

Statement of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, Judge Abdul G. Koroma

Let me begin by congratulating you on your appointment to the important function of Chairperson of the Conference Committee on the Application of Standards. I also wish to convey my congratulations to Ms Corine Angonemane Mvondo, your Rapporteur as well as to Ms Sonia Regenbogen and Mr Marc Leemans for their appointment respectively as the Employer Vice-Chairperson and the Worker Vice-Chairperson.

I had the pleasure to meet once again both Ms Regenbogen and Mr Leemans in my capacity as Chairperson of the Committee of Experts on the occasion of the special sitting held by the Committee of Experts at its last session in November 2018.

Chairperson, on behalf of the Committee of Experts, I wish to express our appreciation to the Committee on the Application of Standards for having renewed the invitation made to all the Chairpersons of the Committee of Experts since 1993. I feel privileged to participate as an observer in the general discussion of your Committee as well as in its discussion of the General Survey on the Social Protection Floors Recommendation.

As Ms Vargha already mentioned, Justice Graciela Dixon Caton has been elected as the new Chairperson of the Committee of Experts last December. It is our pride to have such a distinguished jurist of the Committee to serve in this position and the very first woman of the Latin American region. I would like to take this opportunity to reiterate publicly my congratulations to Justice Dixon Caton on her well-deserved election.

This year will therefore be the last time in which I will attend the discussion of your Committee as outgoing Chair. I would therefore also like to thank you all for the strong and conducive cooperation our two Committees have had over the past years, which has always been guided by a spirit of mutual respect and responsibility. It has been a great honour for me to serve as the Committee of Experts' Chairperson and to represent it on your invitation at your annual discussions. I would also like to take the opportunity to thank all of my fellow members of the Committee of Experts for the trust they have bestowed on me and for the rich and fruitful collaboration we have had over the years.

It is a privilege for me to attend your session on this historic date, the ILO's 100th anniversary. Throughout its existence, the ILO has always relied on its standard-setting activities as a means to promote social justice and international labour standards are still the fundamental pillars on which the work of our Organization is based. This puts our two Committees, which are tasked with supervising the application of these standards, at the core of the ILO's mandate.

I must say that it fills me with pride to look back at the lasting impact our Committees have had over these years. I trust that in the future our two Committees will continue this meaningful dialogue in the interest of an authoritative and credible ILO supervisory system, working for the cause of social justice worldwide.

At the same time, it appears that such reassurances of the contemporary relevance of international labour law and its supervision do not warrant complacency. In this context, we have to remain vigilant of the challenges to the effective supervision of international labour standards ahead. Some of these relate to the rapid transformations in the world of work itself and the commensurate attention international supervision will have to pay to the timely valuation of delicate problems.

Any evolution of the supervisory system must be based on the system's strengths. International labour standards constitute not only the main source of international labour law but also the foundation of national labour law in many countries throughout the world. International labour standards have managed to exert this influence and maintain their relevance over the years largely thanks to the comments of ILO supervisory bodies, linking ratified Conventions to constantly changing national circumstances. The Committee of Experts' comments would not have produced the same results if they had not been enhanced by the impact of discussions at the Conference Committee in a tripartite context. An important condition for maintaining the impact of the Experts' comments has always been the coherence between our two bodies, based on their complementary mandates and the cooperation they have built over time.

Let me now inform you on some of the outcomes of the last meeting of the Committee of Experts. A detailed account of the discussion can be found in the General Part of the Committee of Experts' Report. I will confine myself to highlighting a few points.

As every year since the early 2000s, the Committee has considered its working methods and has agreed on certain measures. The Committee, through its subcommittee on working methods, focused its discussions during its 2018 session on four main issues:

- the implications of the Governing Body discussions and decisions on the Standards Initiative for the working methods of the Committee;
- the treatment of observations submitted by employers' and workers' organizations under article 23, paragraph 2, of the ILO Constitution;
- the improvements in the streamlining of the treatment of repetitions and urgent appeals; and
- the reinforcement of the deadlines for receipt of article 22 reports.

The subcommittee discussed the important decisions taken by the Governing Body at its 334th Session and their implications for the Committee's working methods. It gave particular consideration to improving the presentation of General Surveys, so as to ensure a user-friendly approach and format that maximizes their value for constituents.

In this regard, the Committee of Experts has advised the secretariat, which will seek to present the General Survey in a revised format next year. This year already the General Survey contains an Executive Summary highlighting our key findings. The Committee also had an opportunity to discuss the pilot project for the establishment of electronic baselines which would facilitate reporting by governments and information sharing on compliant practices. The experts were particularly interested in this project and will continue to follow closely its development in collaboration with the Office.

In relation to the timely submission of reports, the Committee of Experts reiterated its longstanding concern at the low proportion of reports received by 1 September each year and highlighted once again the fact that this situation disturbs the sound operation of the regular supervisory procedure.

The Committee therefore decided to reinforce the practice of urgent appeals that it launched last year drawing on experience with the implementation of this decision. Already at its last session, the Committee has issued urgent appeals to eight countries which have failed to send a first report for at least three years. The Committee decided that, as of its next session, it will generalize this practice by issuing urgent appeals in all cases where article 22 reports have not been received for three consecutive years. As a result, repetitions of previous comments will be limited to a maximum of three years, following which the Convention's application will be examined in substance by the Committee on the basis of publicly available information, even if the government has not sent a report, thus ensuring a review of the application of ratified Conventions at least once within the regular reporting cycle.

The Committee furthermore discussed the implications of the new six-year reporting cycle for technical Conventions on the criteria for the examination of observations submitted by employers' and workers' organizations outside the regular reporting cycle. Based on an in-depth discussion on these issues, the Committee reached certain decisions, which are detailed in the General Part of our report.

Finally, as in previous years, the Committee of Experts called on all governments to ensure that copies of reports on ratified Conventions are communicated to the representative employers' and workers' organizations in order to safeguard this important aspect of the supervisory mechanism. This year again, certain governments failed to comply with this fundamental obligation.

The active participation of employers' and workers' organizations in the work of the Committee of Experts, by making observations on the application of Conventions and Recommendations, has been an important attribute of the supervisory mechanism and an indicator of its vivacity. This year, the number of observations received from employers' and workers' organizations was slightly lower than last year when it had reached an unprecedented level. For its last session, the Committee received 745 observations in total; 173 of those were communicated by employers' organizations and 572 by workers' organizations.

I would also like to draw your Committee's attention to the cases in which, in view of the seriousness of the issues addressed, the Committee of Experts has requested governments to provide full particulars to the Conference, known as "double-footnoted" cases. As always, serious consideration was given by the Committee as a whole in identifying these cases, which are contained in paragraph 80 of its General Report.

I will not dive further into a detailed presentation of the content of the Committee of Experts' Report. This Report, which is easily available on the Web, provides your Committee with an analysis of the extent to which member States have fulfilled their obligations under the ILO Constitution in relation to standards and the extent to which their legislation and practice are in conformity with ratified Conventions.

Chairperson, let me complete my statement with a few remarks on the General Survey, which concerns the Social Protection Floors Recommendation, 2012 (No. 202).

This General Survey is unique, being the first of such reports to focus on a single, stand-alone, Recommendation. This reflects the importance of social protection in the global development agenda and the relevance of the Recommendation in guiding action to combat poverty, inequality and social exclusion, and to achieve universal rights that together ensure life in health and dignity. On the occasion of the ILO's 100th anniversary, this General Survey is the Committee's contribution to the furtherance of universal social protection and social justice worldwide.

The Survey looks into the impact of the Recommendation at national and international levels and provides guidance to enhance social protection in accordance with the Recommendation. The Social Protection Floors Recommendation is the first international instrument to define the basic social security guarantees of social protection floors that every human being should enjoy for a life in health and dignity. As the Survey shows, it has established itself as a reference in international law and is used by UN treaty bodies and experts as a guiding framework for the advancement of the human rights to social security, to an adequate standard of living and to the highest attainable standard of mental and physical health.

Implementing Recommendation No. 202 is also instrumental in achieving the Sustainable Development Goals (SDGs). The inclusion of social protection floors as targets for the SDGs illustrates the relevance of the Recommendation's objectives to social and economic development and inclusive growth, and its role as a guiding policy framework.

Social protection systems play a central role in reducing and preventing poverty, inequality, social exclusion and social insecurity. As the Survey shows, most countries successfully use social protection policies, schemes and benefits to combat poverty and inequality.

The General Survey has however also identified a number of challenging issues in national laws and practices.

It shows that securing effective and universal access to essential health care remains a global challenge. While universal health coverage has been achieved in many high- and middle-income countries, in many other countries the population has access to only certain components of essential health care. Severe gaps still exist across and within a majority of countries, with only 61 per cent of the global population covered by law, and over 50 per cent of the global population having no access to adequate essential health care, including prenatal care and the most basic treatment against malaria, HIV/AIDS and tuberculosis. In most countries, the accessibility and affordability of essential health care are little or not guaranteed.

Important gaps also remain in guaranteeing basic income security. Less than 60 per cent of countries reported having schemes and benefits ensuring income security for children. While full coverage of persons in active age is virtually achieved in all Organisation for Economic Co-operation and Development (OECD) and European Union (EU) Member States, in other countries coverage is often limited to certain categories of persons and is conditional on the type of economic activity, sector of employment, legal status or other factors. At the global level, only 68 per cent of persons above retirement age receive some form of pension. In many low-income countries, fewer than 20 per cent of older persons over the statutory retirement age are in receipt of a pension.

The Committee thus recommended that the benefits provided by social protection systems should be set at a level that is sufficient to realize, at least, the basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion, without which they could not be considered to meet the principle of adequacy established by the Recommendation.

The Survey also showed that adopting and implementing a national social protection policy, as suggested by the Recommendation, is key in the pursuit of a universal and comprehensive social protection system. Such policy development processes are also optimal for addressing the challenges related to the informal economy.

Furthermore, the Committee has concluded that effective social dialogue during policy development and implementation is key, as it acts as a strong catalyser for building a stronger social protection system.

It is hoped that this General Survey will inform the preparation of the forthcoming recurrent discussion on social protection by the International Labour Conference in 2020, which will review trends and developments in social protection and determine how the needs of member States can be addressed more efficiently by the ILO, including through standards-related action, technical cooperation and research.

Chairperson, distinguished members of the Committee on the Application of Standards, allow me to assure you that the Committee of Experts is firmly engaged in the path of meaningful dialogue with your Committee and all the other ILO supervisory bodies, in the interest of an authoritative and credible ILO supervisory system that promotes decent work and social justice worldwide. With these thoughts in mind and mixed feelings going through me as this is my “au revoir” to your Committee, I look forward to listening carefully one more time to your discussions.