary and essential component was a welcome clarification that Members should be able to make in the implementation of the Convention to serve legal certainty and clarity. These are important for the EU and its Member States to ensure ratification and sound implementation.

1193. The Worker Vice-Chairperson did not support the amendment. The Employer Vice-Chairperson recalled that the draft Convention already provided scope to make the desired exclusions.

1194. The amendment was not adopted.

1195. The Government member of Cyprus, speaking on behalf of the EU Member States, recognizing that the Committee had agreed in its discussions that services that merely facilitated spaces where clients and services were matched by an algorithmic system and which did not fulfil a minimum requirement with regard to the organization of work were not considered in the scope of the draft Convention. In the light of that common understanding, the proposed amendments (A.161 and A.162) would no longer be necessary. He announced that A.162 would be withdrawn.

Article 23(2)

A.204

1196. The Government member of the United States, seconded by the Employers' group and by the Government member of Argentina, introduced an amendment for the text after "platforms" to read "intermediaries and platform workers that fall within its jurisdiction in accordance with national laws". Platform work often spanned multiple jurisdictions, and disputes could involve conduct occurring outside a Member's territory. Article 23(2), as drafted, could be interpreted as requiring Members to regulate platforms, intermediaries and workers based solely on territorial presence, even where the relevant conduct fell outside their legal jurisdiction. He maintained that international labour standards should not impose obligations beyond a State's recognized regulatory authority. Linking the provision to each Member's jurisdiction under national law would ensure that obligations remain enforceable and ratifiable across different legal systems.

1197. The Worker Vice-Chairperson did not support the amendment, as the Office version had used the correct formulation.

1198. The Government member of Israel supported the amendment as it afforded flexibility in implementation according to each national context.

1199. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Uruguay, Brazil, Colombia and Mexico did not support the amendment.

1200. The amendment was withdrawn.

A.183

1201. The Employer Vice-Chairperson introduced an amendment to replace the word "territory" at the end of the paragraph with "jurisdiction, in accordance with national law and practice.", to address concerns relating to jurisdictional limitations under national legal systems and to ensure that the provision did not impose obligations beyond what a Member could lawfully exercise

1202. The Worker Vice-Chairperson did not support the amendment.

1203. The Government member of Israel supported the amendment.

1204. The Employer Vice-Chairperson proposed a subamendment for the phrase to read "territory, unless under national law the Member lacks jurisdiction to do so". Online-based platform workers could be based anywhere, but that did not mean that the Member State jurisdiction changed.

1205. The Worker Vice-Chairperson did not support the subamendment.

1206. The Government members of the Niger, speaking on behalf of the Africa group; and Indonesia did not support the amendment or subamendment.

1207. The Government member of the United States was concerned that the Office text could be interpreted as obliging Member States to exercise jurisdiction over digital labour platforms even where alleged violations occurred abroad. Such an interpretation could lead to unintended extraterritorial obligations, which would raise significant legal and practical concerns.

1208. The Government member of Chile supported the subamendment and the concerns raised by the United States.

1209. The Employer Vice-Chairperson withdrew the subamendment and the amendment and reiterated her group's concerns regarding jurisdiction.

A.199

1210. The Government member of Switzerland, speaking also on behalf of the Government members of Japan, the United Kingdom, Uzbekistan, Türkiye and the GCC countries, introduced an amendment, to add ", unless otherwise provided in national laws and regulations, applicable international instruments or bilateral or multilateral agreements.", after "in its territory". The amendment aimed to address legal concerns relating to territoriality and private international law, without which the provision could lead to uncertainty regarding the extraterritorial application of obligations, potentially rendering the Convention difficult to implement. The proposed wording would ensure coherence with existing legal frameworks and provide the legal certainty necessary for ratification.

1211. The Employer Vice-Chairperson and the Government members of Israel, Argentina and Chile supported the amendment.

1212. The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Mexico, Brazil Colombia, and Uruguay, opposed the amendment.

1213. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment and considered the Office text to be consistent with general principles of international law.

1214. The amendment was not adopted.

A.205

1215. The Government member of the United States, seconded by the Employers' group, introduced an amendment to insert ", unless under national law the Member lacks jurisdiction to do so," after "in its territory". The amendment aimed at providing legal clarity and ensuring that obligations under the Convention would not be interpreted as imposing extraterritorial jurisdiction. He urged Members to consider the risk of overlapping or conflicting legal regimes.

1216. The Worker Vice-Chairperson did not support the amendment.

1217. The Government member of the United Kingdom supported the amendment, since the provision raised questions of concurrent jurisdiction in cases where platform work crossed borders. The absence of clarification could result in overlapping obligations and legal uncertainty for both workers and platforms. She emphasized that the amendment did not seek to reduce protections, but rather to clarify which legal framework would apply.

1218. The Government member of Singapore noted that the phrase "in its territory" already limited the provision to territorial jurisdiction. The terms "operating" and "working" allowed sufficient flexibility for Member States to determine the scope of jurisdiction under their national law. She asked the Secretariat to confirm whether the Office text implied extraterritorial obligations.

1219. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the amendment since the Office text sufficiently reflected the general principle that States exercised jurisdiction over persons and activities within their territory.

1220. The Government member of the Niger, speaking on behalf of the Africa group, did not support the amendment. Existing frameworks of public and private international law already addressed such jurisdictional issues.

1221. A representative of the Secretariat clarified that the intention of paragraph 2 was to preserve the sovereignty of Member States for events occurring in their own territory. Paragraph 2 did not specifically define the term "operating" and it was up to Member States to determine it. The Office's drafting intention was that "operating" in a Member State's territory would at least include the presence of digital platform workers in its territory.

1222. The Government members of Brazil, Mexico, Colombia, Indonesia, Canada, Singapore and the Government member of Grenada, speaking on behalf of the CARICOM countries, supported the Office text.

1223. The Government member of the United States reiterated his concern that the provision could be interpreted as allowing extraterritorial application.

1224. The amendment was withdrawn and paragraph 2 of Article 23 was adopted without amendment.

Article 23(3)

A.182

1225. The Employer Vice-Chairperson introduced an amendment proposing to delete "the use of" and replace "is permitted" with "are involved". The amendment sought to better reflect the

reality that intermediaries might be legally permitted in many jurisdictions but not necessarily involved in platform work in all cases. The proposed wording aimed to capture the distinction more accurately.

1226. The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Grenada, speaking on behalf of the CARICOM countries; Brazil, Mexico, and Australia did not support the amendment.

1227. The amendment was withdrawn.

A.163

1228. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to replace "determine and allocate the respective responsibilities of" with "require" and insert after "intermediaries to" the phrase "cooperate and clarify respective responsibilities to". The intention was to establish a framework enabling cooperation between digital labour platforms and intermediaries while allowing sufficient flexibility to accommodate different national practices.

1229. The Worker Vice-Chairperson did not support the amendment. The determination and allocation of responsibilities of digital labour platforms and intermediaries should rest with Member States.

1230. The Employer Vice-Chairperson did not support the amendment. It was not for Member States to impose cooperation between parties.

1231. The Government members of Australia, Brazil, and Colombia did not support the amendment.

1232. The amendment was withdrawn.

A.181

1233. The Employer Vice-Chairperson introduced an amendment to insert "in accordance with national law and practice" after "intermediaries". Member States already had well-established legal frameworks governing the operation of intermediaries both within and beyond the platform economy.

1234. The Worker Vice-Chairperson and the Government members of Namibia, speaking on behalf of the Africa group; Mexico, Brazil, Uruguay, and Colombia did not support the amendment, which they considered redundant as Member States already acted in accordance with national law and practice.

1235. The amendment was withdrawn.

A.175

1236. The Worker Vice-Chairperson introduced an amendment to add at the end of the paragraph:

> , including, where appropriate, through joint and several liability, and ensure that digital platform workers performing work via intermediaries enjoy protection no less favourable than that enjoyed by digital platform workers employed by or engaged to work by digital labour platforms.

1237. Adopting joint and several liability would enable workers to secure their rights without bearing the burden of navigating complex litigation involving multiple companies. It would also ensure that workers performing the same work enjoyed the same conditions and rights whether employed, self-employed or engaged through an intermediary, thereby discouraging the use of intermediaries to circumvent labour protections.

1238. The Employer Vice-Chairperson did not support the amendment. It was too prescriptive and no existing international labour standard had ever addressed the issue of joint liability.

1239. The Government members of Chile, Colombia and Argentina did not support the amendment.

1240. The Worker Vice-Chairperson introduced a subamendment to remove "including, where appropriate, through joint and several liability".

1241. The Government member of the Niger, speaking on behalf of the Africa group, did not support the subamendment.

1242. The subamendment and the amendment were not adopted.

A.164

1243. The Government member of Cyprus, speaking on behalf of the EU Member States, as well as Albania, North Macedonia, Montenegro, Norway, Republic of Moldova and Ukraine, introduced an amendment to add at the end of the paragraph:

> Members shall take appropriate measures to ensure that digital platform workers who have a contractual relationship with an intermediary enjoy the same level of protection, pursuant to this Convention, as digital platform workers who have a direct contractual relationship with a digital labour platform.

1244. The intention was to ensure that workers enjoyed the same level of protection, irrespective of whether they had a contractual relationship with an intermediary or directly with the digital labour platform.

1245. The Employer Vice-Chairperson did not support the amendment because it was redundant.

1246. The Worker Vice-Chairperson supported the amendment.

1247. The Government members of Namibia, speaking on behalf of the Africa group; Argentina, Indonesia, Malaysia, Brazil and Honduras did not support the amendment.

1248. The amendment was withdrawn and paragraph 3 of Article 23 was adopted without amendment.

New paragraphs after 23(3)

A.176

1249. The Worker Vice-Chairperson introduced an amendment to insert in Article 23 a new paragraph reading:

> Each Member shall develop and implement measures for labour inspection and enforcement with due regard for the special characteristics of the platform economy, in accordance with national laws and regulations.

1250. The proposed paragraph reflected the need for Member States to develop and implement labour inspection and enforcement measures adapted to the specificities of the platform economy.

1251. The Employer Vice-Chairperson and the Government members of Chile and Japan did not support the amendment. There was no need to address labour inspection specifically, as it was already covered by implementation measures adopted elsewhere in the instrument.

1252. The Government member of Mexico did not support the amendment. While recognizing the importance of labour inspection, the amendment was unnecessary. The adoption of the Convention would automatically bring platform work within the scope of labour inspection.

1253. The Worker Vice-Chairperson emphasized the need for technical assistance on labour inspection and implementation measures to facilitate ratification and implementation of the Convention.

1254. The amendment was withdrawn.

A.177

1255. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph in Article 23 reading:

> This Convention does not affect more favourable provisions applicable to digital platform workers under other international labour Conventions.

1256. The proposed paragraph would reinforce legal certainty by clarifying that the Convention should be interpreted harmoniously with the broader corpus of international labour law and would not reduce protections established under other international labour standards. A similar provision appeared in Convention No. 189.

1257. The Employer Vice-Chairperson did not support the amendment as she considered that more favourable provisions applicable under other international labour standards would remain unaffected by the Convention.

1258. The Government member of Australia supported the amendment. The proposed paragraph addressed disparities between the protections available to digital platform workers engaged as employees under existing international labour standards and those provided under the Convention. It recognized that the Convention sought to establish standards applicable to digital platform workers engaged as both employees and independent contractors, and that the protections afforded under the Convention might be less than comparable protections already available to employees under other international labour instruments. Where a digital platform worker engaged as an employee was covered by two ratified Conventions, the more favourable provision would prevail.

1259. The Government member of Brazil supported the amendment noting the frequent references throughout the instrument to “national law and practice”.

1260. The Government members of the Niger, speaking on behalf of the Africa group; Oman, speaking on behalf of the GCC countries; and Mexico did not support the amendment.

1261. The Government member of Cyprus, speaking on behalf of the EU and its Member States, asked the Secretariat whether the new paragraph was necessary, to which a representative of the Secretariat responded that it was up to the Committee to decide. Similar provisions appeared, for instance, in the Labour Inspection Convention, 1947 (No. 81), the Domestic Workers Convention, 2011 (No. 189), the Home Work Convention, 1996 (No. 177), and the Part-Time Work Convention, 1994 (No. 175).

1262. The Government members of Cyprus, speaking on behalf of the EU and its Member States, and Brazil supported the amendment.

1263. A representative of the Secretariat, quoting article 19(8) of the ILO Constitution, stated that “in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom, or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation”.

1264. The Government members of Argentina and Chile did not support the amendment.

1265. The Worker Vice-Chairperson asked the Secretariat to confirm that article 19(8) of the ILO Constitution concerned more favourable conditions under national law rather than under other labour Conventions, which a representative of the Secretariat confirmed.

1266. The Worker Vice-Chairperson noted that the purpose of including such provisions in other Conventions was to ensure alignment across international labour standards. As the proposed paragraph concerned the relationship with other international labour Conventions, article 19(8) of the Constitution, which addressed more favourable provisions in national law, did not render it redundant.

1267. The Government members of Canada, Uruguay, Indonesia, and Colombia supported the amendment.

1268. The Government member of Grenada, speaking on behalf of the CARICOM countries, supported the amendment as it clarified that the Convention functioned as a floor rather than a ceiling and reinforced coherence across international labour standards.

1269. The Employer Vice-Chairperson noted that the amendment did not specify that it referred to ratified international labour Conventions and could be interpreted as requiring Member States to consider provisions contained in Conventions that they had not ratified. Conversely, where Conventions had been ratified, the amendment was redundant, as those provisions would already form part of national law.

1270. The Worker Vice-Chairperson indicated that "does not affect more favourable provisions applicable to platform workers under other international labour Conventions" referred to the body of international labour standards.

1271. When resuming the discussion at a later sitting, as a result of informal discussions between the Employer Vice-Chairperson and the Worker Vice-Chairperson, an agreement was reached to replace the text of the new proposed paragraph with the amended version of a text that had been proposed in amendment A.52 for insertion as a new Article after draft Article 7 (see paragraph 486 above), which read:

> In implementing this Convention, each Member shall take appropriate measures to protect commercially sensitive information of digital labour platforms.

1272. The Government member of Mexico did not object to the consensus but indicated that under no circumstances the new paragraph could result in Article 23 being interpreted to restrict the work of labour inspectors to conduct their supervisory duties.

1273. The Government members of Namibia speaking on behalf of the Africa group; Cyprus, speaking on behalf of the EU and its Member States; Australia, Brazil, Colombia, Norway, and Uruguay, did not support the subamendment but refrained from blocking consensus.

1274. The amendment was adopted as subamended and the new paragraph in Article 23 was adopted.

A.180

1275. The Employer Vice-Chairperson introduced an amendment to insert a new paragraph in Article 23 reading:

> Measures taken by a Member to implement this instrument should not be used as a criterion, basis or evidence for reclassification or to establish a presumption of employment.

1276. The Committee had recognized that platform workers could be employees, self-employed workers or fall within a third category in certain national systems. As Article 8 already clarified that workers should be correctly classified, the amendment ensured that implementation of the instrument would not conflict with national classification frameworks or labour relations systems, and that measures taken to implement the Convention would not in themselves be used as a basis for reclassification or to establish a presumption of employment.

1277. The Worker Vice-Chairperson did not support the amendment as it interfered with the ability of Member States to introduce measures to combat misclassification. As stated in article 19(8)

of the ILO Constitution, Member States could adopt provisions considered as more favourable than those in the Convention, such as those establishing a presumption of employment contained in many laws at the national and regional levels.

1278. The Government members of Cyprus, speaking on behalf of the EU and its Member States; Namibia, speaking on behalf of the Africa group; and Uruguay did not support the amendment, considering it overly prescriptive.

1279. The Government member of Argentina supported the amendment.

1280. The Government member of the United States supported the amendment. Courts sometimes considered actions taken by companies as relevant to worker classification, but they generally disfavoured relying on actions undertaken solely to comply with national or state law. The paragraph would provide legal clarity by ensuring that compliance with national legislation was not used as a basis for reclassification or to establish a presumption of employment.

1281. The Government member of Colombia did not support the amendment. It was based on an unwarranted assumption that the Convention would create a presumption of employment.

1282. The Government member of Brazil did not support the amendment and questioned the rationale as reclassification could be necessary to correct misclassification.

1283. The Government member of the United Kingdom asked the Employers' group whether the proposed amendment would prevent a Member State from reclassifying a group of platform workers when implementing the Convention.

1284. The Employer Vice-Chairperson stated that the instrument did not create new classification tests, which remained governed by national law, including under Article 8. Several provisions of the draft instrument, such as the one on minimum wages, were blurring the distinction between self-employed workers and employees, which could be used as a basis for reclassification, which would not be acceptable.

1285. The Government members of the Niger, speaking on behalf of the Africa group, and Canada did not support the amendment. It was prescriptive and inconsistent with Article 8.

1286. The Government member of Australia did not support the amendment. The Committee had agreed that platform workers could have different employment statuses while experiencing similar decent work deficits. The draft instruments already provided sufficient flexibility for implementation within national frameworks.

1287. The Government member of the United Kingdom, seconded by the Employers' group, introduced a subamendment to delete "as a criterion, basis or evidence for reclassification or".

1288. The Government members of Oman, speaking on behalf of the GCC countries; Türkiye, India, and Argentina supported the subamendment.

1289. The Government member of the United States supported the subamendment as a reasonable compromise. Compliance with national law should not establish a presumption of employment, and the subamendment provided legal clarity.

1290. The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States; and Brazil did not support the subamendment.

1291. The Government member of Singapore did not support the amendment or the subamendment, as they prescribed how Member States should implement the Convention.

1292. The Government members of Namibia, speaking on behalf of the Africa group; Uruguay, Switzerland, and Mexico did not support the amendment or the subamendment.

1293. The Government member of the United States, seconded by the Employers' group, introduced a further subamendment to insert "in itself" after "should not be used". This clarified that compliance with the Convention alone would not change a worker's classification.

1294. The Government members of Grenada, speaking on behalf of the CARICOM countries; and Norway did not support the subamendments or the amendment.

1295. The Government member of Cyprus, speaking on behalf of the EU and its Member States, did not support the subamendment proposed by the Government member of the United States, which was not adopted. The subamendment proposed by the Government member of the United Kingdom was withdrawn.

1296. Following an agreement reached between the Employer Vice-Chairperson and the Worker Vice-Chairperson having taken into account the views of government members, the amendment was not adopted.

1297. Article 23 was adopted as amended and Part XVIII was adopted as amended.

1298. The Government member of Cyprus, speaking on behalf of the EU and its Member States, acknowledged the Chairperson's good intentions in facilitating direct consultations between the social partners. However, he expressed regret that governments, which would ultimately be called upon to ratify and implement this Convention, had been substantially left out of the process. He noted that governments should not be presented with a fait accompli and should be actively engaged throughout the drafting process at all stages, in line with the tripartite spirit of the ILO.

Title of Part XIX

1299. The title of Part XIX – Normative language – was adopted.

Article 24

1300. Article 24 and Part XIX were adopted.

Title of the Convention

1301. The title – Convention concerning decent work in the platform economy – was adopted.

Adoption of the Convention

1302. The Reporter of the Committee presented the work of the Drafting Committee, which in accordance with the Stading Orders of the Conference, had been mandated to ensure consistency between the English, French and Spanish versions of the Convention. She confirmed the agreed wording of the draft Convention, having ensured alignment across the three official languages and clarified the use of the expression "classification of status in employment". [11]

1303. Following the preparation of the final texts by the Drafting Committee, [12] the Committee adopted the Convention part by part and as a whole.

[11] See the Note for the Drafting Committee of the Conference (ILC.114/CNP/D.3).

[12] ILC.114/CNP/D.4.

Closing remarks and consideration of the draft resolution

1304. The Government member of Singapore, speaking also on behalf of the Government member of Switzerland, applauded the efforts made by the Committee to put forth a Convention, built together through social dialogue, that would help to ensure that economic growth in the digital economy came with dignity and security for workers. It was a landmark instrument to uphold the promotion of decent work for digital platform workers while providing Member States sufficient flexibility for its implementation. Nonetheless, she expressed disappointment that the Committee had not had sufficient time to discuss the Recommendation, and governments had had limited time to review the texts that had been agreed upon by the social partners through informal discussions. That approach was not consistent with the tripartite principles that underpinned the ILO.

1305. She proposed that the Committee adopt a draft resolution [13] to acknowledge the fact that it had not considered the draft Recommendation, in the spirit that the path forward required adequate time and genuine tripartite engagement, and that follow-up actions should be carefully considered by the Governing Body.

1306. The Employer Vice-Chairperson expressed appreciation for the work of the Committee and gratitude for the consensus reached. While the Convention might not be optimal, it reflected the consensus and compromises reached in the Committee. The resolution should reflect the success of the Committee to come to an agreement without resorting to voting. She therefore proposed two amendments to the draft resolution:

- In the third preambular paragraph, replace the phrase "did not have the time to examine and adopt the text of the Recommendation, supplementing" with "succeeded in adopting".
- In paragraph 2, delete "to take" after "International Labour Office" and replace "all necessary decisions, making full use of ILO means of action, including convening a meeting of experts, development cooperation and research," with "to provide support to the tripartite constituents".

1307. The Convention gave a solid framework that addressed the key issues, while remaining principle-based and allowing the flexibility that Member States needed to implement it in diverse national and regional contexts. Considering the financial constraints faced by the ILO, the resolution should showcase the strength of social dialogue, as well as the value and importance of the ILO as an institution.

1308. The Worker Vice-Chairperson noted that, despite differences, by engaging, listening and negotiating in good faith, the Committee had fulfilled its mandate to develop a Convention although it had not managed to develop a Recommendation. She did not support the amendments since the Governing Body needed sufficient flexibility to decide the appropriate means of action for follow-up, including further action such as standard setting.

1309. The Government member of Cyprus, speaking on behalf of the EU Member States, did not support the amendments. He proposed another amendment for the text in paragraph 2 after "platform economy," to read "all necessary decisions, making full use of ILO means of action, and to". The intention was to reaffirm the Governing Body's role in taking all necessary decisions to follow-up the work of the Committee.

1310. The Government member of Chile supported the amendments proposed by the Employer's group. While substantial differences had prevented the consideration of the draft Recommendation, the Committee's mandate had been successfully fulfilled and future

[13] ILC.114/CNP/D.5.

efforts should focus on promoting the ratification, implementation and effective implementation of the Convention, while respecting national circumstances and legislation.

1311. The Government members of Mexico and Colombia supported the amendment by the EU Member States. The complex discussions of the Committee had highlighted different positions and challenges, which strengthened the need for a Recommendation to detail the principles in the Convention and allow national implementation. In light of the financial crisis, it was important to protect, and not limit, the ILO's mandate to carry out standard-setting work, as given by the Governing Body. The fact that the Committee had not resorted to voting had proved that social dialogue was important despite its challenges.

1312. The Government member of Argentina supported the Employers' group's amendments as they reflected the achievements of tripartism and consensus-building. The mandate of the Committee had been fulfilled in a satisfactory way after more than two years of work. In light of the budgetary constraints, the Committee should aim to demonstrate certainty on the value of action but also a commitment to austerity to help the Organization to do its work.

1313. The Government member of Thailand asked whether the proposed amendments would produce outcomes different from those envisaged by the proponents of the draft resolution and whether different approaches could create different burdens for the Office in the future.

1314. The representative of the Secretary-General clarified that the text under consideration was a draft resolution submitted by the Government members of Singapore and Switzerland and it was for the Committee to decide on it. The resolution invited the Governing Body to consider the outcome of the standard-setting discussion and determine the appropriate follow-up, in line with its authority to set the Conference agenda and decide how best to proceed.

1315. The Government members of Namibia, speaking on behalf of the Africa group; Canada, Australia, Switzerland, and Uruguay supported the amendment proposed by the EU Member States. The resolution should report on the Committee's mandate, as established by the Governing Body, and the decision adopted by the Committee during the first discussion the previous year, to develop a Convention supplemented by a Recommendation. The resolution should therefore reflect that the mandate had not been fully achieved. Moreover, it should be for the Governing Body to decide on any future standard-setting discussions.

1316. The Government member of Peru supported the amendments introduced by the Employer Vice-Chairperson. The Convention struck an appropriate balance between the need for decent work in the platform economy and respect for national realities and diversities and the Recommendation would no longer be necessary as the substantive principles that could have been set forth in the Recommendation had been incorporated into the Convention.

1317. The Government members of Norway, Brazil and Brunei Darussalam supported the amendment proposed by the EU Member States.

1318. The Government member of the United States supported the amendments introduced by the Employer Vice-Chairperson. With the adoption of the Convention, the mandate of the Committee had been fulfilled. The draft resolution, as originally proposed, inviting the Governing Body to "take all necessary decisions, making full use of ILO means of action", was overly broad and open-ended.

1319. The Worker Vice-Chairperson reiterated that the Committee's mandate had been to develop a Convention and a Recommendation and it had not had time to consider the draft Recommendation. She supported the amendment by the EU Member States, which gave flexibility to the Governing Body in determining the appropriate follow-up to the Convention.

1320. The Government member of New Zealand supported the amendments introduced by the Employers' group.

1321. The Employer Vice-Chairperson indicated that the amendment to paragraph 2 sought to provide clarity on the way forward, as the original text, despite the amendment proposed by the EU Member States, created uncertainty. The Convention was the outcome of an extensive process, including a meeting of experts, the two-year standard-setting process and several rounds of informal consultations. It was not appropriate to reopen a complex discussion. While consideration of the draft Recommendation could have enriched the discussion, it was not necessary to adopt a Recommendation to consider that the Committee's mandate had been completed. The Committee's mandate had been to adopt a standard and it had done it. Moreover, the phrase "all necessary decisions, making full use of ILO means of action" was too broad and raised budgetary concerns.

1322. The Government member of Colombia did not support the amendments introduced by the Employer Vice-Chairperson. The Governing Body needed to take decisions to continue developing a Recommendation at an appropriate time, as the process had been conceived from the outset as a Convention supplemented by a Recommendation. Governments had set aside issues on the understanding that they could be addressed in the Recommendation. Recommendations provided guidance for developing legislation to governments that did not ratify a given Convention.

1323. The Government member of the Niger recalled that during the first discussion the Committee had decided by vote to develop a Convention and a Recommendation. If only a Convention were submitted to the Conference for adoption, the Committee needed to explain why the mandate had not been fulfilled. Speaking on behalf of the Africa group He introduced a subamendment to the amendment introduced by the Employer Vice-Chairperson to the preamble to add ", but did not have the time to examine and adopt the text of the Recommendation supplementing" after "succeeded in adopting the Convention".

1324. The Employer Vice-Chairperson emphasized that, while her group had been prepared to engage constructively in considering the draft Recommendation, including by submitting amendments and was prepared to support the Convention, it could not accept an undefined path regarding the Recommendation. Given the complexity of the topic and the lengthy standard-setting process, she cautioned against creating a precedent for open-ended discussions that could undermine the ILO's ability to adopt international labour standards efficiently. She also raised a question about the cost implications of meetings of experts or another standard-setting discussion.

1325. The Government member of Cyprus, speaking on behalf of the EU and its Member States, supported the subamendment introduced by the Government member of the Niger.

1326. The Government members of Malawi, Colombia and Bangladesh recalled that the Committee had been mandated by vote to draft both a Convention and a Recommendation, and it was necessary to report on the reasons for which that mandate had not been fulfilled.

1327. The Government member of Singapore indicated that she could accept any language acknowledging that only the Convention had been adopted. The resolution was intended to convey the Committee's views to inform the Governing Body's consideration on the next steps, while leaving the final decision to the Governing Body.

1328. The Government member of Mexico acknowledged that the adoption of the Convention was a significant success. As the Committee had not had time to discuss the draft Recommendation, the resolution should reflect that fact without prejudging how or when the matter would be taken forward, leaving flexibility for the Governing Body to decide. He supported the subamendment introduced by the Government member of the Niger, as well as the amendment by the EU Member States.

1329. The Government member of Zimbabwe recalled the resolution adopted during Zimbabwe's presidency of the Conference the previous year, which called for the development of both a

Convention and a Recommendation. The issue was therefore not whether there should be a Recommendation, but when.

1330. The Government member of Australia indicated that the debate concerned two issues: whether the Committee had accurately reflected how it had discharged its mandate and whether it should express views on the next steps or simply defer to the Governing Body to consider such steps as there would be flexibility to take them anyway.

1331. The Government member of Grenada, speaking on behalf of the CARICOM countries, indicated that the resolution should provide an accurate account of the Committee's work. While the Committee had successfully concluded discussions on the Convention, the mandate to develop a Convention supplemented by a Recommendation had not been fully completed due to the complexity of the issue and time constraints. She supported the subamendment introduced by the Government member of the Niger.

1332. The Government member of Malawi stressed that the Committee had not been able to complete all aspects of its mandate. It was important that the resolution explained the reasons why the Recommendation had not been discussed, reflecting the complexity of the negotiations. Any decision on the next steps would be for the Governing Body.

1333. The Government member of the United States introduced a further subamendment, seconded by the Employers' group, to delete paragraph 2. The Committee had completed its mandate. While the Governing Body could decide to return to the issue in the future, the Committee should not include language encouraging it, as the Governing Body attached significant weight to such recommendations.

1334. The Government member of Namibia, speaking on behalf of the Africa group, did not support the deletion of paragraph 2, which did not propose any new course of action; it simply reflected the outcome of the Committee's work.

1335. The Worker Vice-Chairperson and the Government members of Cyprus, speaking on behalf of the EU and its Member States, and Bangladesh agreed with the Government member of Namibia, on behalf of the Africa group that paragraph 2 could not be deleted.

1336. The Government member of Bangladesh pointed out that the other two committees of the 114th Session (recurrent discussion on social dialogue and tripartism and general discussion on the transformative agenda for gender equality at work), had not omitted mentioning issues on which agreement had not been reached when presenting their outcomes to the Conference plenary. The Committee should therefore follow the same practice and disclose that it had not had time to consider the draft Recommendation, which formed part of its mandate.

1337. The amendment proposed by the Employers' group to the preamble was adopted as subamended by the Africa group; the amendment proposed by the EU Member States to paragraph 2 was adopted; and the draft resolution was adopted as amended.

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As there was no time at the last sitting, Committee members delivered their closing remarks during the final plenary sitting of the Conference on Friday, 12 June, before the adoption of the Convention. [14]

[14] The recordings and transcripts of the statements can be consulted on the ILO website.

International Labour Organization

▶ ILC.114/Record No. 6A

▶ Record of Proceedings 6A

International Labour Conference – 114th Session, Geneva, 2026

Date: 10 June 2026

Outcome of the General Discussion Committee on the Transformative Agenda for Gender Equality at Work

Proposed resolution and conclusions submitted to the Conference for adoption

This Record of Proceedings contains the text of the proposed resolution and conclusions submitted by the Committee to the Conference for adoption.

The Record of the Committee's proceedings will be published on the Conference website in Record No. 6B as of 15 June 2026.

▶ Resolution concerning the ILO transformative agenda for gender equality in the world of work

The General Conference of the International Labour Organization, meeting in Geneva at its 114th Session, 2026,

Having undertaken a general discussion on advancing the transformative agenda for gender equality in the world of work, and duly taking into account the Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019):

1. adopts the following conclusions;
2. invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;
3. requests the Director-General to:
   (a) prepare a plan of action on promoting the transformative agenda for gender equality in the world of work to give effect to the conclusions, for the consideration of the Governing Body at its 358th Session (November 2026);
   (b) communicate the conclusions to relevant international and regional organizations;
   (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources;
   (d) keep the Governing Body informed of their implementation.

▶ Conclusions concerning the ILO transformative agenda for gender equality in the world of work

I. Gender equality at work: central to decent work for all

1. Gender equality is a human right and core to the mandate of the International Labour Organization (ILO). It is also a prerequisite for inclusive, sustainable development, resilient labour markets and wellbeing for all workers. Gender equality is both a social justice imperative and economic necessity, including to enable sustainable enterprises. Societies and economies should take advantage of all their available talent.

2. Over recent decades, notable progress has been achieved in expanding women's access to education, training, skills development and increasing their participation in the labour market as workers, leaders, entrepreneurs, and in businesses. Initiatives to advance gender equality have resulted in improved profitability and productivity, innovation and growth for all.

3. However, gender inequalities in the world of work persist, underpinned by deeply rooted structural barriers including gender stereotypes and discriminatory social norms, as well as institutional and legal barriers.

4. Even with higher levels of education and skills acquisition, women continue to experience lower labour force participation rates than men, overrepresentation in sectors and occupations characterised by lower pay and decent work deficits and continue to earn, on

average, less than men, and are more likely to work part-time. Women are also disproportionately represented in the most insecure forms of work, including informal and domestic work, and remain underrepresented in high-growth sectors and leadership positions. High rates of young people, in particular young women, who are not in employment, education or training (NEET) represent both a significant challenge to gender equality and a substantial loss of human and economic potential.

5. Women entrepreneurs, particularly in micro- small- and medium-sized enterprises, continue to face significant barriers, including limited access to finance, business opportunities, networks, digital infrastructure and technology, capacity building and incentives, while a large proportion of women-owned enterprises remain concentrated in the informal economy, limiting their productivity, competitiveness, innovation and sustainability. Expanding women-led enterprises through effective regulations can drive economic growth at household, national, regional and global levels, but requires sustained support through targeted policies, fiscal incentives, blended finance, and innovative investment models that allow women to focus on core business activities.

6. Gaps in the realization of fundamental principles and rights at work and in the ratification and effective implementation of relevant ILO standards, and persistent structural barriers such as sectoral and occupational segregation and the undervaluation of work in jobs and sectors where women predominate, an unequal share of unpaid care work and responsibilities, inadequate care policies, services and infrastructure, inadequate access to universal social protection, gender biases in occupational safety and health frameworks, and violence and harassment, including gender-based violence and harassment, constrain women's opportunities and sustain gender inequalities. For women experiencing multiple and intersecting forms of discrimination, these inequalities are even more pronounced.

7. Technological, demographic and environmental transformations offer opportunities to reverse these patterns of inequality and transform the world of work for the benefit of all. However, existing structural and non- structural barriers coupled with gender digital divides, potential risk of gender bias in algorithmic and AI systems, unequal access to technical and vocational education and training, including science, technology, engineering and mathematics (STEM), risk exacerbating existing gender inequalities. Without deliberate, gender-responsive and evidence-based policies that expand women's access to decent work opportunities, particularly in emerging and dynamic sectors in the green and digital economies, progress on gender equality will remain elusive.

II. Effective policy approaches in an evolving world of work

8. The ILO transformative agenda for gender equality in the world of work requires comprehensive, integrated, cross-sectoral and evidence-based approaches combining equality frameworks, economic and labour market policies, social protection policies, care systems, skills policies, measures to build institutional capacity and enforcement mechanisms. The active engagement, through social dialogue, of employers' and workers' organizations in the design, implementation and monitoring of policies is essential. Gender equality should be a central objective in the design, implementation, and evaluation of policies.

9. Gender-responsive macroeconomic, sectoral, industrial and employment policies can play a critical role in addressing gender inequalities in the labour market by expanding access to decent work opportunities, equal access to quality public education at all levels, facilitating school-to-work transitions and lifelong learning, skilling, re-skilling and upskilling, including in STEM, and removing the structural and non-structural barriers that continue to constrain

women's labour market participation and economic empowerment, including through access to finance and entrepreneurship support. This is critically important in the context of formalization strategies, environmental and digital transitions. It includes addressing gender equality challenges in emerging and diverse forms of employment. In addition, measures should address the digital gender divide by ensuring equitable access to digital infrastructure, connectivity, electronic devices, digital literacy and digital skills development, and training and apprenticeships, particularly for women and girls in rural areas. Advancing women's career opportunities is a shared responsibility.

10. The fundamental Conventions concerning the elimination of discrimination, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), are close to universal ratification. They guide Members' efforts to promote equality of opportunity and treatment in employment and occupation, including equal remuneration for work of equal value. Broader ratification and effective implementation of relevant international labour standards, including the Workers with Family Responsibilities Convention, 1981 (No.156), the Maternity Protection Convention, 2000 (No.183) and the Violence and Harassment Convention, 2019 (No.190), supported by coherent national policies, institutions, capacity building and enforcement mechanisms, are essential.

11. Protection from discrimination requires adequate policy, legislative and institutional frameworks, and effective access to justice and enforcement, and the removal or revision of provisions that are directly or indirectly discriminatory in laws, policies and practices, and a mindset shift to challenge persistent biases.

12. Legal protection from discrimination must be accompanied by practical and proactive measures to achieve substantive equality, ensuring that women enjoy equal opportunities in practice and achieve long-term economic self-sufficiency. For example, the implementation of the principle of equal remuneration for work of equal value in accordance with Convention No. 100, can be advanced through objective job evaluation, pay transparency measures and wage policies, including living wages.

13. Occupational safety and health policies and programmes, including in their risk assessments, must take into account a gender perspective. Approaches to prevent and eliminate violence and harassment in the world of work, including gender-based violence and harassment, are most effective when they are addressed both as discrimination and occupational safety and health issues. Such approaches should include prevention, awareness raising, accountability, safe and accessible reporting systems, access to justice, protection against retaliation, workplace level measures and effective enforcement. Particular attention should be given to work-related psychosocial and reproductive health risks, and to managing digital technologies in ways that support safe, respectful and productive workplaces.

14. Measures that strengthen maternity protection, parental and care leave policies, as part of integrated care and work-life balance policies that support workers with care responsibilities, facilitate women's entry, retention and advancement in the labour market, promote a more equal sharing of care responsibilities, and help prevent poverty and discrimination related to pregnancy, maternity, parenthood, and care responsibilities. To increase women's participation in the labour market, it is essential to promote enabling pathways for entry and re-entry, including strengthening private and public employment services, career guidance, mentorship, coaching, sponsorship, promotion of role models and women's networks, and supportive employment policies.

15. Well-designed and adequately financed, universal, comprehensive and sustainable social protection systems throughout the life course and integrated care policies and systems,

including affordable, accessible and high-quality early childhood education and care and long-term care and quality public services, recognizing the central role of care in promoting substantive gender equality in line with the ILO 5R Framework for Decent Care Work, are essential to support all workers' full, equal and effective participation in the labour market. Gender-responsive social protection systems, including social protection floors, should address gender gaps in coverage, adequacy and access, respond to gender-specific risks and vulnerabilities across the life course, and promote equality of opportunity and treatment. Care credits in social insurance and pension schemes and income security during maternity, paternity, parental, and other care leaves can support workers with care responsibilities to enter, re-enter, remain and advance in the labour market.

16. Strong and adequately resourced labour market institutions and effective accountability mechanisms are essential to advance gender equality in the world of work. Labour administration and inspection systems, gender-responsive governance structures, including judicial and enforcement mechanisms, awareness-raising and inclusive and effective social dialogue, including collective bargaining and tripartite cooperation, play a central role in promoting rights and effective implementation of labour standards, addressing persistent inequalities, and promoting safe, healthy, inclusive and discrimination-free working environments.

17. For policies to be effectively implemented, they must be sustainably financed. Gender-responsive budgeting and the adequate allocation of public resources are essential to identifying gender gaps and financing policies that advance substantive gender equality. Public-private partnerships, when they reflect ILO principles and international labour standards, and international and regional cooperation, also have a role to play. Targeted investments, including in social infrastructure, are also essential.

18. Progress is further accelerated when policies are informed by robust evidence and a comprehensive understanding of labour market dynamics. Better recognition, measurement and valuation of paid and unpaid care work, informal employment and other often overlooked forms of economic activity can help uncover the structural drivers of inequality and support more targeted interventions.

19. The collection and use of sex-disaggregated data-including on labour force participation, wages, horizontal and vertical occupational segregation, access to care leave and services, working time, access to universal, adequate, comprehensive and sustainable social protection, and occupational safety and health and violence and harassment -alongside time-use surveys and gender impact assessments, enable policymakers to identify gaps, monitor progress, evaluate the effectiveness of measures, and adapt policies to evolving economic, demographic, environmental and technological trends.

20. Data disaggregation according to other relevant characteristics, including age, disability, race, ethnicity, migrant status and geographic location enable intersectional analysis and inclusive policy design.

III. Accelerating the implementation of the ILO transformative agenda for gender equality in the world of work

21. Governments and employers' and workers' organizations, with ILO support, and as appropriate to their spheres of responsibility, should:

(a) ratify and implement the fundamental Conventions and promote ratification and implementation of other international labour standards that are particularly relevant to gender equality at work, including but not restricted to those mentioned in point 10;

(b) strengthen legal, institutional, and enforcement frameworks and capacity-building efforts on equality and non-discrimination and advance equal pay for work of equal value, wage policies including living wages, decent working conditions, work-life balance, universal, adequate, comprehensive and sustainable social protection across the life course, including maternity protection, parental leave, and other paid care leaves, quality public services, gender-responsive occupational safety and health, and protection from violence and harassment, through freedom of association, and social dialogue, including collective bargaining and tripartite cooperation;

(c) engage in effective and efficient bipartite and tripartite social dialogue to accelerate the implementation of the transformative agenda for gender equality in the world of work, including, as appropriate, through dedicated national tripartite strategies;

(d) respect, promote and realize the fundamental and enabling rights of freedom of association and the effective recognition of the right to collective bargaining for all workers;

(e) develop or adapt, implement and monitor national, sectoral and targeted strategies that integrate gender-responsive and intersectional measures to address informality, promote the transition to formality of workers and economic units and prevent informalization;

(f) build institutional capacities for designing and effectively implementing laws, policies and programmes advancing the transformative agenda for gender equality in the world of work, with attention to decent job creation, universal, adequate, comprehensive and sustainable social protection, education, lifelong learning and skills needed for the technological, demographic and environmental transitions, including STEM;

(g) promote gender-responsive just transition plans in line with the 2023 ILO Resolution concerning a just transition towards environmentally sustainable economies and societies for all.

(h) promote responsible business conduct and gender-responsive policies and practices, including through human rights due diligence, in accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022, and the UN Guiding Principles on Business and Human Rights.

(i) monitor the implementation of policies and programmes, including through gender impact assessments and analyses;

(j) adopt measures to ensure coordination across different institutions, ministries and levels of government to foster coherent and integrated approaches and interventions that address structural and non-structural barriers to achieve equality at work;

(k) invest in research on barriers to gender equality to ensure national approaches are evidence-based, tailored to local circumstances and underpinned by intersectional considerations, and take specific action to tackle the root causes of discrimination and inequality including by addressing discriminatory social norms and stereotypes that limit women's entry, retention and advancement in the labour market, as well as the potential risk of gender bias in algorithmic and AI systems;

(l) strengthen the organization and representation of women workers, in particular in domestic work in line with the Domestic Workers Convention, 2011 (No. 189), and in the informal economy, to promote the transition to formality;

(m) adopt measures that promote women's access to, retention and progression in leadership and decision-making positions across public institutions, enterprises, and employers' and workers' organizations; and make further efforts to ensure a more balanced representation of women in all ILO meetings.

22. Taking into account the policy approaches set out in these conclusions, and previous conclusions concerning inequalities, decent work and the care economy and transition to formality, the ILO should strengthen its efforts to advance the transformative agenda for gender equality in the world of work through technical assistance, policy guidance, capacity building, research, awareness-raising, and development cooperation. To this end, the Office, in consultation with constituents, should:

(a) position gender equality as a core institutional priority, properly resourced to ensure adequate expertise and institutional capacity to deliver to constituents;

(b) continue strengthening gender mainstreaming across its normative, policy, programmatic and operational work, supported by gender markers, gender analysis, disaggregated data and monitoring tools;

(c) support constituents in adopting integrated and evidence-based approaches to advancing the transformative agenda for gender equality in the world of work;

(d) develop a strategy or framework, drawing on the ILO's normative mandate, technical expertise and tripartite structure, to support implementation and the regular monitoring of progress;

(e) provide support to address discrimination in employment and occupation, including the adoption and effective implementation of non-discrimination laws, labour administration and inspection systems;

(f) deepen research and disseminate knowledge on the impact of technological, environmental and demographic transformations on gender equality at work, including good practices in skills development and skills needs anticipation, and the role of freedom of association, social dialogue including collective bargaining and tripartite cooperation, and workplace cooperation, in order to assist constituents in maximizing opportunities and mitigating risks;

(g) undertake research and analysis on the drivers of the undervaluation of work predominantly performed by women, including in jobs, occupations and sectors in which women are disproportionately represented, effective measures to address such undervaluation, and the implications of technological, demographic and labour market transitions for these jobs, occupations and sectors;

(h) continue its support to constituents to implement gender-responsive, occupational safety and health strategies, including for the prevention and elimination of violence and harassment, including gender-based violence and harassment, in the world of work, and work-related psychosocial and reproductive health risks;

(i) promote equal remuneration for work of equal value and the closing of gender pay gaps through the development of practical tools for enterprises and capacity building for constituents, leveraging the Equal Pay International Coalition (EPIC) in partnership with the OECD and UN Women;

(j) assist constituents in the design, financing and implementation of gender-responsive universal, comprehensive and sustainable social protection systems across the life course, and extending coverage by at least 2 percentage points per annum in line with the Seville Commitment;

(k) support constituents in developing national care strategies consistent with the ILO 5R framework. This should include knowledge generation on evidence-based financing mechanisms. Tools such as the ILO Global Care Policy Portal, the ILO Care Policy Investment Simulator and the ILO South-4-Care Platform are part of these efforts;

(l) strengthen its capacity to generate, analyse and disseminate timely, high-quality and internationally comparable statistical data and continue to develop statistical tools and indicators to improve the visibility of gender inequalities and intersecting forms of discrimination, whilst supporting constituents in strengthening national statistical capacities to collect, produce and use disaggregated data;

(m) maintain and strengthen its global leadership on gender equality in the world of work, in particular within the United Nations system, including in the context of UN reform, and the 2030 Agenda and its follow up, leveraging its tripartite structure and normative mandate;

(n) further strengthen partnerships, cooperation and policy coherence with relevant United Nations entities, international and regional organizations, development partners and other stakeholders, including by promoting policy coherence between the ILO Decent Work Country Programmes and the United Nations Sustainable Development Cooperation Frameworks, including through South-South and triangular cooperation, as appropriate.

▶ Record of Proceedings 6B

International Labour Conference – 114th Session, Geneva, 2026

Date: 25 June 2026

Record of Proceedings of the General Discussion Committee on the Transformative Agenda for Gender Equality at Work

▶ Overview

1. The General Discussion Committee on the Transformative Agenda for Gender Equality at Work was set up by the International Labour Conference at its first sitting on 1 June 2026 to deal with the Sixth item on the agenda of its 114th Session. The Committee had before it Report VI, entitled *Advancing the transformative agenda for gender equality in the world of work* prepared by the International Labour Office. [1]

2. The Committee met from Monday, 1 June to Wednesday, 10 June and organized its work as follows: [2]

- 1–2 June: General discussion based on the Points for discussion;
- 4–5 June: A Drafting group prepared the draft Conclusions to be considered by the Committee;
- 8–10 June: Consideration of the draft conclusions based on the amendments proposed by Committee members.

▶ Officers and reporter of the Committee

Chairperson:	Ms Nikola Gillhoff (Government member, Germany)
Vice-Chairpersons:	Ms Sonya Janahi (Employer member, Bahrain) Ms Zingiswa Losi (Worker member, South Africa),
Reporter:	Mr Riski Raisa Putra (Government member, Indonesia)

[1] ILC.114/Report VI.

[2] The plan of work, points for discussion, draft conclusions and amendments can be found on the Committee's webpage.

▶ Drafting group responsible for preparing the draft conclusions

Government members	Employer members	Worker members
Ms Dercylete Lisboa Loureiro (Brazil)	Ms Sonya Janahi (Bahrein)	Ms Zingiswa Losi (South Africa)
Ms Panayiota Kambouridou (Cyprus)	Ms Silvina Scarimbolo (Argentina)	Ms Madeline Northam (Australia)
Mr Nicolas Dumas (France)	Ms Désirée Porquet Fouqueray (Côte d'Ivoire)	Ms Victoria Smallman (Canada)
Mr John Marazita (Kiribati)	Mr Joko Baroto Soedarman (Indonesia)	Ms Karen Francisca Palma Tapia (Chile)
Ms Matebello Esther Raliapeng (Lesotho)	Ms Lindiwe Francisca Sephomolo (Lesotho)	Ms Quirine Centaine Lengkeek (Kingdom of the Netherlands)
Mr Otniel Podewiltz (Namibia)	Ms Maria del Consuelo Márquez Gándara (Mexico)	Ms Liz Helgesen (Norway)
Mr Jason Dale (United States of America)	Ms Kristine Østrem Alsvik (Norway;	Ms Gwiniver Ann Mathay (Philippines)
	Ms Bouchra Lehhit Bouhdif (Spain)	Ms Florence Mucha Taruvinga (Zimbabwe)

3. The Committee adopted decisions concerning most of the amendments by consensus and the decisions concerning the five amendments listed in the table below were adopted through votes by show of hands.

▶ Decisions adopted by vote

Point and amendment number	Results		
	For	Against	Abstentions
Amendment A.124 to Point 6 proposed by the Government members of Argentina and the United States of America	22	56	2
Amendment A.91 to Point 20 proposed by the Government members of Argentina and the United States of America	25	54	2
Amendment A.24 to Point 21(e) proposed by the Africa group	24	55	3
Amendment A.25 to Point 21(i) proposed by the Africa group	26	55	3
Amendment A.130 to Point 22k proposed by the Government members of Argentina and the United States of America	26	54	2

4. At its final sitting on Wednesday, 10 June, the Committee adopted the resolution and conclusions concerning the ILO transformative agenda for gender equality in the world of work, which were then submitted to the plenary of the Conference for adoption on Thursday, 11 June. [3]

5. At the request of the Government member of the United States of America, seconded by the Government member of Argentina, the conclusions were put to a vote by show of hands and adopted with 83 votes in favour, 2 against and no abstentions.

[3] The proposed resolution and conclusions were published in ILC.114/Record No. 6A.

▶ Recordings of the Committee's sittings

Links to the recordings of the sittings and items considered

Part 1. General discussion	
Monday, 1 June	
15:30–18:30 – First sitting	Opening remarks and Point for discussion 1
19:00–22:00 – Second sitting	Point for discussion 2
Tuesday, 2 June	
11:00–14:00 – Third sitting	Point for discussion 3
Part 2. Consideration of amendments to the draft conclusions	
Monday, 8 June	
11:00–13:00 – Fourth sitting	Consideration of amendments to points 1 to 3
15:30–18:30 – Fifth sitting	Consideration of amendments to points 4 to 7
19:00–21:30 – Sixth sitting	Consideration of amendments to points 8 to 15
Tuesday, 9 June	
11:00–13:00 – Seventh sitting	Consideration of amendments to points 16 to 21(b)
15:30–17:30 – Eighth sitting	Consideration of amendments to points 21(b) to 22(m)
18:30–00:30 – Ninth sitting	Resumption of consideration of pending amendments to points 13, 15, 17, 21(a), 21(j) and 22(f)
Wednesday, 10 June	
11:00–17:30 –Tenth sitting	Resumption of consideration of pending amendments to points 6, 20, 21(e), 21(i), and 22(k), including votes, and adoption of the resolution and conclusions to be submitted to the Conference

▶ Record of Proceedings 7

International Labour Conference – 114th Session, Geneva, 2026

Date: 17 June 2026

Plenary sittings of the 114th Session

Links to the recordings of the sittings and items considered

▶ Week from 1 to 5 June

Monday, 1 June	
11:00 – 13:00	• Opening of the 114th Session • Election of the Officers of the Conference and nomination of the Officers of the groups • Constitution and composition of Conference committees • Requests for representation in Conference committees submitted by international non-governmental organizations • Arrangements to allow employers' and workers' representatives from Myanmar to contribute to the work of the Conference • Arrangements for the consideration of the item concerning the withdrawal of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) • Proposed suspension of provisions of the Standing Orders of the Conference • Opening remarks
Wednesday, 3 June	
10:00–13:00	• Announcement of the results of the vote on the proposed suspension of provisions of the Standing Orders of the Conference [1] • Withdrawal of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) • Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
14:30–18:30	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body

[1] A Government delegate from the United States of America explained his vote against the suspension of Standing Orders' provisions.

Thursday, 4 June	
10:00–13:00	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
14:30–18:30	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
Friday, 5 June	
10:00–13:00	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body

▶ Week from 8 to 12 June

Monday, 8 June	
10:00–13:00	• Announcement of the result of the vote on the withdrawal of Convention No. 83 • Presentation, discussion and approval of the report of the Finance Committee, and adoption of the draft resolutions • Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
15:00–18:30	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
Tuesday, 9 June	
10:00–13:00	• Presentation and noting of the first report of the Credentials Committee • Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
15:15–18:30	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
Wednesday, 10 June	
10:00–13:00	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
14:30–18:30	• Discussion of the Reports of the Director-General and of the Chairperson of the Governing Body
Thursday, 11 June	
14:30–18:30	• Presentation and noting of the second report of the Credentials Committee and approval of the Committee's proposals • Presentation, discussion and adoption of the outcome of the Recurrent Discussion Committee on Social Dialogue and Tripartism • Presentation, discussion and adoption of the outcome of the General Discussion Committee on the Transformative Agenda for Gender Equality at Work
Friday, 12 June	
10:00–14:30	• Presentation, discussion and adoption of the outcome of the Standard-Setting Committee on Decent Work in the Platform Economy • Presentation, discussion and approval of the report of the Committee on the Application of Standards • Announcement of the result of the vote on the Convention concerning decent work in the platform economy • Closing ceremony

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Convention concerning decent work in the platform economy

(12 June 2026)

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 114th Session on 1 June 2026,

Recognizing that the nature and the growth of the platform economy, notably of digital labour platforms, are significantly transforming the world of work,

Observing that the platform economy has created opportunities for enterprises and business development, opened new pathways for the formalization of work and generated work and income opportunities,

Recognizing existing decent work deficits in the platform economy,

Observing that when digital labour platforms operate across borders, the clients, workers and platforms may be located in different countries,

Underlining that there are specificities of work via digital labour platforms that make it desirable to adopt specific standards that, together with other international labour standards, will contribute to the full realization of decent work in the platform economy,

Acknowledging the role of digital labour platforms and micro, small and medium-sized enterprises, and the need to support an enabling environment for sustainable enterprises and promotion of fair business competition,

Recognizing the differences among Member States regarding the development of the platform economy, as well as the diversity of business models and work arrangements,

Having decided upon the adoption of certain proposals related to decent work in the platform economy, which is the fifth item on the agenda of the session, and having determined that these proposals shall take the form of an international Convention,

adopts this 12 June 2026 the following Convention, which may be cited as the Decent Work in the Platform Economy Convention, 2026:

I. Definitions

Article 1

For the purposes of this Convention:

(a) the term "digital labour platform" means a legal person or, where applicable under national law, natural person that, through digital technologies, using automated decision-making systems:

(i) organizes and/or facilitates work performed by persons for remuneration or payment, for the provision of service, upon request of the recipient or requestor;

(ii) regardless of whether that work is performed online or in a specific geographic location;

(b) the term "digital platform worker" means a person employed or engaged to work:

(i) for the provision of service organized and/or facilitated by a digital labour platform;

(ii) for remuneration or payment;

(iii) regardless of their classification of status in employment;

(c) the term "intermediary" means a legal person or, where applicable under national law, natural person that makes available the work of a digital platform worker:

(i) through contractual relationships with the digital labour platform and with the digital platform worker; or

(ii) as part of a subcontracting chain between the digital labour platform and the digital platform worker;

(d) the terms "remuneration" or "payment" mean the amount due under national laws and regulations, collective agreements or contractual obligations, to a digital platform worker, according to their classification of status in employment, in exchange for the work performed. Remuneration does not include any compensation for expenses or other costs incurred by digital platform workers in carrying out their work.

II. Scope

Article 2

1. The Convention shall apply to:

(a) all digital labour platforms;

(b) all digital platform workers, unless otherwise specified in this Convention, whether they are in the formal or informal economy.

2. Where special problems of a substantial nature arise, each Member may, after consulting with representative organizations of employers and workers and, where they exist, with organizations representing digital labour platforms and digital platform workers, exclude from the application of all or part of the Convention:

(a) limited categories of digital labour platforms; or

(b) limited categories of digital platform workers.

3. In case of exclusions under paragraph 2 of this Article, and where practicable, the Member shall take measures to extend progressively the application of the Convention to the categories of digital labour platforms and digital platform workers concerned.

4. Each Member which avails itself of the possibility of exclusion under paragraph 2 of this Article shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization:

(a) indicate the limited categories of digital labour platforms or of digital platform workers excluded under paragraph 2 of this Article;

(b) give the reasons for such exclusions and the position of its law and practice in respect of the categories excluded, stating the respective positions of the organizations referred to in paragraph 2 of this Article.

5. In its subsequent reports on the application of the Convention under article 22 of the Constitution, the Member shall specify any measures that may have been taken with a view to extending the application of the Convention to the categories of digital labour platforms or digital platform workers concerned.

III. Fundamental principles and rights at work

Article 3

Each Member shall take measures to respect, promote and realize, in the platform economy, the fundamental principles and rights at work, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour;

(d) the elimination of discrimination in respect of employment and occupation;

(e) a safe and healthy working environment.

IV. Occupational safety and health

Article 4

1. Each Member shall take appropriate measures for the prevention of occupational accidents, occupational diseases and any other injuries to digital platform workers' health arising out of, linked with or occurring in the course of their work.

2. In taking the measures under paragraph 1 of this Article, each Member shall specify the respective functions and responsibilities of public authorities, digital labour platforms, digital platform workers and other relevant actors, taking account of:

(a) the complementary character of such responsibilities;

(b) national conditions and practice and the classification of digital platform workers' status in employment;

(c) the need to assess occupational risks and take adequate preventive and protective actions.

Article 5

Each Member shall take appropriate measures to ensure that digital platform workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health, without suffering undue consequences, and that they shall inform the digital labour platform without delay.

V. Violence and harassment

Article 6

Each Member shall take appropriate measures to effectively protect all digital platform workers against violence and harassment in the world of work, including violence and harassment perpetrated online or involving third parties such as clients and customers.

VI. Promotion of decent work

Article 7

Each Member shall pursue, in their national policies and according to national circumstances, measures to promote the creation of decent work opportunities and to encourage career and skills development in the platform economy.

Article 8

Each Member shall take appropriate measures to facilitate formalization of work via digital labour platforms, including registration of self-employed workers.

VII. Classification of digital platform workers' status in employment

Article 9

Each Member shall take appropriate measures to ensure the correct classification of digital platform workers in respect of the existence or non-existence of an employment relationship, guided mainly by the facts relating to the performance of work, the remuneration or payment of the digital platform worker, among other elements, and considering the specificities of work via digital labour platforms.

VIII. Remuneration or payment

Article 10

1. Each Member shall take measures to ensure that the remuneration or payment which is due to digital platform workers under national laws and regulations, collective agreements or contractual obligations is paid in a timely manner, in full, subject to lawful deductions, to the extent authorized by national laws and regulations or collective agreements, and by lawful means of payment, including electronic transfer where permitted under national laws and regulations.

2. Each Member shall also take measures to ensure that digital platform workers in an employment relationship:

(a) receive remuneration, the amount of which, excluding any tips or other gratuities, is in no case lower than the applicable statutory or negotiated minimum wage, if any;

(b) are compensated, according to national law and practice, for expenses or other costs incurred in the performance of their work.

3. Each Member shall give consideration to whether the measures adopted notably under paragraph 2(a) of this Article shall be provided to digital platform workers who are not in an employment relationship.

Article 11

Each Member shall take appropriate measures to require digital labour platforms to provide in a timely manner digital platform workers with accurate and easily understandable information on their remuneration or payment and any deductions made.

IX. Social security

Article 12

Each Member shall take measures to ensure that digital platform workers have access to social security protection on terms no less favourable than those applicable to other workers with the same classification of status in employment.

X. Impact of the use of automated systems

Article 13

Each Member shall require digital labour platforms to inform digital platform workers, before their employment or engagement, and their representatives or representative workers' organizations and, where they exist, organizations representing digital platform workers, about:

(a) the use of automated systems, based on algorithms or on similar methods, to monitor or evaluate work, or to generate decisions relating to work;

(b) the extent to which the use of such automated systems has an impact on the working conditions of digital platform workers or their access to work.

Article 14

Each Member shall take appropriate measures to ensure responsible use of automated systems by digital labour platforms as defined in Article 1(a), as consistent with Member States' obligations to respect, promote and realize the fundamental principles and rights at work.

Article 15

1. Where decisions are generated by an automated decision-making system, each Member shall take appropriate measures to require digital labour platforms to ensure that digital platform workers have access, on request, and without unreasonable delay, taking into account the classification of status in employment, to:

(a) a written explanation for significant decisions that adversely impact their working arrangements and access to work;

(b) a review of decisions, as appropriate, that result in the non-disbursement of any amount due to digital platform workers, or the suspension or deactivation of their account, or the termination of their employment or engagement with a digital labour platform.

2. In giving effect to paragraph 1, each Member shall ensure that digital labour platforms have appropriate human involvement.

XI. Protection of digital platform workers' personal data and privacy

Article 16

1. Each Member shall establish effective and appropriate safeguards concerning digital platform workers' personal data and ensure that it is processed for the legitimate purpose for which it is collected, and not further processed in a manner that is incompatible with the rights and protections set out in this Convention.

2. Each Member shall ensure that digital platform workers have the right to request access to, and the rectification and erasure of, their personal data processed by digital labour platforms, subject to applicable data retention laws.

XII. Suspension or deactivation of account and termination of employment or engagement

Article 17

Each Member shall take appropriate measures to prohibit the suspension or deactivation of a digital platform worker's account, or the termination of their employment or engagement with a digital labour platform, when it is based on discriminatory or otherwise unlawful grounds.

XIII. Terms and conditions of employment or engagement

Article 18

Each Member shall, in accordance with national law and practice, take measures to ensure that digital platform workers receive timely, verifiable and easily understandable information on the terms and conditions of their employment or engagement.

Article 19

The terms and conditions of employment or engagement of digital platform workers shall preferably be governed by the laws and regulations of the country where the work is performed, unless otherwise provided for in national laws and regulations, international instruments or multilateral or bilateral agreements, taking into account the contractual arrangements.

XIV. Protection of migrants and refugees

Article 20

Each Member shall take measures to prevent abuses of, and provide adequate protection to, migrants and refugees in the course of their recruitment or engagement and their work as digital platform workers.

XV. Dispute resolution and remedies

Article 21

Each Member shall take measures to ensure that digital platform workers and digital labour platforms have easy access to safe, fair and effective dispute resolution mechanisms and to appropriate and effective remedies.

XVI. Compliance and enforcement

Article 22

Each Member shall take measures so that mechanisms are in place for ensuring compliance with and enforcement of relevant national laws and regulations and collective agreements.

XVII. No less favourable treatment

Article 23

Each Member shall, in implementing the Convention, take measures to ensure that digital platform workers enjoy protection no less favourable than that enjoyed by other workers with the same classification of status in employment.

XVIII. Implementation

Article 24

1. Each Member shall implement the provisions of the Convention in consultation with the most representative organizations of employers and workers through laws and regulations, collective agreements, court decisions, a combination of these means, or in any other manner consistent with national practice.
2. Each Member shall implement the provisions of the Convention in relation to digital labour platforms and intermediaries operating, and digital platform workers working, in its territory.
3. Where the use of intermediaries is permitted, Members shall determine and allocate the respective responsibilities of digital labour platforms and intermediaries to ensure compliance with the provisions of the Convention.
4. In implementing this Convention, each Member shall take appropriate measures to protect commercially sensitive information of digital labour platforms.

XIX. Normative language

Article 25

For the purposes of this Convention, any use of the generic masculine form shall be construed as non-exclusive and including also women, unless the context clearly indicates otherwise.

XX. Final provisions

Article 26

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 27

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 28

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 29

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the last of the ratifications required for entry into force that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 30

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the

Charter of the United Nations full particulars of all ratifications, declarations and denunciations that have been registered in accordance with the provisions of the preceding Articles.

Article 31

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision.

Article 32

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 33

The English, French and Spanish versions of the text of this Convention are equally authoritative.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Withdrawal of the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)

(8 June 2026)

Pursuant to article 52(2) of the Standing Orders of the Conference, this report is presented to the Conference for consideration. The Conference is also invited to consider and to adopt the following proposal:

The General Conference of the International Labour Organization meeting in Geneva at its 114th Session, 2026,

Following consideration of the proposal for the withdrawal of the Labour Standards (Non Metropolitan Territories) Convention, 1947 (No. 83),

decides this 8th day of June of the year two thousand and twenty-six to withdraw the Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to withdraw the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution concerning the financial report and audited consolidated financial statements for the year ended 31 December 2025

(8 June 2026)

The General Conference of the International Labour Organization,

Decides, in accordance with article 29 of the Financial Regulations, to adopt the audited consolidated financial statements for the year ended 31 December 2025.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution concerning the treatment of the net premium for 2024–25

(8 June 2026)

The General Conference of the International Labour Organization,

Noting that the operation of the Swiss franc assessment system resulted in a net premium of CHF19,032,213 in the 2024–25 biennium,

Decides, in derogation of article 11(5) of the Financial Regulations, to transfer 50 per cent of the net premium as per article 11(7), earned of CHF19,032,213 to the Working Capital Fund, thus bringing its level to CHF44,516,106.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

(8 June 2026)

The General Conference of the International Labour Organization,

Decides, in accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization, to renew the appointments of Ms Rosanna De Nictolis (Italy), Mr Clément Gascon (Canada), Mr Jacques Jaumotte (Belgium) and Ms Hongyu Shen (China) as judges of the Tribunal for one further non-renewable term of five years.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution concerning the third recurrent discussion on social dialogue and tripartism

(11 June 2026)

The General Conference of the International Labour Organization, meeting in Geneva at its 114th Session, 2026,

Having undertaken the third recurrent discussion on social dialogue and tripartism, in accordance with the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and duly taking into account the Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019):

1. adopts the following conclusions;
2. invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;
3. requests the Director-General to:
   (a) prepare a plan of action giving effect to the conclusions for consideration by the Governing Body at its 358th Session (November 2026);
   (b) communicate the conclusions to relevant international and regional organizations;
   (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources;
   (d) keep the Governing Body informed of their implementation.

Conclusions concerning the third recurrent discussion on social dialogue and tripartism

I. Context and guiding principles

1. The world of work is being reshaped by technological change, demographic shifts, climate change and globalization. These developments impact workers, enterprises and societies, creating opportunities and challenges. They can enhance productivity, job creation and economic growth but can also widen decent work deficits, undermine rights, increase inequality and create instability. Moreover, geopolitical instability crises, conflicts, supply chain disruptions, cost-of-living pressures and economic uncertainty, and eroding trust in public institutions have produced further challenges.

2. Social dialogue and tripartism are founding principles of the International Labour Organization (ILO) and means of democratic labour governance for navigating transitions and achieving social justice as stated in the ILO Constitution, decent work, sustainable enterprises, productivity, competitiveness, inclusive growth and resilience.

3. Social dialogue must be grounded in respect for freedom of association and the effective recognition of the right to collective bargaining, representative and independent employers' and workers' organizations, legal certainty, mutual trust and good faith. Fundamental principles and rights at work anchored in international labour standards are particularly important for the full realization of the Decent Work Agenda.

4. At the same time, social dialogue reflects each country's specific historical, cultural, political, economic and industrial relations context. In a context of a globalized economy, it takes various forms and operates at different levels according to national circumstances, including through national, sectoral, workplace and cross-border social dialogue. There is no one-size-fits-all approach to social dialogue. It is shaped by the realities in which it is practiced, resulting in country-specific variations, legal frameworks, institutions, mechanisms and processes.

5. All forms of social dialogue play important roles. Timely consultation, exchanges of information through bipartite and tripartite cooperation can strengthen policy design and implementation, build trust, prevent disputes and support consensus-building among governments and representative employers' and workers' organizations. Social dialogue mechanisms contribute collectively to sound industrial relations, labour market stability and effective governance.

6. Collective bargaining is a fundamental pillar of social dialogue. It is a voluntary process between representative organizations of employers and workers conducted in good faith and in accordance with national law and practice. Governments play a role in supporting the development of machinery for voluntary negotiations between employers or employers' organizations and workers' organizations at any appropriate level. Measures taken by public authorities to encourage and promote the development of collective bargaining should be subject to prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organizations.

7. Effective workplace cooperation can support occupational safety and health (OSH), productive workplaces, skills, and adaptation to change, and protect employment, business continuity and job creation, and could play a role in the prevention and resolution of labour disputes, particularly during periods of economic uncertainty and transformation. Workplace cooperation should respect freedom of association and collective bargaining and its outcomes,

and should not undermine the role of trade unions. It covers matters of mutual concern not within the scope of collective bargaining machinery.

8. The objective of the present Conclusions is to strengthen the effectiveness, inclusiveness, representativeness and impact of tripartite and bipartite social dialogue by enhancing the enabling environment, reinforcing institutions of work, expanding the reach and capacity of workers' and employers' organizations, and ensuring coherent and adequately resourced ILO action for practical and result-oriented outcomes.

II. Strengthening effectiveness and impact

9. Social dialogue is more than a process or institution. Its impact is measured by its ability to deliver practical outcomes: balanced, evidence-based policies, stronger trust, improved labour market outcomes, and measurable benefits for workers, employers, enterprises, economic units and societies. To remain relevant, social dialogue should be adaptable and capable of generating solutions that respond to socio-economic realities and emerging challenges.

10. Across the world, governments, employers' and workers' organizations, have relied on social dialogue to advance decent work, address transformations in the world of work and build resilience and trust. In some countries, these efforts have contributed to concrete outcomes in a wide range of areas, including: wages and working conditions, OSH, social protection, skills development and lifelong learning, gender equality and non-discrimination, labour law and policy reform, access to labour justice, formalization, labour migration, domestic and care work, crisis prevention and response, productivity and digital and just transitions.

11. Tripartite mechanisms have been used to address issues raised by the ILO supervisory bodies. In some cases, their observations and recommendations have been taken into account and given effect, leading to tangible results and supporting the development of national legal, institutional and policy measures and initiatives.

12. Social dialogue, including collective bargaining and tripartite consultation on wage-setting, has contributed to fair and sustainable wage outcomes. It contributed to reducing wage inequalities and poverty, while cushioning the effects of cost-of-living and other economic shocks. It has also enabled the regulation of working hours and rest periods, as well as working time and work organization arrangements and other conditions adapted to economic and social realities.

13. Social dialogue, including collective bargaining and tripartite consultations has played a critical role in advancing gender equality by helping to close gender pay gaps, improve work-life balance, obtain recognition of the care economy and secure provisions such as parental leave, maternity leave, equal pay for work of equal value, and measures to prevent discrimination and violence and harassment in the world of work.

14. Social dialogue including collective bargaining has contributed to higher productivity and competitiveness and supported the fair distribution of gains by reducing transaction costs, building trust, cooperation, and adaptability, while enhancing legal certainty, compliance and labour market stability.

15. Social dialogue has helped constituents anticipate and manage the effects of digitalization, artificial intelligence and other technological changes by ensuring that digital technologies and infrastructure are accessible and introduced and used in a fair, inclusive, human-centred and responsible manner, while supporting innovation, sustainable enterprises and adaptation to change.

16. Social dialogue has proven particularly valuable as both a preventive and response mechanism in periods of crisis, transition and major disruption. Social dialogue institutions helped identify risks early, prevented the occurrence and escalation of labour disputes, built trust between the parties, supported adaptability and inclusiveness, ensured balanced public policies and facilitated complex transitions in ways that protected workers, supported enterprise resilience, maintained economic and social continuity, and fostered sustainable development and peace.

17. At the same time, challenges remain.

18. Freedom of association and the effective recognition of the right to collective bargaining are under serious pressure in many countries. Restrictions on civil liberties and civic space, weak or under-resourced labour governance institutions, inadequate or ineffective labour dispute prevention and resolution systems, undue interference with employers' and workers' organizations, the bypassing of representative institutions, and legal or practical obstacles to effective representation impede meaningful social dialogue.

19. Workers and employers in the informal economy face persistent challenges and structural barriers to transition to formal economy and to exercise their right to organize and bargain collectively. The realization of decent work and sustainable enterprises require active labour market policies and effective measures to the transition to the formal economy.

III. Ensuring an enabling environment for social dialogue

20. Effective social dialogue requires an enabling environment grounded in respect for freedom of association, the effective recognition of the right to collective bargaining, representative and independent employers' and workers' organizations, legal certainty, mutual trust, and good faith. The weakening of these fundamental rights and preconditions undermines both social dialogue and democratic processes. Independent and representative employers' and workers' organizations contribute to more resilient societies, lower levels of inequality and greater trust in public institutions. Efforts to strengthen social dialogue should respect the autonomy and representativeness of employers' and workers' organizations and take account of various national industrial relations systems and practices.

A. Role of Governments

21. Governments have the primary responsibility to establish and maintain an enabling legal and institutional environment that facilitates social dialogue without dictating its outcomes. International labour standards, their ratification and the alignment of national law and practice with their content, the engagement with the ILO supervisory system and technical assistance reinforce the legal foundations for social dialogue. Governments should ensure that institutions of work are adequately resourced. Governments retain primary responsibility for creating stable economic conditions, effective labour market institutions and conducive environments for investment and enterprise development that promote decent work.

22. Member States, with the support of the ILO should:

(a) respect, promote and realize freedom of association and the effective recognition of the right to collective bargaining;

(b) ratify and effectively implement 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 the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144);

(c) establish and enforce clear legal and institutional provisions in law and practice to promote effective social dialogue;

(d) protect employers' and workers' organizations and their members from interference, violence, intimidation, and reprisals including through adequate legal safeguards and dissuasive sanctions;

(e) support mechanisms for inclusive social dialogue on policies regarding transformations in the world of work, including formalization, labour migration, crisis prevention and response, and digital and just transitions;

(f) promote the development and use of collective bargaining machinery at all appropriate levels, adapted to national circumstances and industrial relations systems, and developed in consultation with representative employers' and workers' organizations;

(g) support meaningful negotiations, by giving effect to negotiated outcomes, and providing for dispute-resolution mechanisms that help parties reach agreements voluntarily;

(h) encourage effective workplace cooperation to foster safe and productive workplaces, while respecting collective bargaining and its outcomes and without undermining the role of trade unions;

(i) use tripartite social dialogue to consider measures to be taken to promote the ratification and implementation of international labour Conventions and Protocols, and consider comments of the ILO supervisory bodies, including through labour law reforms and the adoption of other measures aimed at aligning national law and practice with ratified instruments;

(j) ensure that institutions of work, particularly labour administration systems, including labour inspection and enforcement, and effective labour justice systems, are adequately resourced and accessible to all employers and workers, including MSMEs and those in vulnerable situations;

(k) support the ILO plan of action on social dialogue and tripartism, within the context of the ILO programme and budget and extra-budgetary funding, and through South–South and Triangular Cooperation (SSTC) and other partnerships.

B. Representativeness and inclusiveness

23. Effective social dialogue requires strengthening the quality, legitimacy and inclusiveness of labour governance institutions, while fostering an environment where employers' and workers' organizations can expand their membership and reach in full autonomy. Recalling the resolution concerning tripartism and social dialogue adopted by the International Labour Conference at its 90th Session (June 2002), which reaffirms the role of legitimate, independent and democratic organizations of employers and workers, Member States with the support of the ILO, should:

(a) ensure that all workers and employers can exercise freedom of association and the effective recognition of the right to collective bargaining;

(b) ensure the meaningful involvement of representative employers' and workers' organizations in social dialogue processes;

(c) establish procedures and objective criteria for the recognition of representative employers' and workers' organizations, in consultation with the most representative

employers' and workers' organizations, for the purposes of social dialogue or collective bargaining;

(d) support, including through capacity-building where necessary, social partners' effective engagement in collective bargaining at all levels as well as in other bipartite or tripartite social dialogue processes;

(e) support representative employers' and workers' organizations in their efforts to expand their role in representing workers and economic units in the informal economy in social dialogue processes and institutions;

(f) strengthen the representation and participation of women, youth, and groups disproportionately affected by, or at risk of, informality, including in certain sectors, and in types of economic units, such as micro and small enterprises and own-account workers, through the role of representative employers' and workers' organizations and existing institutional frameworks;

(g) enhance social dialogue structures in ways that improve effectiveness and avoid fragmentation and incoherence within national industrial relations systems and strengthen their representativeness.

IV. Strengthening ILO action and follow-up on social dialogue

24. In the context of the ILO reform, the International Labour Conference strongly reaffirms that social dialogue, including collective bargaining, and support for institutions of democratic labour governance remain at the centre of the ILO's mandate. This should be reflected in allocation of adequate, dedicated human and financial resources in programme and budget proposals, while ensuring coherence, avoiding duplication and delivering impact for constituents.

25. The ILO is therefore called upon to give full effect to these conclusions within available resources and assist Members in strengthening social dialogue in all its forms and at all levels in line with the ILO international labour standards through the following means of action:

A. Means of action

Standards-related action

26. To improve coordination between its standards-related work, technical cooperation activities and research, the International Labour Office (Office) should:

(a) promote the ratification and effective implementation of international labour Conventions related to social dialogue;

(b) based on constituents demands, support Member States in considering the guidance of the ILO supervisory bodies and addressing barriers in law and practice that hinder the full realization of freedom of association and the effective recognition of the right to collective bargaining;

(c) support labour administrations in driving effective tripartite consultations on labour law reform processes to ensure alignment of national legislation with international labour standards, and to facilitate good comparative practices.

Building capacity and strengthening development cooperation

27. The Office, with the support of the constituents, as part of its programme of development cooperation including through Decent Work Country Programmes (DWCP) and enhanced collaboration with the International Training Centre of the ILO in Turin (Turin Centre), should:

(a) enhance the capacity of governments, employers' and workers' organizations, to engage effectively in social dialogue at any level, including through training and support on freedom of association, collective bargaining, and other forms of social dialogue including workplace cooperation, negotiation skills, as well as labour dispute prevention and resolution, including grievance handling, mediation and conciliation;

(b) strengthen the institutional capacity and effectiveness of institutions of work, including labour administration systems, labour inspection, labour justice systems, tripartite social dialogue institutions and other mechanisms that support social dialogue and the implementation of labour rights;

(c) support constituents in using social dialogue to address social and economic challenges and opportunities including non-discrimination, wages, and working conditions, digitalization, just transition, skills and lifelong learning, OSH, decent work in supply chains, and sector-specific challenges;

(d) support the participation of micro, small and medium-sized enterprises and economic units in social dialogue processes;

(e) promote peer learning and the exchange of good practices;

(f) promote the exchange and dissemination of good practices in social dialogue with a view to informing policy and decision-making;

(g) support employers' and workers' organizations in their efforts to reach, organize and represent informal economy workers and economic units, including, where feasible and with appropriate capacity-building, through targeted outreach strategies, training programmes and tailored services, with a view to incorporate them in the formal economy so that they can effectively enjoy the benefits of social dialogue;

(h) strengthen its support to employers' and workers' organizations in promoting the Industrial Relations Toolkit including through capacity-building and the updating of the ILO Guide on Workplace Cooperation (1997) and the Collective Bargaining Policy Guide (2015), taking into account developments in the world of work;

(i) support ILO staff in better integrating social dialogue and tripartism across the ILO's work.

Research and evidence

28. The Office should:

(a) strengthen evidence-based research and practical knowledge on freedom of association and collective bargaining including sectoral bargaining, and extension mechanisms, tripartite social dialogue, workplace cooperation, access to labour justice, grievance handling and access to remedy, social dialogue including collective bargaining, productivity, representativeness frameworks, democracy and inequality;

(b) develop and maintain databases related to social dialogue, including indicators on country-level compliance with freedom of association and collective bargaining rights and monitoring and assessment of social dialogue outcomes;

(c) expand the knowledge base on innovative social dialogue and industrial relations practices, including in relation to national, sectoral, workplace and cross-border social dialogue, formalization, domestic and care work, organizing hard-to-organize groups of workers and economic units and gender equality;

(d) undertake further research on the role of social dialogue in addressing major transitions affecting the world of work, including:

(i) digitalization and artificial intelligence, through the ILO Observatory on Artificial Intelligence and Work in the Digital Economy and based on further research produce a proposal to the Governing Body for its consideration for a tripartite meeting of experts on AI and social dialogue;

(ii) just transition;

(iii) peace, conflict prevention, resilience and social cohesion;

(iv) demographic shifts;

(v) persistent challenges of transitioning to formality;

(vi) youth employment and transition from school-to-work.

B. Coherence

29. The Office should:

(a) ensure that its work is balanced, focused on its core mandate and is results-oriented, responds to the needs and priorities of its constituents, and focuses on areas with greatest potential impact;

(b) incentivize integrated, cross-cutting interventions, that are field-led, strategic, responsive to constituent demand, and promote an enabling environment for freedom of association and the effective recognition of the right to collective bargaining and investing in institutions of work;

(c) in line with its core mandate, strengthen engagement and promote greater coherence pertaining to world of work issues within the multilateral system, including United Nations entities and International Financial Institutions, to promote social dialogue as a driver for inclusive economic growth, productivity, social resilience and peace, while avoiding duplication with other organizations;

(d) reflect the outcomes of these Conclusions in the further development, resourcing when appropriate and implementation of the integrated strategy for the promotion and implementation of the right to collective bargaining, endorsed by the Governing Body at its 349th Session (October–November 2023) and the ILO's Development Cooperation Strategy 2026–29 endorsed by the Governing Body at its 356th Session (March–April 2026).

C. Programme and budget and governance follow-up

30. Future programme and budget proposals should reflect these Conclusions within existing governance frameworks and budgetary processes to support freedom of association, the effective recognition of the right to collective bargaining, and social dialogue in all its forms.

31. The Office should undertake to mobilize extra-budgetary resources to support the implementation of these Conclusions, aligned with constituents' priorities, the ILO's Development Cooperation Strategy 2026–29 and DWCPs, while avoiding duplication.

32. Follow-up should include measurable indicators, monitoring and evaluation arrangements and regular reporting through established governance mechanisms, including a high-level evaluation of ILO action on social dialogue and tripartism.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution on the standard-setting item on decent work in the platform economy

(12 June 2026)

The General Conference of the International Labour Organization, meeting at its 114th Session (2026),

Recognizing the significant impact that the platform economy has on the world of work,

Having adopted the report of the Committee appointed to consider decent work in the platform economy, the fifth item on the agenda of the session, and having adopted the Convention concerning Decent Work in the Platform Economy, 2026,

Noting that, having made every effort to maximize social dialogue and the adoption of decisions by consensus, the Committee succeeded in adopting the Convention, did not have the time to examine and adopt the text of the Recommendation supplementing the Convention,

Considering that the adoption of the Convention will make an important contribution to achieving decent work in the platform economy, considering the specificities of work via digital labour platforms,

Observing that some digital labour platforms operate across borders, which renders cooperation between Member States particularly relevant for the implementation of the Convention,

1. Invites Member States to ratify and implement the Convention concerning Decent Work in the Platform Economy, 2026, including through cooperation at the bilateral, regional and international levels;

2. Invites the Governing Body of the International Labour Office to take, at its 358th Session (November 2026), as a follow-up to the adoption of the Convention concerning Decent Work in the Platform Economy, all necessary decisions, making full use of ILO means of action, and to request the Director-General to allocate sufficient resources accordingly, taking into account the budgetary constraints of the ILO.

▶ Texts adopted

International Labour Conference – 114th Session, Geneva, 2026

Resolution concerning the ILO transformative agenda for gender equality in the world of work

(11 June 2026)

The General Conference of the International Labour Organization, meeting in Geneva at its 114th Session, 2026,

Having undertaken a general discussion on advancing the transformative agenda for gender equality in the world of work, and duly taking into account the Declaration of Philadelphia (1944) and the ILO Centenary Declaration for the Future of Work (2019):

1. Adopts the following conclusions;
2. invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them;
3. requests the Director-General to:
   (a) prepare a plan of action on promoting the transformative agenda for gender equality in the world of work to give effect to the conclusions, for the consideration of the Governing Body at its 358th Session (November 2026);
   (b) communicate the conclusions to relevant international and regional organizations;
   (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extrabudgetary resources;
   (d) keep the Governing Body informed of their implementation.

Conclusions concerning the ILO transformative agenda for gender equality in the world of work

I. Gender equality at work: Central to decent work for all

1. Gender equality is a human right and core to the mandate of the International Labour Organization (ILO). It is also a prerequisite for inclusive, sustainable development, resilient labour markets and well-being for all workers. Gender equality is both a social justice imperative and economic necessity, including to enable sustainable enterprises. Societies and economies should take advantage of all their available talent.

2. Over recent decades, notable progress has been achieved in expanding women's access to education, training, skills development and increasing their participation in the labour market as workers, leaders, entrepreneurs, and in businesses. Initiatives to advance gender equality have resulted in improved profitability and productivity, innovation and growth for all.

3. However, gender inequalities in the world of work persist, underpinned by deeply rooted structural barriers including gender stereotypes and discriminatory social norms, as well as institutional and legal barriers.

4. Even with higher levels of education and skills acquisition, women continue to experience lower labour force participation rates than men, over-representation in sectors and occupations characterized by lower pay and decent work deficits and continue to earn, on average, less than men, and are more likely to work part-time. Women are also disproportionately represented in the most insecure forms of work, including informal and domestic work, and remain under-represented in high-growth sectors and leadership positions. High rates of young people, in particular young women, who are not in employment, education or training (NEET) represent both a significant challenge to gender equality and a substantial loss of human and economic potential.

5. Women entrepreneurs, particularly in micro, small and medium-sized enterprises, continue to face significant barriers, including limited access to finance, business opportunities, networks, digital infrastructure and technology, capacity-building and incentives, while a large proportion of women-owned enterprises remain concentrated in the informal economy, limiting their productivity, competitiveness, innovation and sustainability. Expanding women-led enterprises through effective regulations can drive economic growth at household, national, regional and global levels, but requires sustained support through targeted policies, fiscal incentives, blended finance, and innovative investment models that allow women to focus on core business activities.

6. Gaps in the realization of fundamental principles and rights at work and in the ratification and effective implementation of relevant ILO standards, and persistent structural barriers such as sectoral and occupational segregation and the undervaluation of work in jobs and sectors where women predominate, an unequal share of unpaid care work and responsibilities, inadequate care policies, services and infrastructure, inadequate access to universal social protection, gender biases in occupational safety and health frameworks, and violence and harassment, including gender-based violence and harassment, constrain women's opportunities and sustain gender inequalities. For women experiencing multiple and intersecting forms of discrimination, these inequalities are even more pronounced.

7. Technological, demographic and environmental transformations offer opportunities to reverse these patterns of inequality and transform the world of work for the benefit of all.

However, existing structural and non-structural barriers coupled with gender digital divides, potential risk of gender bias in algorithmic and AI systems, unequal access to technical and vocational education and training, including science, technology, engineering and mathematics (STEM), risk exacerbating existing gender inequalities. Without deliberate, gender-responsive and evidence-based policies that expand women's access to decent work opportunities, particularly in emerging and dynamic sectors in the green and digital economies, progress on gender equality will remain elusive.

II. Effective policy approaches in an evolving world of work

8. The ILO transformative agenda for gender equality in the world of work requires comprehensive, integrated, cross-sectoral and evidence-based approaches combining equality frameworks, economic and labour market policies, social protection policies, care systems, skills policies, measures to build institutional capacity and enforcement mechanisms. The active engagement, through social dialogue, of employers' and workers' organizations in the design, implementation and monitoring of policies is essential. Gender equality should be a central objective in the design, implementation, and evaluation of policies.

9. Gender-responsive macroeconomic, sectoral, industrial and employment policies can play a critical role in addressing gender inequalities in the labour market by expanding access to decent work opportunities, equal access to quality public education at all levels, facilitating school-to-work transitions and lifelong learning, skilling, re-skilling and upskilling, including in STEM, and removing the structural and non-structural barriers that continue to constrain women's labour market participation and economic empowerment, including through access to finance and entrepreneurship support. This is critically important in the context of formalization strategies, environmental and digital transitions. It includes addressing gender equality challenges in emerging and diverse forms of employment. In addition, measures should address the digital gender divide by ensuring equitable access to digital infrastructure, connectivity, electronic devices, digital literacy and digital skills development, and training and apprenticeships, particularly for women and girls in rural areas. Advancing women's career opportunities is a shared responsibility.

10. The fundamental Conventions concerning the elimination of discrimination, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), are close to universal ratification. They guide Members' efforts to promote equality of opportunity and treatment in employment and occupation, including equal remuneration for work of equal value. Broader ratification and effective implementation of relevant international labour standards, including the Workers with Family Responsibilities Convention, 1981 (No.156), the Maternity Protection Convention, 2000 (No.183) and the Violence and Harassment Convention, 2019 (No.190), supported by coherent national policies, institutions, capacity-building and enforcement mechanisms, are essential.

11. Protection from discrimination requires adequate policy, legislative and institutional frameworks, and effective access to justice and enforcement, and the removal or revision of provisions that are directly or indirectly discriminatory in laws, policies and practices, and a mindset shift to challenge persistent biases.

12. Legal protection from discrimination must be accompanied by practical and proactive measures to achieve substantive equality, ensuring that women enjoy equal opportunities in practice and achieve long-term economic self-sufficiency. For example, the implementation of the principle of equal remuneration for work of equal value in accordance with Convention

No. 100, can be advanced through objective job evaluation, pay transparency measures and wage policies, including living wages.

13. Occupational safety and health policies and programmes, including in their risk assessments, must take into account a gender perspective. Approaches to prevent and eliminate violence and harassment in the world of work, including gender-based violence and harassment, are most effective when they are addressed both as discrimination and occupational safety and health issues. Such approaches should include prevention, awareness-raising, accountability, safe and accessible reporting systems, access to justice, protection against retaliation, workplace level measures and effective enforcement. Particular attention should be given to work-related psychosocial and reproductive health risks, and to managing digital technologies in ways that support safe, respectful and productive workplaces.

14. Measures that strengthen maternity protection, parental and care leave policies, as part of integrated care and work–life balance policies that support workers with care responsibilities, facilitate women's entry, retention and advancement in the labour market, promote a more equal sharing of care responsibilities, and help prevent poverty and discrimination related to pregnancy, maternity, parenthood, and care responsibilities. To increase women's participation in the labour market, it is essential to promote enabling pathways for entry and re-entry, including strengthening private and public employment services, career guidance, mentorship, coaching, sponsorship, promotion of role models and women's networks, and supportive employment policies.

15. Well-designed and adequately financed, universal, comprehensive and sustainable social protection systems throughout the life course and integrated care policies and systems, including affordable, accessible and high-quality early childhood education and care and long-term care and quality public services, recognizing the central role of care in promoting substantive gender equality in line with the ILO 5R Framework for Decent Care Work, are essential to support all workers' full, equal and effective participation in the labour market. Gender-responsive social protection systems, including social protection floors, should address gender gaps in coverage, adequacy and access, respond to gender-specific risks and vulnerabilities across the life course, and promote equality of opportunity and treatment. Care credits in social insurance and pension schemes and income security during maternity, paternity, parental, and other care leaves can support workers with care responsibilities to enter, re-enter, remain and advance in the labour market.

16. Strong and adequately resourced labour market institutions and effective accountability mechanisms are essential to advance gender equality in the world of work. Labour administration and inspection systems, gender-responsive governance structures, including judicial and enforcement mechanisms, awareness-raising and inclusive and effective social dialogue, including collective bargaining and tripartite cooperation, play a central role in promoting rights and effective implementation of labour standards, addressing persistent inequalities, and promoting safe, healthy, inclusive and discrimination-free working environments.

17. For policies to be effectively implemented, they must be sustainably financed. Gender-responsive budgeting and the adequate allocation of public resources are essential to identifying gender gaps and financing policies that advance substantive gender equality. Public–private partnerships, when they reflect ILO principles and international labour standards, and international and regional cooperation, also have a role to play. Targeted investments, including in social infrastructure, are also essential.

18. Progress is further accelerated when policies are informed by robust evidence and a comprehensive understanding of labour market dynamics. Better recognition, measurement and valuation of paid and unpaid care work, informal employment and other often overlooked forms of economic activity can help uncover the structural drivers of inequality and support more targeted interventions.

19. The collection and use of sex-disaggregated data – including on labour force participation, wages, horizontal and vertical occupational segregation, access to care leave and services, working time, access to universal, adequate, comprehensive and sustainable social protection, and occupational safety and health and violence and harassment – alongside time-use surveys and gender impact assessments, enable policymakers to identify gaps, monitor progress, evaluate the effectiveness of measures, and adapt policies to evolving economic, demographic, environmental and technological trends.

20. Data disaggregation according to other relevant characteristics, including age, disability, race, ethnicity, migrant status and geographic location enable intersectional analysis and inclusive policy design.

III. Accelerating the implementation of the ILO transformative agenda for gender equality in the world of work

21. Governments and employers' and workers' organizations, with ILO support, and as appropriate to their spheres of responsibility, should:

(a) ratify and implement the fundamental Conventions and promote ratification and implementation of other international labour standards that are particularly relevant to gender equality at work, including but not restricted to those mentioned in point 10;

(b) strengthen legal, institutional, and enforcement frameworks and capacity-building efforts on equality and non-discrimination and advance equal pay for work of equal value, wage policies including living wages, decent working conditions, work–life balance, universal, adequate, comprehensive and sustainable social protection across the life course, including maternity protection, parental leave, and other paid care leaves, quality public services, gender-responsive occupational safety and health, and protection from violence and harassment, through freedom of association, and social dialogue, including collective bargaining and tripartite cooperation;

(c) engage in effective and efficient bipartite and tripartite social dialogue to accelerate the implementation of the transformative agenda for gender equality in the world of work, including, as appropriate, through dedicated national tripartite strategies;

(d) respect, promote and realize the fundamental and enabling rights of freedom of association and the effective recognition of the right to collective bargaining for all workers;

(e) develop or adapt, implement and monitor national, sectoral and targeted strategies that integrate gender-responsive and intersectional measures to address informality, promote the transition to formality of workers and economic units and prevent informalization;

(f) build institutional capacities for designing and effectively implementing laws, policies and programmes advancing the transformative agenda for gender equality in the world of work, with attention to decent job creation, universal, adequate, comprehensive and

sustainable social protection, education, lifelong learning and skills needed for the technological, demographic and environmental transitions, including STEM;

(g) promote gender-responsive just transition plans in line with the 2023 ILO Resolution concerning a Just Transition towards environmentally sustainable economies and societies for all;

(h) promote responsible business conduct and gender-responsive policies and practices, including through human rights due diligence, in accordance with the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, as amended in 2022, and the UN Guiding Principles on Business and Human Rights;

(i) monitor the implementation of policies and programmes, including through gender impact assessments and analyses;

(j) adopt measures to ensure coordination across different institutions, ministries and levels of government to foster coherent and integrated approaches and interventions that address structural and non-structural barriers to achieve equality at work;

(k) invest in research on barriers to gender equality to ensure national approaches are evidence-based, tailored to local circumstances and underpinned by intersectional considerations, and take specific action to tackle the root causes of discrimination and inequality including by addressing discriminatory social norms and stereotypes that limit women's entry, retention and advancement in the labour market, as well as the potential risk of gender bias in algorithmic and AI systems;

(l) Strengthen the organization and representation of women workers, in particular in domestic work in line with the Domestic Workers Convention, 2011 (No. 189), and in the informal economy, to promote the transition to formality;

(m) adopt measures that promote women's access to, retention and progression in leadership and decision-making positions across public institutions, enterprises, and employers' and workers' organizations; and make further efforts to ensure a more balanced representation of women in all ILO meetings.

22. Taking into account the policy approaches set out in these conclusions, and previous conclusions concerning inequalities, decent work and the care economy and transition to formality, the ILO should strengthen its efforts to advance the transformative agenda for gender equality in the world of work through technical assistance, policy guidance, capacity-building, research, awareness-raising, and development cooperation. To this end, the Office, in consultation with constituents, should:

(a) position gender equality as a core institutional priority, properly resourced to ensure adequate expertise and institutional capacity to deliver to constituents;

(b) continue strengthening gender mainstreaming across its normative, policy, programmatic and operational work, supported by gender markers, gender analysis, disaggregated data and monitoring tools;

(c) support constituents in adopting integrated and evidence-based approaches to advancing the transformative agenda for gender equality in the world of work;

(d) develop a strategy or framework, drawing on the ILO's normative mandate, technical expertise and tripartite structure, to support implementation and the regular monitoring of progress;

(e) provide support to address discrimination in employment and occupation, including the adoption and effective implementation of non-discrimination laws, labour administration and inspection systems;

(f) deepen research and disseminate knowledge on the impact of technological, environmental and demographic transformations on gender equality at work, including good practices in skills development and skills needs anticipation, and the role of freedom of association, social dialogue including collective bargaining and tripartite cooperation, and workplace cooperation, in order to assist constituents in maximizing opportunities and mitigating risks;

(g) undertake research and analysis on the drivers of the undervaluation of work predominantly performed by women, including in jobs, occupations and sectors in which women are disproportionately represented, effective measures to address such undervaluation, and the implications of technological, demographic and labour market transitions for these jobs, occupations and sectors;

(h) continue its support to constituents to implement gender-responsive, occupational safety and health strategies, including for the prevention and elimination of violence and harassment, including gender-based violence and harassment, in the world of work, and work-related psychosocial and reproductive health risks;

(i) promote equal remuneration for work of equal value and the closing of gender pay gaps through the development of practical tools for enterprises and capacity-building for constituents, leveraging the Equal Pay International Coalition (EPIC) in partnership with the OECD and UN Women;

(j) assist constituents in the design, financing and implementation of gender-responsive universal, comprehensive and sustainable social protection systems across the life course, and extending coverage by at least 2 percentage points per annum in line with the Seville Commitment;

(k) support constituents in developing national care strategies consistent with the ILO 5R framework. This should include knowledge generation on evidence-based financing mechanisms. Tools such as the ILO Global Care Policy Portal, the ILO Care Policy Investment Simulator and the ILO South-4-Care Platform are part of these efforts;

(l) strengthen its capacity to generate, analyse and disseminate timely, high-quality and internationally comparable statistical data and continue to develop statistical tools and indicators to improve the visibility of gender inequalities and intersecting forms of discrimination, whilst supporting constituents in strengthening national statistical capacities to collect, produce and use disaggregated data;

(m) maintain and strengthen its global leadership on gender equality in the world of work, in particular within the United Nations system, including in the context of UN reform, and the 2030 Agenda and its follow up, leveraging its tripartite structure and normative mandate;

(n) further strengthen partnerships, cooperation and policy coherence with relevant United Nations entities, international and regional organizations, development partners and other stakeholders, including by promoting policy coherence between the ILO Decent Work Country Programmes and the United Nations Sustainable Development Cooperation Frameworks, including through South–South and triangular cooperation, as appropriate.