

Committee on the Application of Standards

C.App./PV.Serious failure

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Fourth sitting, 12 June 2019, 10.20 a.m.

Quatrième séance, 12 juin 2019, 10 h 20

Cuarta sesión, 12 de junio de 2019, 10.20 horas

Chairperson: Mr Rochford

Président: M. Rochford

Presidente: Sr. Rochford

**Cases of serious failure by member States
to respect their reporting and other
standards-related obligations**

**Discussion des cas de manquements graves
des Etats Membres à leurs obligations
de faire rapport et à leurs autres obligations
liées aux normes**

**Discusión sobre los casos de incumplimiento
grave por los Estados Miembros de su obligación
de envío de memorias y de otras obligaciones
relacionadas con las normas**

Chairperson – I would like to recall the Committee's methods when dealing with the cases of failure by member States to fulfil reporting and other standards-related obligations.

The Committee has established specific criteria to determine what constitutes serious failure when it examines these compliances. These criteria are contained in document D.1 which is available on the Committee's web page.

The cases of serious failure have been identified in the relevant paragraphs of the General Report of the Committee of Experts. To take account of recent developments, updated information on the countries concerned was provided to our Committee in document D.2(Rev.) which was made available yesterday. This document takes into account the fact that some governments have submitted the required information before the present sitting this morning.

Government representatives from the countries mentioned in Part B of document D.2(Rev.) will be called to provide information and explanations to the Committee. They are requested to provide information on all the cases of non-compliance in a single intervention.

The governments concerned may in particular highlight the challenges they may be facing in fulfilling their obligations and to indicate the areas in which the ILO may assist and technical cooperation may be desirable. Such information would enable the Committee to have a better understanding of the situation in their particular country and is helpful to the Office in its response to governments' requests.

At its 88th Session in November–December 2017, the Committee of Experts decided to institute a new practice of launching urgent appeals on cases corresponding to certain criteria of serious reporting failure and to draw the attention of the Committee on the Application of Standards to these cases so that governments can be called before the Conference Committee and thus advise that in the absence of a report the Committee of Experts might examine the substance of the matter at its next session. Thus, at its last session the Committee of Experts issued urgent appeals to the following countries which had failed to send a first report for at least three years: Congo; Equatorial Guinea; Gabon; Kiribati;

Republic of Maldives; Nicaragua; San Vincent and the Grenadines; and Somalia. Since the last session of the Committee of Experts the Governments of Kiribati and Nicaragua have sent the first reports due.

I want to draw your special attention to the Committee of Experts' decision 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. The countries to which urgent appeals have been addressed will be invited to provide information to our Committee during the sitting this morning. At the end of the discussion, I will give the floor to the spokespersons for their final remarks following which I will present the draft conclusions for approval by the Committee in accordance with its methods of work.

I would now like to give the floor to the spokesperson for the Workers and Employers for their opening remarks.

Employer members – The ILO supervisory system relies primarily on the information provided by governments in their reports to conduct its work. Therefore, compliance with reporting obligations is absolutely fundamental to ensure we have an effective supervision of ILO standards.

Concerning governments' compliance with reporting obligations, we regret to see that there is a decrease of reports received by the 1 September 2018 deadline, only 35.4 per cent, compared to 38.2 per cent last year. We are disappointed that, despite all efforts made so far, we have not been able to see any visible improvement of this concerning situation. Government reports and replies provide the necessary primary information we need to ensure the standards supervision can be carried out properly.

Submissions by workers and employers can complement the factual basics and provide a real assessment of the facts, but they simply cannot replace the governments' reports. We understand that the Office had limited finance and human resources. It should nevertheless continue its efforts to provide assistance and to encourage governments to meet their

reporting obligations. Ultimately, the governments hold a primary responsibility to fulfil their reporting obligations as they have committed themselves to do so when they ratify the Conventions.

We note with real concern that, according to paragraph 57, none of the reports due have been sent for the past two or more years from the following 14 countries: Brunei Darussalam, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Malaysia – Sabah, Saint Lucia, Sierra Leone, Somalia, South Sudan, Timor-Leste and Trinidad and Tobago. In terms of first reports, we note that like last year, only 61 of the 95 first reports due were received by the time the Committee’s session ended. According to paragraph 58, 11 member States have failed to supply a first report for two or more years, namely: Chad, Congo, Equatorial Guinea, Gabon, Kiribati, Republic of Maldives, Netherlands – Curaçao, Nicaragua, Romania, Saint Vincent and the Grenadines, and Somalia. From these 11 member States listed in paragraph 58, we are particularly concerned with the serious failure of the following countries: Equatorial Guinea – no reporting on Conventions Nos 68 and 92 since 1998; Republic of Maldives – no reporting on Convention No. 185 and the Maritime Labour Convention, 2006 since 2016; Saint Vincent and the Grenadines – no reporting on the Maritime Labour Convention, 2006 since 2014; and Somalia – no reporting on Conventions Nos 87, 98 and 182 since 2016.

First reports are vital to provide a basis for a timely dialogue between the Committee of Experts and the ILO member States on the application of ratified Conventions. We highly encourage these governments concerned to request technical assistance from the Office if necessary and to provide the experts with the first reports due without further delay.

According to paragraph 63, we note with concern that the number of comments by the Committee of Experts to which replies have not been received remains significantly high. We would like to understand from the governments concerned the reasons why they are not responding to the experts’ comments. We are aware that following the discussion of the Conference Committee in May–June 2018, the Office had sent specific letters to member

States with cases of failure. We are pleased to see in the Committee of Experts' report under paragraph 66 that, as a result, 13 of those member States have fulfilled at least part of their reporting obligations since the end of the session of the Conference. We encourage the Office to continue this effort and for member States to be more proactive in their reporting.

We welcome the decision taken by the Committee of Experts to follow the Employers' proposal to institute a new practice of urgent appeals for cases meeting certain criteria of serious reporting failure that require the Committee's attention. This enables governments concerned to be called before the Committee and for the Committee of Experts to examine the substance of the matter at its next session, even in absence of a report.

Concerning reports under article 19 of the Constitution, paragraphs 116–118 of the Report, we express concern that 32 countries have not sent reports on unratified Conventions and Recommendations for the past five years. These reports are indispensable for General Surveys to be as comprehensive as possible.

Turning now to the social partners' role and participation in the regular supervisory system. As part of their obligation under the ILO Constitution, member States have an obligation to communicate copies of their reports to representative employers' and workers' organizations. Compliance with this obligation is necessary to ensure proper implementation of tripartism at the national level. We note in paragraph 60 that two countries – Fiji and Rwanda – have failed to indicate for the past three years the representative organizations of employers and workers to which copies of the report and information supplied to the Office have been communicated. According to paragraph 103, we observe that social partners only submitted 745 comments to the experts this year. A significant drop, compared to 1,325 last year, 173 of which, compared to 330 last year, were communicated by employers' organizations and 699, compared to 995 last year, were communicated by workers' organizations.

We trust the Office will continue to provide technical assistance as well as capacity building to social partners to send comments to the Committee of Experts.

From our side, employers' organizations are working with the invaluable support of the International Organisation of Employers to contribute to the supervisory system in a more effective manner. We are doing this through submitting up-to-date and relevant information to the Committee of Experts on how member States are applying ratified Conventions in law and in practice, communicating not only shortcomings in application, but most importantly, any progress made and alternative ways to implement ILO instruments.

I would like to conclude by highlighting that an effective regular ILO supervisory system needs two essential elements to function: first, government reports and secondly, social partners' comments. Without them, we cannot properly supervise the implementation of ILO legal standards. We hope that our present efforts to streamline reporting and to extend the possibility for e-reporting will help facilitate government reporting and increase the number of reports we receive in the future. In our view, more efforts can be made to improve this area. In particular, a significant consolidation, concentration and simplification of ILO standards would be a good approach. We hope that the work of the Standards Review Mechanism will identify more areas where a consolidated approach will help us move forward.

Membres travailleurs – Comme à son habitude, notre commission tient une séance spéciale relative aux cas de manquement grave aux obligations de faire rapport et à d'autres obligations liées aux normes qui met en lumière le grand nombre de pays qui ne respectent pas leurs obligations constitutionnelles.

Nous n'avons de cesse de le répéter. Les manquements à ces obligations mettent en péril le bon fonctionnement du système de contrôle de l'Organisation ainsi que d'autres initiatives, notamment normatives, au sein de l'OIT. Il est dès lors fondamental de se saisir de cette question et d'inviter les pays ne respectant pas leurs obligations à se mettre en ordre.

Nous le verrons encore cette année, les obligations de faire rapport sont de moins en moins observées par les Etats Membres ces dernières années. C'est une tendance préoccupante à laquelle il convient de remédier.

Si nous nous attardons sur les obligations relatives aux rapports sur les conventions ratifiées, il faut encore constater moins de rigueur des Etats Membres que dans le passé.

Il apparaît du rapport de la commission d'experts que, sur l'ensemble des rapports demandés aux gouvernements, seuls 35 pour cent d'entre eux ont été reçus dans les temps, c'est-à-dire avant le 1^{er} septembre. Et comme les membres employeurs l'ont déjà souligné, les gouvernements ont été moins ponctuels que l'année dernière puisque 38 pour cent des rapports avaient été reçus dans les temps l'année dernière. Il s'agit donc ici encore d'un recul.

L'année précédente déjà, nous enregistrons un recul pour la soumission des rapports dans les temps. Cette tendance est préoccupante et il convient de l'inverser. Il est primordial que les gouvernements rendent leurs rapports dans les temps afin de ne pas perturber le bon fonctionnement du système de contrôle de notre organisation.

La régression par rapport à l'année dernière se confirme puisque le nombre de rapports reçus au cours de la session écoulée de la commission d'experts ne représentait plus que 62,7 pour cent contre 67,8 pour cent pour la session qui précédait, c'est-à-dire 5,1 pour cent de moins. Il s'agit ici encore d'un recul significatif inquiétant.

Par ailleurs, 14 pays n'ont pas fourni les rapports depuis deux ans ou plus et 11 pays n'ont pas fourni de premier rapport depuis deux ans ou plus. Les premiers rapports sont les rapports dus à la suite d'une ratification d'une convention par un Etat Membre. Ces premiers rapports sont d'une importance cruciale puisqu'ils permettent une première évaluation de la mise en œuvre des conventions concernées dans les Etats Membres.

La Constitution de notre Organisation impose également l'obligation aux pays Membres d'indiquer les organisations représentatives des employeurs et des travailleurs auxquelles les copies des rapports sur les conventions ratifiées sont communiquées. Le rapport de la commission d'experts nous indique que deux pays ne respectent pas cette obligation depuis trois ans: il s'agit des Fidji et du Rwanda. Nous rappelons à ces deux Etats que le tripartisme est le fondement de l'OIT. Il est dès lors essentiel que les partenaires sociaux soient impliqués dans le contrôle de l'application des normes internationales du travail dans leur pays. La communication à ces organisations des rapports communiqués à l'OIT permet à celles-ci d'enrichir le travail d'évaluation de la conformité du droit et des pratiques nationales aux conventions internationales du travail.

Le Rwanda figurait déjà l'année dernière parmi les deux pays n'ayant pas répondu à cette obligation. Nous regrettons que le Rwanda y figure encore cette année et l'invitons à se mettre en ordre au plus vite. Nous nous félicitons que la Bolivie ne soit plus en défaut de conformité sur ce point. Nous espérons qu'une véritable dynamique tripartite s'engage derrière la réalisation de cette formalité.

La commission d'experts formule chaque année des observations et des demandes directes auxquelles les pays sont invités à répondre. Cette année, 46 pays n'y ont pas répondu contre 43 l'année dernière, donc encore un nombre croissant. Comme le souligne la commission d'experts, le nombre de commentaires sans réponse reste très élevé. Cette négligence a un impact négatif sur le travail des organes de contrôle. Nous rejoignons la commission d'experts en invitant les gouvernements en défaut à transmettre toutes les informations demandées.

Au vu des chiffres moins bons que ceux de l'année passée et tout en rappelant que la responsabilité première repose sur les Etats Membres, nous exprimons notre préoccupation et demandons que les initiatives positives, déjà prises par le Bureau, soient encore sensiblement renforcées afin d'inverser la tendance négative que nous devons encore

observer cette année. Il s'agit ici d'assurer un meilleur suivi efficace des pays qui manquent gravement à leurs obligations constitutionnelles.

La commission d'experts a également mis en place une nouvelle initiative positive à cet égard. Je pense ici à la procédure des appels urgents par laquelle la commission d'experts examinera l'application de la convention concernée quant au fond à partir d'informations accessibles au public, même si le gouvernement n'a pas envoyé de rapport. Cela se fera dans les cas où l'Etat Membre n'a pas envoyé de rapports annuels sur les conventions ratifiées pendant trois années consécutives. Cette procédure garantit l'examen de l'application des conventions ratifiées au moins une fois au cours du cycle de rapportage. Cette année, huit Etats Membres sont susceptibles de voir leur cas examiné quant au fond l'année prochaine par la commission d'experts sur la base d'informations publiquement accessibles. Nous avons bon espoir que cette initiative de la commission d'experts apportera des résultats et que son action, combinée à celle du Bureau, permettra d'inverser cette tendance.

Nous avons, hier, abordé l'étude d'ensemble qui porte cette année sur la sécurité sociale. La réalisation de telles études d'ensemble repose notamment sur les rapports fournis par les pays Membres de notre Organisation. Il est donc important que les Etats Membres transmettent leur rapport afin que nous puissions bénéficier d'un aperçu global de l'application en droit comme en pratique des instruments de l'OIT, même dans les pays n'ayant pas ratifié les conventions à l'étude.

Nous l'avons vu hier lors de la discussion de l'étude d'ensemble, cet instrument est très riche et nous permet de mener des débats extrêmement intéressants. De nombreuses études d'ensemble publiées dans le passé servent encore aujourd'hui à éclairer l'interprétation que l'on peut faire des conventions et des recommandations de l'OIT. Nous devons toutefois constater que 32 pays n'ont fourni aucune information au cours des cinq dernières années afin de venir enrichir les cinq dernières études d'ensemble rédigées par la commission d'experts. C'est regrettable puisque ces Etats auraient utilement enrichi l'aperçu global que nous offre l'étude d'ensemble.

Passons désormais aux cas de défaut grave de soumission. Il s'agit des cas dans lesquels les gouvernements n'ont pas soumis les instruments adoptés par la Conférence aux autorités compétentes depuis au moins sept sessions. Cette obligation est essentielle en vue d'assurer au niveau national une publicité nécessaire à une éventuelle ratification des initiatives normatives de l'OIT par l'Etat Membre. Trente-neuf pays se trouvent cette année en défaut grave de soumission contre 31 l'année dernière. C'est malheureusement autant d'occasions manquées de promouvoir les normes internationales du travail adoptées par l'OIT.

Nous ne pouvons qu'inviter l'ensemble des pays Membres convoqués à la présente séance à prendre bonne note des manquements graves à leurs obligations constitutionnelles qui leur sont reprochés et d'y remédier dans les plus brefs délais. Pour ces raisons, nous insistons auprès du Bureau afin qu'il exige fermement les réponses et les rapports que les Etats doivent fournir sur la base de leurs obligations et impulse activement la dynamique nécessaire au dialogue entre les organes de contrôle et les Etats Membres. Dialogue qui, hier comme aujourd'hui et demain, est un exercice vital à l'application effective des normes.

Chairperson – I will now invite the governments indicated in the document D.2(Rev.), Part B, to supply information on cases of serious failure to respect reporting and other standards-related obligations. As you will see, the countries are listed in alphabetical order on screen, so we will begin that process now.

Afghanistan – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Albania – Failure to submit instruments to the competent authorities, paragraph 127.

Angola – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Government representative, Angola (Mr DOMINGOS) – I would like to provide the following information concerning the submission of the result of the Conference to

competent authorities of our country. The rules of procedures in our country require that all documents to be sent to the authorities must be in our official language which is Portuguese. On this path, the Ministry of Labour asked the ILO for all translated and certified documentation. The ILO replied that it could not certify translations into no official language of the Organization. In these terms, we once again ask the ILO to provide the necessary support to address this issue.

Azerbaijan – Failure to supply instruments to the competent authorities, paragraph 127.

Bahamas – Failure to submit instruments to the competent authorities, paragraph 127.

Bahrain – Failure to submit instruments to the competent authorities, paragraph 127.

Barbados – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Government representative, Barbados (Ms HOPE-GREENIDGE) – In the case of Barbados, the request for the conciliation services of the Ministry of Labour Department have significantly increased in the past two to three years and as a result the technical officers have been hard-pressed to pay as much attention as they should have to the reporting requirements. Barbados has a plan and a schedule to correct the deficiencies.

Belize – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General (Ms CURTIS) – Belize is not accredited to the International Labour Conference.

Botswana – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Government representative, Botswana (Mr BOGOSI) – With respect to Botswana’s non-submission on unratified Conventions and Recommendations for the past five years, the intention of Botswana was to have submitted our report by February of this year but unfortunately it is still being finalized and we pledge to submit it by July of this year.

Brunei Darussalam – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Brunei Darussalam is not accredited to the Conference.

Chad – Failure to supply first reports on the application of Convention No. 102 since 2017, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Chile – Failure to submit instruments to the competent authorities, paragraph 127.

Comoros – Failure to submit instruments to the competent authorities, paragraph 127.

Congo, which is an urgent appeal – Failure to supply first reports on the application of ratified Conventions for at least three years, paragraph 59; failure to supply first reports on the application of Convention No. 185 since 2015 and the MLC, 2006 since 2016, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Représentant gouvernemental, Congo (M. AKONDZO NGUIAMBO) – Le Congo, par ma voix, voudrait commencer par réaffirmer son attachement à observer les prescriptions

de notre Organisation et fournir en temps nécessaire les informations qui lui sont demandées. Le Congo, conscient des lacunes évidentes dans le fonctionnement de ses activités à ce niveau, a requis et a pu obtenir, courant du mois de mai dernier, l'assistance technique du BIT pour faire en sorte que, justement, toutes les interpellations qui ont été faites soient mises à plat.

Donc, depuis où cet atelier a pu avoir lieu, au mois de mai dernier, nous travaillons ardemment à tout mettre en œuvre, de sorte que, d'ici à la fin du mois d'août, nous soyons en conformité avec les exigences de notre Organisation.

Croatia – Failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Croatia (Mr SUBOTIC) – Allow me to address the Committee regarding Croatia's failure to submit Conventions, Recommendations and Protocols to the competent authority. We have taken special attention to review all comments made in the Report of the Committee of Experts for this year. Croatia values the standards set by the International Labour Organization and shares its devotion to the promotion of social justice and labour rights.

Despite many commitments that we have in a nearby future, Croatia is firmly determined to resolve all our obligations and backlogs in respect of the International Labour Organization. As of 1 January of this year, the Ministry of Labour and Pensions System established a department for international cooperation in the field of labour that will be mainly focused on reporting and other standards-related obligations towards the ILO. It will be priority in this department's work. Also, allow me to inform you that in the light of the 100th anniversary of the International Labour Organization, the Republic of Croatia has recognized the importance of ratifying the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The ratification procedure has already started and it will be finished in the third quarter of this year.

We are also aware that there have been no submissions of adopted ILO instruments or their ratification in recent years. The Ministry of Labour and Pensions System is determined to address the situation with all our pending obligations. To that purpose we have started the procedure to establish an interdepartmental committee that will be in charge of preparing instruments for submission to the legislative body, Croatian Parliament. The submission procedure has been defined and it is planned that it will be formalized by the Government and adopted in the form of a decision which we hope would help avoid the gaps that were created before because of changes in national public administration structures. To that purpose, an analysis of instruments and arguments for their consideration for possible ratification is being prepared at the Ministry at the moment and the analysis will be completed and ready for the first meeting of the committee. Having in mind that we have already designated a responsible department for the ILO within the Ministry of Labour and Pension Systems, formalized the reporting process in order to avoid the problems we have had so far with our reports and started the formalization of submission procedure, we firmly believe that Croatia will fulfil all its obligations towards the ILO.

On behalf of the Government of the Republic of Croatia I would like to assure the Committee that we plan to honour both our reporting and submission obligations by this year's deadline.

Djibouti – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Dominica – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Dominica is not accredited to the Conference.

El Salvador – Failure to submit instruments to the competent authorities, paragraph 127.

Representante gubernamental, El Salvador (Sr. MAZA MARTELLI) — Hemos tomado nota del señalamiento de esta Comisión sobre la falta de sumisión de las normas internacionales de trabajo. En ese sentido como delegación gubernamental, nos permitimos informar que en el seno de nuestra Asamblea Legislativa se encuentra en proceso de ratificación el Convenio sobre el trabajo marítimo, 2006 (MLC, 2006) en el cual se encuentran incorporados como parte de este Convenio, 15 instrumentos jurídicos que por primera vez serán sometidos al proceso de sumisión de conformidad con el artículo 19, 5), de la Constitución de la OIT, e indudablemente de los preceptos constitucionales de El Salvador. Continuaremos, informando a la OIT sobre los avances y desarrollos en este punto. Creemos que la cooperación técnica de la OIT será de mucha utilidad para acompañar este proceso. Finalizando este proceso se remitirá un informe puntual al respecto.

Equatorial Guinea, which is an urgent appeal – Failure to supply first reports on the application of ratified Conventions for at least three years, paragraph 59; failure to supply first reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply first reports on the application of ratified Conventions Nos 68 and 92 since 1998, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to submit instruments to the competent authorities, paragraph 127.

Miembro gubernamental, Guinea Ecuatorial (Sr. BACALE OBIANG) — El Gobierno de Guinea Ecuatorial agradece a la Comisión de Expertos por los comentarios y observaciones que nos fueron dirigidos en su informe correspondiente relativo a la cuestión general del cumplimiento de las normas internacionales del trabajo, debido a la situación en

la que se encuentra actualmente el país frente a la Organización. Como todos saben, el país es Miembro de la OIT desde enero de 1981 y tiene ratificados un total de 14 convenios todos en vigor; entre ellos los ocho fundamentales y seis técnicos. En consecuencia, haciendo un ejercicio de realismo, admitimos que la situación de Guinea Ecuatorial en cuanto al cumplimiento de algunas obligaciones no es la deseada por ninguno de los mandantes tripartitos del país, pero para remediar esta situación el Gobierno y los interlocutores sociales están realizando esfuerzos conjuntos. Por ello queremos agradecer a la Comisión por dar a los gobiernos concernidos, entre ellos, el de Guinea Ecuatorial, la posibilidad de ofrecer información sobre sus respectivas situaciones de incumplimiento. Respecto a Guinea Ecuatorial, la Comisión nos invita a suministrar información por incumplimiento grave de la obligación de envío de memorias y otras obligaciones relacionadas con las normas, según el Informe General de la Comisión de Expertos recogido con el siguiente detalle: omisión de envío de memorias sobre la aplicación de los convenios ratificados (párrafo 57, pág. 18 del informe); omisión de envío de primeras memorias sobre la aplicación de los Convenios ratificados núms. 68 y 92 desde 1998, párrafo 58, pág. 18 del anterior informe; llamamiento urgente omisión de envío de las primeras memorias sobre la aplicación de los convenios ratificados durante al menos tres años, párrafo 59, pág. 18 del informe; omisión de envío de información en respuesta a los comentarios de la Comisión de Expertos (párrafo 63, pág. 19); y falta de la sumisión de los instrumentos a las autoridades competentes (párrafo 127, pág. 35).

En efecto, queremos recordar a la Comisión que, en la última década, las relaciones de nuestro país con la OIT se debilitaron debido a diversas razones económicas y socioculturales, lo que se refleja en la situación actual que hoy nos interpela a todos a tomar un rumbo distinto. Pese a esta situación, el Gobierno ha seguido manteniendo su firme compromiso con los principios fundamentales de la Organización, la cual, igualmente, ha persistido en brindar su apoyo a nuestro país.

El Gobierno de la República de Guinea Ecuatorial toma nota de todos los comentarios y observaciones, solicitudes directas, llamamientos urgentes y preocupaciones emitidas por la Comisión en estos últimos años, y lamenta el hecho de que muchas de ellas no hayan sido correspondidas, debido, entre otras razones, a la inactividad de las estructuras de funcionamiento del Estado en cierto sentido. Esperamos que la actitud de ciertos grupos y personas físicas que se han dedicado a dar informes negativos contra la acción del Gobierno no se tengan en cuenta por los órganos de control de la OIT a la hora de juzgar la situación actual que está atravesando el país.

Las dificultades por las que atraviesa el Gobierno están reflejadas directamente en el resultado de incumplimientos graves de las obligaciones contenidas en lo referente al suministro de información tiene su razón de ser en cuestiones técnicas y operativas. No obstante, la firme voluntad del Gobierno en la búsqueda de mejoras para los trabajadores y empleadores de Guinea Ecuatorial es incuestionable y se desprende de los grandes avances y transformación logrados por el país en el pasado reciente.

Hacemos saber a esta Comisión, que frente a las obligaciones de dar efecto al cumplimiento de los convenios, las recomendaciones y demás instrumentos de la OIT, el país está adoptando medidas tendentes a dar cumplimiento al contenido de dichas normas. Estos avances no han podido ser acompañados por la experiencia de la OIT como es debido, llegando a la situación general de incumplimiento graves objeto de esta comparecencia.

Por ende, recalamos a esta Comisión la pertinencia de contar con la asistencia técnica de la OIT para seguir realizando avances en el cumplimiento de las obligaciones, e informar a los órganos de control de esta Organización.

Teniendo en cuenta lo expuesto previamente, el Gobierno de Guinea Ecuatorial considera que alcanzado este punto debe informar a los miembros de esta gran Comisión las acciones realizadas tendentes a mejorar la situación en relación a las observaciones señaladas previamente, ya que muchas de las acciones realizadas ayudan a dar cumplimiento al

contenido de los instrumentos ratificados; y destacamos algunas acciones llevadas a cabo por el Gobierno durante la última década; a saber:

- Proyecto de declaración de una comisión de elaboración de memorias. El Gobierno señala que se encuentra con ciertas dificultades técnicas que se pretenden solventar con la constitución de una comisión de elaboración de memorias. En ese sentido, con apoyo de la OIT, se ha realizado varios seminarios de reforzamiento de capacidades a los mandantes tripartitos en lo relativo a la redacción de memorias.
- Constitución de una comisión de actualización de la legislación sociolaboral del país. Esta comisión está analizando varias leyes sociales que actualmente no concuerdan con algunas normas internacionales del trabajo, lo que dificulta en la práctica el cumplimiento de obligaciones emanadas de los convenios ratificados por el país ante la OIT, en especial la modificación de la Ley Sindical atendiendo a los comentarios de la Comisión de Expertos. Se espera que dichos trabajos puedan establecer un marco legislativo nacional que favorezca y facilite el cumplimiento de las obligaciones contraídas por el país.
- Instauración de los delegados de los trabajadores y los comités de empresas, figuras que constituyen un soporte para el fomento y desarrollo del diálogo social y la negociación colectiva voluntaria libre, directa y efectiva.
- Modificación de la Ley de Política Nacional de Empleo a través de la ley núm. 6/1999 creando una tasa de gestión tripartita para protección de los trabajadores y el fomento de empleabilidad denominada Fondo de Protección al Trabajo (FPT).
- Regulación de las agencias de trabajo temporal en Guinea Ecuatorial a través de la promulgación de la ley núm. 5/1999 de 6 de diciembre. Con este cuerpo legal se organizaba así el sector de intermediación laboral, evitando la proliferación del subempleo, estableciendo otras ventajas.

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- Persecución del tráfico ilícito de emigrantes y trata de personas a través de la ley núm. 1/2004 de fecha 14 de septiembre.
 - Adopción de medidas de prevención y lucha contra enfermedades de transmisión sexual y la defensa de los derechos de las personas afectadas a través de la ley núm. 3/2005 de 9 de mayo.
 - Adopción de medidas urgentes para frenar la propagación del VIH y el sida en Guinea Ecuatorial a través del decreto núm. 107/2006 de 20 de noviembre.
 - Reforma del ordenamiento general de trabajo con la participación de grupos de trabajadores y de empleadores como resultado de las recomendaciones de la Conferencia Nacional del Trabajo.
 - Adopción de otras tantas leyes creando organismos de control al Gobierno y de fomento de justicia social, tales como el Defensor del Pueblo, el Tribunal de Cuentas, el Consejo Económico-Social, el Senado, etc.
 - Adopción de una nueva Ley de Funcionarios Civiles del Estado, ley núm. 2/2014 de 28 de julio.
 - La promulgación de un régimen jurídico de la administración general del Estado a través de la ley núm. 2/2015, de 28 de mayo; por medio de dicha ley se ha podido regular el estado jurídico del personal que trabaja con la administración pública.
 - La creación del Instituto Nacional de Estadísticas de Guinea Ecuatorial, a través del decreto núm. 22/2013, institución que hacía falta al país y que su inexistencia ha repercutido negativamente en la falta de datos estadísticos del sector sociolaboral, lo que dificulta en gran medida la ejecución de las políticas del Gobierno, así como el cumplimiento de gran parte de las obligaciones constitucionales del país frente a la OIT. Su funcionamiento efectivo sigue siendo un desafío para el país al día de hoy.

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- Adopción y ejecución del Proyecto de desarrollo educativo de Guinea Ecuatorial, un proyecto desarrollado en los últimos diez años con el apoyo y la intervención de los sectores privados para el fortalecimiento del sector educativo a favor de los niños y niñas de Guinea Ecuatorial.
 - Instauración del Programa Nacional de Lucha contra el Paludismo, un programa desarrollado por el sistema de sanidad pública, donde las mujeres embarazadas y los niños menores de 5 años se ven beneficiados de manera gratuita de todas las prestaciones necesarias para la cura y prevención del paludismo; además, se desarrolló conjuntamente con empresas del sector privado una estrategia nacional de reforzamiento y educación comunitaria de prevención.
 - Acciones a favor de personas con discapacidad y personas de tercera edad, acciones que toma, de manera coordinada, el Gobierno con intervenciones de diferentes departamentos ministeriales e instituciones públicas.
 - Estudio y diagnóstico sobre la dinámica del mercado laboral entre los jóvenes de Guinea Ecuatorial, un análisis de terreno llevado a cabo con el programa de las Naciones Unidas para medir las percepciones de empleo entre la población joven del país, lo que nos permitió la elaboración del proyecto relativo al empoderamiento juvenil, el cual está siendo implementado en el marco del actual UNDAF entre Guinea Ecuatorial y el sistema de Naciones Unidas.

Fiji – Failure to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated, paragraph 60; and failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Fiji (Mr CAWARU) – Firstly, I would like to acknowledge the comments from both the Worker and the Employer representatives on this agenda. On item 4 and item 7 as it appears on document D.2(Rev.), the Fijian Government

would like to acknowledge the communication on the report of the ILO on this agenda item and we thank you for raising this matter to our attention to ensure compliance with ILO regulations. Perhaps there could be miscommunication on the subject. However, we look forward to working closely with our two social partners and the ILO Suva Office, likewise here in Geneva to improve our coordination and communication on the matter.

Furthermore rest assured of our Government's commitment in this regard and we will also liaise with the ILO Office on our obligation to submit future adopted international labour instruments to the competent authorities.

Gabon, which is an urgent appeal – Failure to supply the first report on the application of a ratified Convention for at least three years, paragraph 59; failure to supply the first report on the application of the MLC, 2006 since 2016, paragraph 58; and failure to submit instruments to the competent authorities, paragraph 127.

Gambia – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; and failure to supply information or reply to comments made by the Committee of Experts, paragraph 63.

Grenada – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information or reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Grenada is not accredited to the Conference.

Guinea-Bissau – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on

unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Guinea-Bissau is not accredited to the Conference.

Guyana – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Haiti – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Représentant gouvernemental, Haïti (M. BOUTIN) – L’année dernière à pareille époque, ma délégation avait pris des engagements devant cette assemblée en vue de soumettre les rapports sur les conventions ratifiées dus aux organes de contrôle. A cet effet, le ministère du Travail a mis en place une commission qui est en train de se pencher sur l’ensemble des rapports. Le pays avait également sollicité une assistance technique du BIT. A ce stade, nous tenons à remercier l’Organisation qui a déjà mis à notre disposition un expert du Département des normes, qui arrivera à Port-au-Prince le 17 juin pour nous accompagner dans ce processus. Parallèlement, je voudrais aussi vous informer qu’une Commission tripartite de refonte du Code du travail est actuellement à l’œuvre et se penche sur l’harmonisation du code avec les conventions de l’OIT déjà ratifiées par Haïti.

En cette année du centenaire, en dépit des difficultés que traverse mon pays, le gouvernement d’Haïti entend renouveler son engagement vis-à-vis de l’OIT pour la soumission des rapports dans le meilleur délai, pour la modernisation de son cadre juridique et pour l’adoption de nouvelles normes internationales du travail.

Kazakhstan – Failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Kazakhstan (Mr BAISSULANOV) – I would like to read the letter of the Minister of Labour of Kazakhstan sent to the ILO this morning. The letter says the following: Changing conditions of work and the appearance of new forms of employment requires the most effective mechanism of legal regulation of labour relations. Taking into consideration current changes in the labour market, the Report of the Global Commission on the Future of Work is undoubtedly relevant regarding the development of all aspects of the labour sphere.

On 16 May 2019, within the framework of the 12th Astana Economic Forum in Nur-Sultan, under the auspices of the 100th anniversary of the ILO, the International Conference was held to discuss the Report of the Global Commission on the Future of Work. During the International Conference, a comprehensive and constructive exchange of views took place on various aspects identified in the Report, and its fundamental recommendations were adopted. One such recommendation of the Report is to strengthen sovereign control over time in order to create real flexibility and control over the work schedule.

In this regard, the Ministry, in commemoration of the 100th anniversary of the ILO, has initiated the domestic procedures for the ratification of the Part-Time Work Convention, 1994 (No. 175). We take this opportunity to express hope for fruitful and constructive cooperation and technical support for the ratification of this Convention.

Kiribati – Failure to supply information in reply to comments made by the Committee of Experts, paragraph, 63; and failure to submit instruments to the competent authorities, paragraph 127.

Kuwait – Failure to submit instruments to the competent authorities, paragraph 127.

Kyrgyzstan – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to submit instruments to the competent authorities, paragraph 127.

Lebanon – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Lesotho – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Liberia – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Liberia (Ms SAMPSON) – On the issue of failure to submit instruments to the competent authorities, Liberia would like to note that there is an oversight on procedures and it has since been corrected. The instruments have been submitted to the competent authorities and we informed the Committee. As to their failure to supply reports for the past five years on ratified Conventions and Recommendations, Liberia has submitted the unratified Convention to the National Tripartite Council for consultation, education and awareness for subsequent submission to the national legislature and we inform the Committee on our progress before setting out this year.

Libya – Failure to submit instruments to the competent authorities, paragraph 127.

Malaysia – Failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Malaysia (Ms ABD RAHMAN) – Malaysia and also the State of Sabah took note of the observation by both the Committee of Experts and this Committee on the failure of submitting the reports required under the standards obligation. We have submitted almost all the required reports for 2018 and are in the midst of clearing the remaining report obligations. We are currently working with the ILO under the Decent

Work Country Programme whereby one of the targets under the country priority of rights at work is focus on updating Malaysia's reporting obligations.

Republic of Maldives, which is an urgent appeal – Failure to supply first reports on the application of ratified Conventions for at least three years, paragraph 59; failure to supply first reports on the application of the ratified Equal Remuneration Convention, 1951 (No. 100) since 2015, the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) and the Maritime Labour Convention, 2006 (MLC, 2006) since 2016, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Malta – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to submit instruments to the competent authorities, paragraph 127.

Marshall Islands – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Representative of the Secretary-General – Marshall Islands is not accredited to the Conference.

Mauritania – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Netherlands – Aruba – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Government member, Netherlands (Ms TIMMERMAN) – I am speaking on behalf of both autonomous countries, Aruba and Curaçao. Regarding Aruba, Aruba is working on a plan of action to tackle the problem, which they are aware of, and will be in contact with the Office shortly. Regarding Curaçao, Curaçao is already in close contact with both ILO

Offices in Trinidad as they are in Geneva, and we will update the Office shortly after this meeting.

Pakistan – Failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Pakistan (Ms RAFFAT) – A report on 39 pending instruments was prepared with the technical assistance of the ILO. The Ministry has initiated the final process for placing the instruments before the Parliament through the Ministry of Parliamentary Affairs. With the completion of this process, the Government of Pakistan will fulfil its obligations under article 19 of the ILO Constitution. The ILO Office will be informed accordingly.

Papua New Guinea – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Papua New Guinea is accredited but not registered for the Conference.

Romania – Failure to supply the first report on the application of the MLC, 2006 since 2017, paragraph 58.

Government representative, Romania (Mr TACHE) – We express our regret for the failure to fulfil our reporting obligations and for the considerable delay in submitting the MLC report. We are aware that the failure to fulfil reporting obligations hinders the functioning of the supervisory system as a whole. We strongly believe that the ILO principles and values are more than ever of utmost importance for us. All missing information will be provided to the ILO before 1 September 2019, and we hope that it will at least partially compensate with informative and responsive content.

Rwanda – Failure to indicate during the past three years the representative organizations of employers and workers to which copies of the reports and information supplied to the Office have been communicated, paragraph 60.

Government representative, Rwanda (Mr NGANGO) – Allow me to reiterate first and foremost that national reporting process is made in accordance with relevant provisions of the Prime Minister’s Order of 25 October 2010 establishing the National Labour Council, whose members comprise representatives of organizations of employers, workers and the civil society. During the last three years, representatives of these organizations were regularly invited by the Ministry in charge of labour to meetings aimed not only at elaborating periodic reports for the corresponding years, but have also participated in all matters pertaining to the work of the National Labour Council, mainly planning and implementation processes, as well as the ratification of international legal instruments.

In view of the reporting process during the concerned period (2016–18), representatives from the organizations of the Rwanda Workers Trade Union Confederation (CESTRAR) and the ACPRA and the Private Sector Federation (PSF) were regularly invited to the preparations of the report and a couple of the letters transmitted to them are here with me but those letters were written in Kinyarwanda which is, primarily, the official language, together with English and French, and will be translated into one or the other of the two official languages, which is English or French and be sent to the Office.

Finally, our delegation commits to abide by provisions of article 23, paragraph 2, of the Constitution while submitting future periodic reports.

Saint Kitts and Nevis – Failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Saint Kitts and Nevis is accredited, but not registered.

Saint Lucia – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Saint Vincent and the Grenadines, which is an urgent appeal – Failure to supply the first report on the application of a ratified Convention for at least three years, paragraph 59; failure to supply the first report on the application of the MLC, 2006 since 2014, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Saint Vincent and the Grenadines is not accredited to the Conference.

San Marino – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Representative of the Secretary-General – San Marino is accredited, but not registered.

Samoa – Failure to submit instruments to the competent authorities, paragraph 127.

Sao Tome and Principe – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Representative of the Secretary-General – Sao Tome and Principe is accredited to the Conference, but not registered.

Seychelles – Failure to submit instruments to the competent authorities, paragraph 127.

Sierra Leone – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Sierra Leone is accredited to the Conference, but not registered.

Solomon Islands – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Representative of the Secretary-General – Solomon Islands is not accredited to the Conference.

Somalia, which is an urgent appeal – Failure to supply first reports on the application of ratified Conventions for at least three years, paragraph 59; failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply first reports on the application of Conventions Nos 87, 98 and 182 since 2016, paragraph 58; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Government representative, Somalia (Mr WARFA) – On behalf of the Somalia delegation, let me reiterate our commitment to the ILO for reporting timely with all the Conventions. As you know, Somalia – we have three decades of long civil war but the country is now emerging. We are currently reporting three Conventions, 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 Worst

Forms of Child Labour Convention, 1999 (No. 182). We are also – because we received this year technical assistance from the ILO – we are also planning to ratify three new Conventions, the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138), and also the Employment Policy Convention, 1964 (No. 122).

After many years of Somalia being absent from the international scene, we are committed and at the end of this year we will report and will be compliant on all the Conventions of the ILO.

South Africa – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

South Sudan – Failure to supply reports for the past two years or more on the application of ratified Conventions, paragraph 57; failure to supply information in reply to comments made by the Committee of Experts, paragraph 63; and failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Government representative, South Sudan (Mr PIGGA) – According to my understanding, although I am not in a position to give you a great answer, I think the changing of the Cabinet in a short period is the one who lead to this gap. So, I urge this Committee, if possible, to address my Government officially so that they can respond accordingly to the questions because the technical support of the ILO is very important to my country.

Syrian Arab Republic – Failure to submit instruments to the competent authorities, paragraph 127.

Tajikistan – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Representative of the Secretary-General – Tajikistan is not accredited to the Conference.

Timor-Leste – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Tonga – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Tuvalu – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Representative of the Secretary-General – Tuvalu is not accredited to the Conference.

Uganda – Failure to supply information in reply to comments made by the Committee of Experts, paragraph 63.

Vanuatu – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117; and failure to submit instruments to the competent authorities, paragraph 127.

Yemen – Failure to supply reports for the past five years on unratified Conventions and Recommendations, paragraph 117.

Chairperson – I understand the delegation from Chile would like to take the floor now.
Chile – Failure to submit instruments to the competent authorities, paragraph 127.

Representante gubernamental, Chile (Sr. SILVA SÁNCHEZ) —Quería hacer uso de la palabra en relación al párrafo 127 del informe de la Comisión de Expertos, en el cual señala y observa que Chile se encuentra en falta grave de sumisión, y esto se debe a que Chile ha incumplido con su deber de someter 30 convenios y recomendaciones; y la calificación de grave se debe a que la Comisión ha venido solicitando a Chile, desde años anteriores, que informe de la sumisión de estos documentos sin que haya ocurrido. Concretamente la situación se extiende hasta el año 1996.

Sobre el particular, en primer término, nos gustaría hacer presente que el informe no es exacto al señalar que la falta de sumisión recae sobre 30 convenios y recomendaciones. En efecto, Chile ratificó el Convenio sobre el trabajo marítimo, 2006 (MLC, 2006) en el año 2018, y a través de esta ratificación cuatro instrumentos han sido tácitamente derogados. Así, los instrumentos a que se refiere el informe de la Comisión de Expertos son 26 en lugar de 30, y rogamos rectificar esta situación.

En segundo término, quiero aclarar que el Estado de Chile ha tomado nota de esta situación de falta de sumisión con mucha preocupación, atendido al tiempo transcurrido, esto es desde el año 1996. Se percibe que esto se debe a una cuestión de tipo administrativo interno y no a una indisposición del Estado a cumplir con nuestros deberes constitucionales. Por ello, ya estamos tomando las providencias necesarias para ponerle pronta solución a esta situación.

En concreto, actualmente estamos realizando el examen de los instrumentos en cuestión a objeto de evaluar cuáles de ellos comenzarán a ser sometidos a conocimiento de la autoridad legislativa, cumpliendo así con el deber previsto en el artículo 19 de la Constitución de la OIT.

Chairperson – We have now examined all of the countries mentioned in document D.2(Rev.). I now turn to the Worker spokesperson to make their closing remarks.

Membres travailleurs – Soixante-six pays Membres avaient été invités à se présenter devant notre commission, et 21 d’entre eux se sont présentés. Nous avons bien pris note des difficultés pratiques rencontrées par certains pays Membres, notamment en termes, aussi, de traduction des rapports.

Nous avons également constaté qu’il existe encore et toujours des besoins de formation spécifique en la matière. Nous nous réjouissons de la déclaration de la représentante du Secrétaire général qui a rappelé que les formations dispensées par le Centre de Turin restent un programme phare de l’OIT pour former ses mandants. Nous demandons par conséquent

au Bureau de maintenir ses efforts et ses investissements dans de tels programmes de formation. La mise en place de cours spécifiques accessibles à ceux qui en font la demande permettra d'améliorer durablement le respect des obligations constitutionnelles qui pèsent sur eux.

Nous regrettons que tous les pays Membres invités ne se soient finalement pas présentés. Néanmoins, nous prenons bonne note des informations que les 21 pays Membres présents nous ont fournies et nous les encourageons à résolument œuvrer à respecter leurs obligations constitutionnelles à l'avenir.

Dans le même temps, nous réitérons la demande au Bureau afin qu'il assure une action continue et attentive auprès des gouvernements, en leur procurant toute l'assistance nécessaire au respect de leurs obligations constitutionnelles.

Encore une fois, nous saluons la nouvelle procédure d'appels d'urgence mise en place par la commission d'experts qui aboutira à l'examen d'un cas quant au fond à l'issue de trois années consécutives sans soumission de rapports. Cette procédure a le mérite de laisser suffisamment de temps aux Etats défailants de se mettre en ordre tout en garantissant l'examen quant au fond d'un cas, malgré l'absence de soumission de rapports. Cette procédure envoie le signal clair aux Etats Membres que les manquements graves aux obligations de faire rapport ne leur permettent pas d'échapper aux mécanismes de contrôle de l'OIT.

Nous remercions néanmoins les représentants des gouvernements qui nous ont fourni des informations complémentaires au sujet de leurs obligations. Leur présence est déjà un signe de leur volonté d'agir en conformité. Nous attendons un suivi cohérent avec les engagements pris au cours de la présente session spéciale.

Nous lançons à nouveau un appel à l'ensemble de ces gouvernements, et particulièrement à ceux qui ne se sont pas présentés devant la commission, afin qu'ils mettent fin dans les plus brefs délais aux manquements graves qui leur sont reprochés.

Nous demandons qu'il soit fait mention au rapport des Etats Membres qui ne se sont pas présentés devant notre commission malgré l'invitation qui leur a été faite de se présenter pour cette session spéciale dédiée aux manquements graves.

Pour finir, le groupe des travailleurs est ouvert aux discussions qui visent à favoriser un plus grand respect par les Etats Membres de leurs obligations constitutionnelles liées aux normes. Cet objectif ne nous semble toutefois jamais pouvoir être rempli par une démarche de consolidation ou de simplification des normes.

Employer members – We take note of the remarks made by the governments. We would like to reiterate that one of the essential components of an effective ILO supervisory system is represented by the government reports. As I already said, we sincerely hope that our present efforts to streamline reporting and to extend the possibility for e-reporting will help facilitate government reporting and increase the number of reports we receive in the future by the 1 September deadline.

The Chairperson – I am going to now present the draft conclusions on each criteria for the adoption by the Committee.

The Committee takes note of the information and explanations provided by the Government representatives who took the floor. The Committee notes in particular the particular difficulties mentioned by some governments in complying with their constitutional obligations related to the submission of reports and the submission of the instruments adopted by the International Labour Conference to the competent authorities. It also takes note of the promises made by some governments to comply with these obligations in the near future. The Committee has regularly recalled that governments can avail themselves of ILO technical assistance to comply with their reporting obligations.

Concerning the failure to supply reports for the past two years or more on the application of ratified Conventions, the Committee recalls that the submission of

reports on the application of ratified Conventions is a fundamental constitutional obligation and the basis of their system of supervision. The Commission also stresses the importance of respecting such deadlines for submission. The Committee expresses the firm hope that the Governments of Brunei Darussalam, Dominica, Equatorial Guinea, Gambia, Grenada, Malaysia – Sabah, Saint Lucia, Sierra Leone, Somalia and South Sudan will supply the reports due as soon as possible and decides to note these cases in the corresponding paragraph of its General Report.

In relation to urgent appeals, failure to supply first reports on the application of ratified Conventions for at least three years, the Committee underlines the fundamental importance of the detailed information requested in the first reports on the application of ratified Conventions, as they set out the baseline for continued regular supervision by the Committee of Experts. The Committee expresses the firm hope that the Governments of Congo, Equatorial Guinea, Gabon, Republic of Maldives, Saint Vincent and the Grenadines, and Somalia, will supply the first reports as soon as possible, and decides to note these cases in the corresponding paragraph in its General Report. The Committee brings to the attention of these Governments that the Committee of Experts has decided to examine in substance at its next session the application of the concerned Conventions on the basis of publically available information, even if the Government has not sent the corresponding first report. The Committee recalls that Governments could request technical assistance from the Office to overcome their difficulties in this respect.

Concerning the failure to supply first reports for two years or more on the application of ratified Conventions, the Committee recalls the particular importance of this submission of first reports and the application of ratified Conventions. The Committee expresses the firm hope that the Governments of Chad, Congo, Equatorial Guinea, Gabon, Republic of Maldives, Netherlands – Curaçao, Romania, Saint Vincent

and the Grenadines, and Somalia will supply the first reports due as soon as possible, and decides to note these cases in the corresponding paragraphs of its General Report.

In relation to the failure to indicate during the past three years the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of the report and information supplied to the Office have been communicated, 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 employers' and workers' organizations is essential for the evaluation of the application of Conventions in national legislation and in practice for their participation in ILO supervisory mechanisms. The Committee expresses the firm hope that the Governments of Fiji and Rwanda will respect this important constitutional obligation in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply information in reply 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 to permit a continued dialogue with the governments concerned. The Committee expresses the firm hope that the Governments of Afghanistan, Barbados, Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Guyana, Haiti, Kiribati, Kyrgyzstan, Lebanon, Lesotho, Malaysia – Sabah, Republic of Maldives, Malta, Mauritania, Netherlands – Aruba, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Sierra Leone, Somalia, South Africa, South Sudan, Tajikistan and Uganda will supply the requested information in the future, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply 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 non-ratified Conventions and Recommendations. The Committee expresses the firm hope that the Governments of Angola, Belize, Botswana, Chad, Congo, Dominica, Grenada, Guinea-Bissau, Guyana, Haiti, Liberia, Republic of Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste, Tonga, Tuvalu, Vanuatu and Yemen will comply with their obligation to supply reports on non-ratified Conventions and Recommendations in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to submit instruments to the competent authorities, the Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to national competent authorities is a requirement of the highest importance in ensuring the effectiveness of the Organization's standards-related activities. The Committee expresses the firm hope that the Governments of Albania, Azerbaijan, Bahamas, Bahrain, Belize, Brunei Darussalam, Chile, Comoros, Congo, Croatia, Dominica, El Salvador, Equatorial Guinea, Fiji, Gabon, Grenada, Guinea-Bissau, Haiti, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Liberia, Libya, Malaysia, Malta, Pakistan, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Vanuatu will all comply with their obligations to submit Conventions, Recommendations and Protocols to the competent authorities in the future. The Committee decides to note these cases in the corresponding paragraph of its General Report.

In conclusion, overall the Committee expresses its deep concern at the large number of cases of failure by member States to respect the reporting and other

standards-related obligations. The Committee recalls that governments could request technical assistance from the Office to overcome their difficulties in this respect.

If there are no objections, may I take it that the draft conclusions are now adopted? So adopted.

The draft conclusions are adopted.