

Committee on the Application of Standards

CAN/PV Serious failure

31.05.22

110th Session, Geneva, 2022

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

A. Update based on the information received since the last session of the CEACR

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

Countries mentioned in [paragraph 72](#) of the General Report – page 57

Afghanistan, Antigua and Barbuda, Botswana, Chad, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Haiti, Lebanon, Madagascar, Saint Lucia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Vanuatu and Yemen.

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

Botswana. The Government has sent all reports due.

Congo. The Government has sent a report due.

Democratic Republic of the Congo. The Government has sent some reports due.

Madagascar. The Government has sent some reports due.

South Sudan. The Government has sent some reports due.

In addition, written information was received from the Governments of **Antigua and Barbuda** and **Lebanon**

See below under Part B.

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

Afghanistan, Antigua and Barbuda, Chad, Dominica, Equatorial Guinea, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Uganda, Vanuatu and Yemen.

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

Countries mentioned in paragraph 75 of the General Report – page 58

States	Conventions Nos
Albania	– Since 2018: MLC, 2006
Congo	– Since 2015: Convention No. 185, – Since 2016: MLC, 2006, and – Since 2018: Convention No. 188
Equatorial Guinea	– Since 1998: Conventions Nos 68 et 92
Gabon	– Since 2016: MLC, 2006
Guinea	– Since 2019: Convention No. 167
Sao Tome and Principe	– Since 2019: Convention No. 183
Tunisia	– Since 2019: MLC, 2006

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

Sao Tome and Principe. The Government has sent the first report on the application of the Convention No. 183.

Tunisia. The Government has sent the first report on the application of the MLC, 2006.

In addition, written information was received from the Government of **Albania**.

See below under Part B.

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

Albania, Congo, Equatorial Guinea, Gabon and Guinea.

3. “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

Countries mentioned in paragraph 73 of the General Report – page 57

Congo, Dominica, Equatorial Guinea, Lebanon, Madagascar, Saint Lucia and Vanuatu.

Countries mentioned in paragraph 77 of the General Report – page 59

Albania, Guinea, Sao Tome and Principe and Tunisia.

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

Madagascar, Sao Tome and Principe and Tunisia.

In addition, written information was received from the Government of **Albania**.

See below under Part B.

These countries are therefore invited to supply information to the Committee on the Application of Standards concerning this failure:

Albania, Congo, Dominica, Equatorial Guinea, Guinea, Lebanon, Saint Lucia and Vanuatu.

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

Countries mentioned in paragraph 80 of the General Report – page 60

Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Belize, Plurinational State of Bolivia, Botswana, Chad, Comoros, Congo, Democratic Republic of Congo, Djibouti, Dominica, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Haiti, Hungary, India, Jamaica, Jordan, Kenya, Kiribati, Lebanon, Madagascar, Morocco, Netherlands (Sint Maarten), North Macedonia, Papua New Guinea, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Serbia, Singapore, Slovenia, Somalia, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Timor-Leste, Tunisia, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), United Republic of Tanzania, Vanuatu 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:

Belize. The Government has sent replies to the majority of the Committee's comments.

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

Democratic Republic of the Congo. The Government has sent replies to the majority of the Committee's comments.

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

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

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

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

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

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

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

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

Netherlands (Sint Maarten). The Government has sent all replies to the Committee's comments.

Romania. The Government has sent replies to the majority of the Committee's comments.

Samoa. The Government has sent replies to the majority of the Committee's comments.

Sao Tome and Principe. The Government has sent replies to the majority of the Committee's comments.

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

Sri Lanka. The Government has sent replies to the majority of the Committee's comments.

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

Tunisia. The Government has sent replies to the majority of the Committee's comments.

In addition, written information was received from the Governments of **Antigua and Barbuda, Gambia, Lebanon and United Kingdom (British Virgin Islands)**

See below under Part B.

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

Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Plurinational State of Bolivia, Chad, Comoros, Congo, Dominica, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea, Haiti, Kiribati, Lebanon, Madagascar, North Macedonia, Papua New Guinea, Saint Lucia, San Marino, Singapore, Slovenia, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Timor-Leste, Tuvalu, Uganda, United Kingdom (British Virgin Islands), United Republic of Tanzania, Vanuatu and Yemen.

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

Countries mentioned in [paragraph 127](#) of the General Report – page 75

Angola, Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Grenada, Guyana, Haiti, Lesotho, Liberia, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Somalia, South Sudan, Timor-Leste, Tuvalu and Yemen.

Since the last session of the Committee of Experts, **Angola, Grenada, Maldives, Somalia and South Sudan** have sent reports on unratified Conventions and Recommendations

In addition, written information was received from the Government of **Angola**

See below under Part B.

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

Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Guyana, Haiti, Lesotho, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Timor-Leste, Tuvalu and Yemen.

6. Failure to submit instruments to the competent authorities

Countries mentioned in [paragraph 147](#) of the General Report – page 80

Albania, Angola, Bahamas, Bahrain, Belize, Plurinational State of Bolivia, Brunei Darussalam, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, El Salvador, Equatorial Guinea, Eswatini, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Haiti, Hungary, Kazakhstan, Kuwait, Lebanon, Liberia, Libya, Malaysia, Maldives, Marshall Islands, North Macedonia, Papua New Guinea, Rwanda,

Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

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

Albania. On 6 May 2022, Albania submitted the Violence and Harassment Convention, 2019 (No. 190). According to the criteria established by the Committee of Experts, Albania is now no longer in serious failure to submit.

Plurinational State of Bolivia. On 21 August 2012, the Plurinational State of Bolivia ratified the Domestic Work Convention, 2011 (No. 189). According to the criteria established by the Committee of Experts, the Plurinational State of Bolivia is not in serious failure to submit; however, due to the substantial number of pending submissions, it remains in failure to submit status.

El Salvador. On 2 May 2022, the Government of El Salvador submitted the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, to the Legislative Assembly. According to the criteria established by the Committee of Experts, with this submission, El Salvador is no longer in serious failure to submit.

Guinea. On 25 April 2017, Guinea ratified the Domestic Work Convention, 2011 (No. 189). According to the criteria established by the Committee of Experts, Guinea is not in serious failure to submit; however, due to the substantial number of pending submissions, it remains in failure to submit status.

Guinea-Bissau. On 13 April 2019, Guinea-Bissau submitted the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). According to the criteria established by the Committee of Experts, Guinea-Bissau is not in serious failure to submit; however, due to the substantial number of pending submissions, it remains in failure to submit status.

Kuwait. On 2 August 2021, Kuwait submitted 22 instruments to Parliament adopted at the 77th, 80th, 86th, 89th, 92nd, 94th, 95th, 96th, 99th, 100th, 101st and 103rd sessions of the Conference. According to the criteria established by the Committee of Experts, with these submissions, Kuwait is no longer in serious failure to submit.

Malaysia. On 21 March 2022, Malaysia submitted the Protocol of 2014 to the Forced Labour Convention, 1930. According to the criteria established by the Committee of Experts, Malaysia is not in serious failure to submit; however, due to the substantial number of pending submissions, it remains in failure to submit status.

In addition, written information was received from the Governments of **Angola, Bahamas, Gambia, Grenada, Hungary and Lebanon**

See below under Part B.

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

Angola, Bahamas, Bahrain, Belize, Brunei Darussalam, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Eswatini, Gabon, Gambia, Grenada, Haiti, Hungary, Kazakhstan, Lebanon, Liberia, Libya, Maldives, Marshall Islands, North Macedonia, Papua New Guinea, Rwanda, Saint Kitts

and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

B. Written information received from Governments concerned by serious failure

Albania

The Albanian Government, pursuant to article 22 of the Constitution of the ILO has taken measures to implement the Maritime Labour Convention, 2006 (MLC, 2006). According to the requirements and observations by the Committee of Experts, one of the reasons for the delay of the MLC, 2006 regards the lack of a legal framework. Another training course for "Reporting on the MLC, 2006" was provided by the International Training Centre of the ILO to the Maritime Expert in the Ministry of Infrastructure and Energy of the Republic of Albania. We are aware that the MLC, 2006, has shortcomings, but we are at the end of our work process, to provide a final report. Also, the Albanian Government will provide information for most of the reports due for 2022. The reports will be sent according to the established deadline, between 1 June and 1 September 2022.

Angola

As you are aware, Angola is a full Member of the International Labour Organization (ILO), exercising its rights and respecting the obligations arising from the Constitution of this United Nations agency. It is required to submit annual reports to the International Labour Standards Department indicating the measures it has taken for the application of ratified Conventions.

We therefore inform you of the following:

Regarding the submission to the competent authorities of instruments adopted by the International Labour Conference, under article 19 of the ILO Constitution, please be advised that the instruments adopted between the 79th and 109th Sessions of the Conference have been submitted to the Ministry of Foreign Affairs, which has competence for producing the sworn translations of international instruments and consequently for sending these instruments to the competent authorities (National Assembly).

As regards the submission of reports on unratified Conventions and Recommendations under article 19 of the ILO Constitution (Conventions Nos 111, 156 and 183 and Recommendations Nos 111, 165 and 191), we hereby inform you that the reports are being prepared.

The delay in the submission of these reports to the ILO is due to the delay in the dispatch of information from other competent bodies. However, please be advised that the respective reports will be sent to the International Labour Standards Department before the start of the 110th Session of the International Labour Conference.

Concerning the observations published on pages 321 and 388 of the Committee of Experts' report regarding the application of the Abolition of Forced Labour Convention, 1957 (No. 105), and the Worst Forms of Child Labour Convention, 1999 (No. 182), the Government has taken note of these observations and emphasizes that the respective observations have been incorporated into the reports sent to the Department of Justice.

Lastly, regarding the submission of reports under article 22 of the ILO Constitution, please be advised that the reports on Conventions Nos 81, 100, 107, 111 and 144, and the replies to the

direct requests and observations relating to them, are being prepared and that these reports will be submitted by September 2022, within the deadlines set by the ILO.

Antigua and Barbuda

The Government of Antigua and Barbuda acknowledges its failure to meet its reporting obligations for the past few years. This has been due to the sudden resignation on 8 May 2020 of the Officer who performed the reporting function on behalf of the Government.

As a consequence, and with the kind assistance of the ILO through the International Training Centre, two labour officers are now trained to assume reporting duties. It is also our intention to have a third officer trained in ILO reporting.

Further, the International Labour Standards Specialist in the ILO Office for the Caribbean has graciously offered guidance to ensure that we meet our reporting obligations for the year 2022.

Bahamas

During the 106th Session of the International Labour Conference, Geneva, June 2017, the Bahamas acknowledged its serious failure to submit at the Committee. At the time, the Bahamas advised the Committee that it would rectify its position and further advised that it was in need of technical assistance from the ILO in order to do so.

While there was minor dialogue after the Conference, and then the onset of the COVID-19 pandemic, the Bahamas did not obtain assistance until late 2021 through the Caribbean ILO technical secretariat. Gratefully, with this technical assistance presently afforded, the Bahamas anticipates beginning the submission process to the competent authority by the end of 2022 or sooner.

At this time, gratitude is extended to the ILO for its continued understanding and support.

Gambia

The Government of Gambia acknowledges its failure to meet its reporting obligations in 2021. The lack of reporting was due to the fact that the Tripartite Reporting Committee (TRC) was unable to meet in 2021 due to the sanitary situation related to COVID-19. However, previously, Gambia complied with all its reporting obligations under ratified Conventions.

At this time, through ILO technical assistance from the Decent Work Team/Country Office (DWT/CO), the Government is currently working with a consultant to fulfil its reporting obligations under ratified Conventions. Moreover, the DWT/CO is providing financial and technical assistance for the organization of a meeting of the TRC to discuss and finalize the reports to be submitted in 2022. We would like to thank the Office for the assistance provided in this regard.

With regard to submission of instruments adopted by the International Labour Conference between 2010 and 2019, Gambia acknowledges that the following instruments still need to be brought to the attention of the National Assembly:

- the HIV and AIDS Recommendation, 2010 (No. 200);
- the Domestic Workers Convention, 2011 (No. 189);
- the Domestic Workers Recommendation, 2011 (No. 201);

- the Social Protection Floors Recommendation, 2012 (No. 202);
- the Protocol of 2014 to the Forced Labour Convention, 1930;
- the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203);
- the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
- the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205);
- the Violence and Harassment Convention, 2019 (No. 190);
- the Violence and Harassment Recommendation, 2019 (No. 206).

ILO technical assistance to facilitate the adoption of these instruments would help Gambia to fulfil our obligations as well as submission to the national authorities.

Grenada

The Government is committed to addressing the reporting failure with respect to the submission of instruments to the competent authority. The Ministry of Labour is currently working with the International Labour Standards Specialist in the ILO Office for the Caribbean to address the backlog and prepare the submissions of pending instruments to the Cabinet and subsequently to Parliament.

The Government has made significant progress in the last year with respect to reporting overall, with a focus on submitting the requested article 22 reports and the article 19 report form. We are committed to continuing this progress and hope to provide further information on developments in this respect in due course.

Hungary

The paragraphs below contain details relating to the presentation of Conventions and Recommendations adopted by the International Labour Conference between 2010 and 2019:

- The examination of the ratifiability of the Domestic Workers Convention (No. 189) and the related Recommendation (No. 201), 2011 was analysed in detail by the national ILO Council. At present, Convention No. 189 is not included in the list of Conventions proposed for ratification by the national ILO Council, but this does not mean that Hungary is against the ratification.
- The HIV and AIDS Recommendation, 2010 (No. 200), adopted at the 99th Session of the Conference, and the Social Protection Floors Recommendation, 2012 (No. 202), adopted at the 101st Session of the Conference, were jointly presented to Parliament in September 2014.
- A government submission on the presentation to Parliament of the 2014 Protocol to the Forced Labour Convention, 1930, and the Forced Labour (Supplementary Measures) Recommendation (No. 203), adopted at the 103rd Session of the Conference, was made in January 2016.
- The report on the implementation of Convention No. 29 and the above-mentioned submission were debated in Parliament.
- The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) and the Employment and Decent Work for Peace and Resilience Recommendation, 2017

(No. 205), have been discussed by the Government with the social partners in the National ILO Council meetings.

- The presentation of the Violence and Harassment Convention (No. 190) and Recommendation (No. 206), 2019, could not be presented due to the ongoing EU decision-making process. The European Commission presented a proposal for a Council Decision in January 2020 to authorize the ratification of the Convention in the interest of the European Union. The Council negotiation process stalled at the Committee of Permanent Representatives (COREPER) level in December 2020.

Lebanon

Our country is among the cases identified by the Committee of Experts as cases of serious breaches of reporting obligations or other obligations related to the standards.

For the preparation of this reply, we contacted the ILO, and more specifically the Standards Department of the International Labour Organization and the Decent Work Technical Support Team that covers our country, to provide us the necessary technical assistance with some clarifications, which was useful.

In this regard, we would like to describe the national situation of Lebanon regarding these shortcomings during the period from mid-2019 to 2021:

“For nearly two years now, Lebanon has been assailed by compounded crises, specifically, an economic and financial crisis, followed by COVID-19 and, lastly, the explosion at the Port of Beirut on August 4, 2020. Of the three, the economic crisis has had by far the largest (and most persistent) negative impact”¹ (written in 2021).

“In August 2019, due to various financial hardships, especially the growing probability that the Lebanese Government will default on maturing debt obligations, the black-market exchange rate started diverging from the official exchange rate.”²

“The Lebanese Government’s decision to impose new taxes in October 2019 sparked nationwide protests by a population exhausted by poor public services, worried about increasing national debt and frustrated by widespread corruption. Since then, the black-market exchange rate started diverging from the official exchange rate and Lebanese politics have been marked by political deadlock that has prevented successive governments from implementing urgent reforms. The devastating explosion in the port of Beirut on 4 August 2020 only exacerbated the situation. Since 2021, the country had sunk deeply into a financial and economic crisis. Lebanon’s severe and prolonged economic depression is, according to the World Bank, likely to rank in the top ten, possibly top three, most severe crisis episodes globally since the mid-nineteenth century. Poverty in Lebanon has spread dramatically over the past year and now affects about 74 per cent of the population. Lebanon is host to approximately 1.5 million Syrian refugees, 90 per cent of whom live in extreme poverty. There are also over 210,000 other refugees. The Lebanese pound has lost 90 per cent of its value in the past two years, most people have only two hours of electricity per day, and the healthcare sector is at breaking point. The middle class has been decimated, with many leaving the country or planning to do so.”³

¹ <https://www.worldbank.org/en/country/lebanon/overview#1>

² https://en.wikipedia.org/wiki/Lebanese_liquidity_crisis

³ [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)729369](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)729369)

“Before the crisis, most civil servants earned salaries worth around \$1,000 and up; today, most are earning around a tenth of that after a currency crisis led the Lebanese pound to lose more than 90 per cent of its value.

Some public sector workers have, since the beginning of November 2021, been staging an open-ended strike over better pay and living conditions. Others simply cannot make it into work: A full tank of gas can eat up more than half of their monthly wage and benefits.”⁴

The head of the International Affairs Department at the Ministry of Labour, Lebanese Republic, responsible for international labour standards reporting, in addition to other functions, was affected, by all the crises mentioned above, directly and indirectly:

- The department head was injured in the Beirut blast in 2020.
- After the department head's sick leave in 2021, the staff of the department started striking, to denounce Lebanon's declining socio-economic conditions and to demand salary increases. The department officials were present in their offices for only one day per week as they could not afford the transportation fees and have not received any salary rise as civil servants since then.
- At the beginning of this year, 2022, the Government pledged to give financial aid (1.5 million Lebanese pounds) as an additional half salary, which is approximately US\$50, as incentive to work three days per week. Since then, officials have been compensated only twice.

Consequently, the head of department was working, as a priority, on urgent files. It was challenging preparing “online or from home”, the international labour standards reports, as they are complicated files which demand a lot of administrative data and archive research, official correspondences as well as collaboration with other relevant ministries and institutions and colleagues. In addition, it becomes unfeasible with electricity shortages and during strikes because these disrupt operations at government offices and could prompt public office closures.

However, despite all these poor and difficult working conditions, the head of department never gave up her role to promote fundamental principles and rights at work, and to move forward to achieve some results, during this dark situation in our country.

Last but not least, every effort will be made to submit the rest of the reports by the deadline, September 2022.

United Kingdom of Great Britain and Northern Ireland – British Virgin Islands

The Government is dedicated to meeting its reporting obligations on ILO Conventions. Significant effort was put into submitting the article 22 Report on the Maritime Labour Convention, 2006 (MLC, 2006) in 2021. Unfortunately, due to various challenges and turnovers in the Ministry in 2021, the other report, the Seafarers' Identity Documents Convention, 1958 (No. 108), requested was not submitted. We are however committed to ensuring the timely submission of all ILO reports due and are currently taking measures in that respect.

⁴ <https://today.lorientlejour.com/article/1284233/refile-lebanons-public-sector-falls-further-into-chaos-and-corruption-.html>.

C. General comments of the Employer and Worker spokespersons

General comments of the Worker spokesperson

For the second year in a row, our Committee has, on an exceptional basis, adapted the format of the special sitting, held usually on cases of serious failure to report and other standards-related obligations, to meet the time constraints we are once again faced with.

Our Committee cannot, however, afford to evade this fundamental issue. It is indeed essential that the Member States concerned by serious failure of their constitutional obligations to report put everything in place to ensure conformity with their obligations, as soon as possible.

These Member States do not face these obligations alone. They can rely on the ILO Office, which has always stood ready to assist Member States in meeting their obligations. We therefore invite the Office to continue to provide the necessary assistance to these Member States. In this regard, the Workers' group would like to once again welcome the Office's recent initiatives to launch brand new educational tools that can provide valuable assistance to Member States to guide them in complying with their constitutional obligations. These are, respectively, a website specifically on the reporting obligations entitled [Managing ILS reporting](#) and another website that consists of [a guide on the established practices of the ILO supervisory system](#), which clearly sets out the essential role of these reporting obligations for the ILO supervisory system. We invite Member States to familiarize themselves with these new tools and invite the Office and experts to ensure they are given as much visibility as possible.

However, we must also firmly remind Member States that it is their primary responsibility to fulfil their obligations to the ILO. Their credibility and the effectiveness of the various ILO bodies are at stake. *Guide on established practices across the ILO supervisory system*

The ILO, for its part, must firmly demand the replies and reports that States must provide under their obligations, and set in motion the necessary dynamic for dialogue between the ILO supervisory bodies and the Member States.

This dialogue is fundamental for the promotion of the ratification, effective application and dissemination of the international labour standards.

We noted with regret, in last year's report, that the crisis that we are still facing today had a strong impact on Member States' compliance with these constitutional obligations.

Now, after more than two years of the pandemic, we would not have been able to tolerate such a situation. Fortunately, with the strong support through the considerable efforts of the Bureau to assist them, and also through their own efforts, Member States have been able to significantly reverse this trend this year. This is commendable, even if considerable efforts must still be made in the future to further improve compliance with Member States' constitutional obligations.

Last year we highlighted the worrying trend of increasing serious violations of fundamental rights in the context of the COVID crisis, whether in the area of occupational safety and health, or in the exercise of the fundamental freedoms of association and collective bargaining, and we can only reiterate this bleak assessment today. All this makes dialogue between the ILO and the Member States more fundamental than ever, as it allows us to better understand the difficulties that Member States face in implementing ILO instruments and to therefore provide adequate responses to these difficulties.

Without Member States' compliance with these fundamental obligations, the ILO cannot entirely fulfil its role, either within the framework of the ILO supervisory system or that of its

other areas of action. It is therefore the Member States themselves which are the victims of the failure to comply with their constitutional obligations, as the ILO is undermined in its capacity to provide adequate responses to these difficulties.

With regard to the reporting obligations on ratified Conventions, we must note a clear improvement in the number of reports received compared to last year. The proportion of the number of reports received during the last session of the Committee of Experts (1,357) compared to the number of reports requested by the Committee of Experts (2,006) was 67.6 per cent compared to 42.9 per cent for the previous sessions, that is to say 24.7 per cent more.

The experts' report also shows that of all the reports requested from governments, 41.9 per cent were received on time, that is to say before 1 September. We can thus commend an improvement compared to last year, as only 26.5 per cent of reports were received on time last year. This is therefore an encouraging sign. We hope, nonetheless, that this positive dynamic will continue in the coming years because it remains the case that less than half of reports were sent in time. It is thus essential that governments send their reports in time so as not to disrupt the smooth functioning of the ILO supervisory system and thereby enable it to be fully informed of the difficulties and stakes faced by the Member States in order to initiate a post-COVID recovery.

Eighteen countries have not provided reports for two years or more and seven countries have not provided a first report for two years or more. First reports are those which are due following ratification of a Convention by a Member State. These first reports are of crucial importance as they allow for an initial examination of the effective implementation of the Conventions in question in the Member States.

Our Organization's Constitution also imposes the obligation on Member States to indicate the representative employers' and workers' organizations to which copies of the reports on ratified Conventions are communicated. Like last year, the experts' report shows that all Member States complied with this obligation, which is positive.

Tripartism is indeed the foundation of the ILO. It is therefore essential that the social partners be involved in the supervision of the application of international labour standards in their country. Communicating the reports provided to the ILO to these organizations enables them to contribute to the work of examining the conformity of national law and practices with international labour Conventions. It is also essential that a genuine tripartite dynamic be effectively put in place behind the exercise of this formality. Convention No. 144 is, in this regard, an excellent tool for implementing this tripartite dialogue. We can but encourage the Member States which have ratified it to fully implement it and those which have not yet ratified it, to do so.

Each year, the Committee of Experts formulates observations and direct requests to which countries are invited to respond. This year, 55 countries did not respond (compared to 47 last year). As emphasized by the Committee of Experts, the number of comments that have not received a reply remains very high and we note that this number has been increasing for at least three sessions. This negligence has a negative impact on the work of the supervisory bodies. We join with the Committee of Experts in inviting Governments which have failed to do so to provide all the information requested.

While recalling that the main responsibility regarding compliance with reporting obligations rests with Member States, we ask the ILO Office to be particularly attentive to the difficulties faced by Member States and to adapt and strengthen the initiatives already taken in the past.

This is to ensure more effective monitoring of countries that are seriously failing in their constitutional obligations and to reassure us that these Member States are put back on track as quickly as possible to comply with their reporting obligations.

In this regard, the Workers' group wishes to once again commend the urgent appeals procedure set up by the Committee of Experts, in collaboration with the Office. This is an initiative that can unquestionably contribute to improving compliance with Member States' reporting obligations.

This year, this procedure has enabled the Committee of Experts to examine the substance of the cases of 16 Member States on the basis of publicly available information further to an urgent appeal launched at the previous session which unfortunately remained without response. This year, seven Member States are subject to an urgent appeal due to a lack of reporting for more than three years, the substance of the cases of which will be examined at the next session of the Committee of Experts if no report is submitted.

Four Member States are also subject to an urgent appeal procedure due to the failure to submit a first report for more than three years. Further to the urgent appeals launched last year to five Member States, two of them have sent their first report, which confirms the success rate of the procedure already recorded the previous year (seven first reports received following 14 urgent appeals).

We join the Committee of Experts in inviting the Member States concerned to submit without delay the reports requested by the Committee of Experts, availing themselves, where necessary, of the assistance of the Office.

The compilation of the General Surveys relies mainly on the submission of reports from Member States. It is therefore vitally important that Member States send their reports as part of the preparation of the General Surveys so that we can gain an overview of the application in law and practice of ILO instruments, even – and especially – in countries that have not ratified the Conventions under examination. Failure to transmit these reports undermines the thoroughness of these General Surveys which cannot reflect the diversity of the good practices that could inspire international, regional or national actions for the implementation of the international recommendations and standards under examination.

We must regret that 23 countries have not supplied any information for five years to contribute to the last five General Surveys drafted by the Committee of Experts. This is regrettable since these States would have made a valuable input to the overview the General Surveys provide.

Cases of serious failure to submit are cases in which governments have not submitted the instruments adopted by the Conference to the competent authorities for at least seven sessions. This obligation is essential in order to ensure, at the national level, official communication of the ILO standards initiatives to the competent authorities which can then envisage possible ratification by the Member State. This year 45 countries are once again in a situation of serious failure to submit, compared with 48 last year. This amounts to as many missed opportunities for promoting international labour standards adopted by the ILO.

The Workers' group calls on the Member States concerned to comply with their constitutional obligations and, if needed, to turn to the Office to receive its technical assistance.

General comments of the Employer spokesperson

I. Introduction

We note that the Experts once again expressed concerns in their Report at the low number of government reports received by the 1 September deadline. We fully understand that some governments were still primarily concerned with managing the pandemic, but we nonetheless count on them to continue complying with their reporting obligations under article 19, 22 and 35 of the ILO Constitution in a timely manner and to do so in consultation with the most representative employers' and workers' organizations. This is important – and it cannot be stressed often enough – because it is government reports that provide the core basis for our supervisory work.

The high number of Experts' comments – there are 525 observations and 1,031 direct requests this year – suggests that ratification is often not taken sufficiently seriously. It seems that ratification is often considered more as a political statement or a declaration of intent, but not as what it really is, namely the conclusion of a treaty under international law containing legal obligations all of which have to be complied with.

In promoting ratification, the Office needs to better advise Member States of the need for thorough pre-ratification assessments and close consultations with the social partners, including the Employers. These pre-ratification assessments must include, not least, an assessment of the country's reporting capacity for the Convention being envisaged for ratification to avoid cases of serious failure to report, as much as possible.

II. Governments' compliance with reporting obligations

We observe with interest that there has been an increase in the number of reports received by the end of the session from last year 42.9 per cent to this year 67.6 per cent which seems to reflect the fading of the pandemic and the normalization of administrative activities. However, we also note that 25.7 per cent of the report received were submitted after the 1 September deadline. While we commend governments for meeting their reporting obligations, we encourage them to meet them in a timely manner so that the Committee of Experts can perform its work efficiently.

However, what we note with real concern is that according to paragraph 72 of the Committee of Experts' Report,⁵ none of the reports due have been sent for the past two or more years from the following 18 countries: *Afghanistan, Antigua and Barbuda, Botswana, Chad, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Haiti, Lebanon, Madagascar, Saint Lucia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Vanuatu and Yemen*. This is totally unacceptable, and the Committee rightly urges the Governments concerned to make every effort to supply the reports requested on ratified Conventions. Where necessary, they may request ILO technical assistance.

In terms of first reports, according to paragraph 75, seven Members States have failed to supply a first report for two or more years, namely *Albania, Congo, Equatorial Guinea, Gabon, Guinea, Sao Tome and Principe and Tunisia*.

⁵ ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.110/III(A), 2022.

Out of these seven Member States, we are particularly concerned about the serious failure of the following countries which have not provided a first report for more than three years, namely:

- (1) Albania – Maritime Labour Convention, 2006 (MLC, 2006);
- (2) Guinea – Safety and Health in Construction Convention, 1988 (No. 167);
- (3) Sao Tome and Principe – Maternity Protection Convention, 2000 (No. 183);
- (4) Tunisia – MLC, 2006

First reports are vital as they ideally provide evidence that all provisions of the ratified Convention have been complied with as of the date of entry into force of the Convention for the ratifying country. First reports are thus the indispensable baseline for the further regular supervision. We strongly encourage the Governments of these four countries to make a real effort to provide the Experts the overdue first reports without further delay. If necessary, they may request ILO technical assistance.

In paragraph 80, we note with concern that the number of comments by the Experts to which replies have not been received remains significantly high. There have not been any responses to comments by no less than 56 Member States this year. We would like to understand from the Governments concerned for what reasons they are not responding to the Experts' comments: Is it a lack of understanding of or disagreement with the content of the observation or direct request? Or is it for other reasons?

The absence of government responses to such a high degree is an indication that something in the system is not functioning well and needs to be reviewed. However, any remedial action depends on clarity about the reasons for not responding.

Also, we note with regret from paragraph 127 that the following 23 countries have not provided reports on unratified Conventions and Recommendations requested under article 19 of the Constitution for the past five years: *Angola, Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Grenada, Guyana, Haiti, Lesotho, Liberia, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Somalia, South Sudan, Timor-Leste, Tuvalu and Yemen.*

As the great majority of cases of failure to report are either developing or small island states we suggest that the Office give appropriate attention to this fact to better prioritize and focus its assistance so that these States can meet their reporting obligations under article 19 of the ILO Constitution.

We welcome the decision taken by the Committee of Experts to take up the Employers' proposal to institute a new practice of "urgent appeals" for cases meeting certain criteria of serious reporting failure that require the Committee on the Application of Standards attention on these cases. This makes it possible to have in the CAN a direct and serious dialogue on this point with the governments concerned and point out to them that the Committee of Experts will examine the substance of the matter at its next session even in the absence of a government report. We noted that two out of five first reports on which urgent appeals were issued have been received, with technical assistance provided by the Office.

III. Social partners' participation

Finally, regarding the social partners' role and participation in the regular supervisory system, under article 23(2) of the ILO Constitution, governments of Member States have an obligation to communicate copies of their reports to representative employers' and workers'

organizations. Compliance with this obligation is necessary to ensure proper involvement of the social partners in standards implementation at the national level.

In paragraph 120, we observe that social partners submitted 1,280 observations to the Experts this year (compared to 757 last year), 356 of which (compared to 230 last year) were communicated by employers' organizations and 924 (compared to 527 last year) by workers' organizations. We welcome the increase in submissions, and we trust the Office will continue to provide technical assistance, including capacity-building, also to social partners, where needed, to enable them to send comments to the CEACR.

From our side, the International Organisation of Employers (IOE) together with the ILO Bureau for Employers' Activities (ACT/EMP), are supporting employers' organizations to contribute to the supervisory system in a more effective manner. We are doing this by helping employers' organizations submit up-to-date and relevant information to the Experts on how Member States are applying ratified Conventions in law and in practice. Employers' organizations in this way communicate both shortcomings and progress achieved in the application, as well as proposals made by them for alternative ways to implement ILO instruments taking better into account employers' needs.

Comments from employer organizations are of particular importance to inform the Committee of Experts about the needs and realities of sustainable enterprises in a given country with regard to particular ratified Conventions.

We trust that the Experts will fully consider these comments, as well as any additional comments by the Employers in the discussion of the CAN, in their observations.

IV. Final remarks

To conclude, in order to be effective, the regular ILO supervisory system relies on government reports that contain relevant information and are sent regularly and on time, as well as additional comments by the social partners where needed to clarify the situation. Without these inputs, the Experts and the CAN cannot properly supervise the implementation of ILO standards.

We are pleased to see an increase in the number of reports from governments and the number of comments from social partners from last year. We appreciate all the efforts made to enable the supervisory system to continue to do its work.

We hope our further joint efforts to streamline reporting and extending the possibilities for e-reporting will help facilitate government reporting and increase the number of reports and social partners comments in the future.

In our view, these efforts need to be complemented by a significant consolidation and simplification of ILO standards. Consolidation and simplification of the standards system could not only lead to better implementation of ILO standards, but also focus the reporting on the things that really matter. In that regard, we hope that the work of Standards Review Mechanism will help us move forward.

Finally, we would like to stress once more that reporting on ratified Conventions is a key obligation for governments. It is therefore important for governments, before ratifying ILO Conventions, to make sure that they not only have in place the capacity to implement the respective Conventions but also the capacity to meet their regular reporting obligations.

D. Discussion by the Committee

Chairperson – Before beginning the discussion of the cases of serious failure by Member States to respect their reporting or other standards-related obligations, I would like to call the Committee's attention to document CAN/D/SF, prepared by the Office, which was published yesterday on the Committee's website. This document, as noted in part V of document D.1, compiles the information received from the governments on such failures, as well as the comments of the Employer and Worker spokespersons. The first part of the document contains updates to the information published in the report of the Committee of Experts regarding reports that have been submitted by Member States since the last session of the Committee of Experts. During this session, the governments can provide information on any new developments and the Employer and Worker spokespersons will present their concluding remarks. The discussion of the Committee, including any explanations given and difficulties encountered by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report. It should be recalled that the Committee identifies the cases on the basis of the following criteria:

- 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;
- 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;
- urgent appeals: failure to send reports on ratified Conventions for three years or more and failure to send first reports for three years or more;
- no indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution;
- no information has been received as regards all or most of the direct requests of the Committee of Experts to which a reply was requested for the period under consideration;
- and lastly, 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.

We have three speakers on the list for this discussion.

Government member, Eswatini – In not so many words, and further to the information that was supplied to this Committee during the 109th Session of the International Labour Conference, we are happy to confirm that all international labour standards which were adopted by the Conference during its 99th up to and including its 108th Sessions, where the Violence and Harassment Convention, 2019 (No. 190), as supplemented by Recommendation No. 206 were adopted, have since been successfully submitted to the national authorities in whose competence the matter lies to enact legislation.

We are now in the process of compiling the requisite documentation for purposes of officially informing the Office about this development, in the context of the Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities adopted by the Governing Body in 2005.

As stated in our previous statement, we avail ourselves of the ILO's continued technical assistance to conduct sensitization workshops on some of the standards, particularly those that are open for ratification, and a comprehensive gap analysis, in order to assist in prioritizing those up-to-date standards whose consideration for ratification may be most recommended. This would position the country well to keep pace with the recommendations of the Standards Review Mechanism Tripartite Working Group (SRM TWG), whose decision to submit four outdated Conventions for abrogation to the Conference in 2024 has a bearing on some of the standards that were ratified and are still in force in the country.

We fully accredit this positive development to the technical assistance we have received from the Office in order to ensure compliance in this regard as well as other standards-related obligations. The Office's technical support, coupled with the exceptional tripartite cooperation from the social partners at a national level, remains the key driving force behind the successful execution of all the decent work programmes currently being pursued in the Kingdom in various sectors, including in the area of social security, major legislative and policy reforms, occupational safety and health, and finalizing the drafting of the second-generation Decent Work Country Programme, to mention a few.

Government member, Lesotho – The Government of Lesotho regrets the failure to present before the competent authorities instruments that were adopted at the 99th and 106th Sessions of the International Labour Conference. The presentation of the instruments was erroneously left out when all outstanding instruments were presented in 2019. However, the Government is pleased to inform the Committee that all outstanding instruments, as well as the instruments adopted at the 108th Session in 2019, have since been presented before the competent authorities on 30 May 2022, before the Senate, and this morning on 31 May 2022, before the National Assembly.

Formal communication by letter will accordingly be made to the Director of the International Labour Standards Department.

Government member, Kuwait – We would like to point out that the instruments adopted at Sessions 77, 80, 86, 89, 92, 94, 95, 96, 99, 100, 101 and 103 and in 2021, were presented to the competent authorities and a letter was issued on 29 August 2021 in this regard.

Employer members – At the outset of this important discussion, I want to note on behalf of the Employers that the Committee of Experts once again expresses concerns in its report at the low number of government reports received by the 1 September deadline. We fully understand that some governments were still primarily concerned with managing the COVID-19 pandemic but nonetheless, the Employers' group counts on them to continue complying with their reporting obligations under articles 19, 22 and 35 of the ILO Constitution in a timely manner and to do so in consultation with the most representative employers' and workers' organizations. This is important and it cannot be stressed often enough because it is the government reports that provide the core basis for our supervisory work.

The high number of Committee of Experts' comments suggest that ratification is often not taken seriously enough by Member States. It seems that ratification is sometimes considered a statement or a declaration of intent without a full consideration of the obligations of a treaty under international law containing legal obligations, all of which have to be complied with.

In promoting ratification, in the Employers' group view, the Office must advise Member States of the need for pre-ratification assessments in close consultations with the social partners, including employers and workers. These pre-ratification assessments should involve

an assessment of the country's reporting capacity for the Convention being envisaged for ratification to avoid the circumstances of cases of serious failures to report.

The Employers' group observes with interest that there has been an increase in the number of reports received by the end of the session from last year; moving from 42.9 per cent to 67.6 per cent this year, which seems to reflect the fading of the pandemic and the normalization of administration activities. However, the Employers' group also notes that 25.7 per cent of the reports were received after the 1 September deadline. While we encourage governments and commend governments for sending their reports in, we must also note that the deadline must be met in a timely manner so that the Committee of Experts in its important work can perform these functions efficiently. We note, with concern, that according to paragraph 72 of the Committee of Experts' report, none of the reports due have been sent for the past two or more years from the following 18 countries: Afghanistan, Antigua and Barbuda, Botswana, Chad, Congo, Democratic Republic of Congo, Dominica, Equatorial Guinea, Haiti, Lebanon, Madagascar, Saint Lucia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Vanuatu and Yemen. This is unacceptable and the Committee encourages the governments concerned to make every effort to supply the reports requested on ratified Conventions without delay. The Employers' group welcomes the written submissions made last week on the reasons for the failure to report. In certain cases, we invite the ILO Member States concerned, where necessary, as noted by the Government of Eswatini, to request ILO technical assistance in this regard.

In terms of first reports, according to paragraph 75, seven Member States have failed to supply a first report for two or more years, namely Albania, Congo, Equatorial Guinea, Gabon, Guinea, Sao Tome and Principe, and Tunisia. Out of these seven Member States, we are particularly concerned about the serious failure of the following countries which have not provided a first report for more than three years, namely Albania (regarding the MLC, 2006), Guinea (regarding Convention No. 167), Sao Tome and Principe (Convention No. 183), and Tunisia (MLC, 2006). First reports are vital, as they provide evidence that the provisions of the ratified Convention have been complied with as of the date of entry into force of the Convention for the ratifying country. First reports are therefore an indispensable baseline for further regular supervision. We strongly encourage the Governments of these four countries to make a real effort to provide the Experts with the overdue first reports without any further delay. If necessary, we encourage those Member States to request ILO technical assistance.

In paragraph 80 of the report, we note with concern, that the number of comments by the Committee of Experts for which replies have not been received remains also significantly high. There have not been any responses to comments by no less than 56 Member States this year. We would like to understand from the Governments concerned, what are the reasons for not responding to the Experts' comments. For example, is it a lack of understanding of the content of the observation or direct request? Is it a lack of capacity to provide a response? Or some other reason? The absence of government responses to such a high degree is a concern that needs to be reviewed and monitored. In our view, remedial action depends in part on clarity about the reason for the Member State not responding. Therefore, this information to the question posed is vital.

We also note with regret, in respect of paragraph 127 of the Committee of Experts' report, that the following 23 countries have not provided reports on Conventions and Recommendations requested under article 19 of the Constitution for the past five years: Angola, Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Grenada, Guyana, Haiti, Lesotho, Liberia, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Somalia, South Sudan, Timor-Leste, Tuvalu and Yemen. As the great

majority of cases of failure to report are either developing or small island countries, we would recommend that the Office may wish to give appropriate attention to prioritize and focus its assistance so that these Member States can meet their reporting obligations under article 19 of the ILO Constitution.

We welcome the decision taken by the Committee of Experts to take up the 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 makes it possible to have in the Committee a direct and serious dialogue on this point with the governments concerned and to use the opportunity to point that the Committee of Experts will examine the substance of the matter at its next session even in the absence of a government report. Therefore, the failure to report will not consistently shield the Member State from examination. We note that two out of five first reports on which urgent appeals were issued have been received with technical assistance provided by the Office and we note this as a positive development.

Regarding the social partners' role and participation in the regular supervisory system, the Employer members note that under article 23, paragraph 2, of the Constitution, governments of Member States have an obligation to communicate copies of their reports to the representative employers' and workers' organizations. Compliance with this obligation is necessary to ensure the proper involvement of the social partners in standards implementation at the national level.

In paragraph 120, we observe that social partners submitted 1,280 observations to the Committee of Experts this year compared to 757 last year, 356 of which were communicated by employers' organizations and 924 of which by workers' organizations. We welcome the increase in submissions and we trust that the Office will continue to provide technical assistance, including capacity-building, also to social partners, where needed, to enable the social partners to send meaningful comments to the Committee of Experts to facilitate its work.

The Employer members note that the International Organisation of Employers (IOE), together with the ILO ACT/EMP team, are supporting employers' organizations in increasing efforts to contribute to the supervisory system in a more effective manner by submitting up-to-date and relevant information to the Experts on how Member States are applying ratified Conventions in law and practice. Employers' organizations, in this way, can communicate both shortcomings and progress achieved in the application of Conventions as well as proposals made by them for alternative ways to implement ILO standards, taking better into account national employers' needs. Comments from employers' organizations are of particular importance to inform the Committee of Experts about the needs and realities of sustainable enterprises in a Member State with regard to a particular ratified Convention. We trust that the Committee of Experts will fully consider these comments as well as any additional comments in the discussion of the Conference Committee in their observations on a regular basis.

We would like to conclude by highlighting that, in order to be effective, the regular ILO supervisory system relies on government reports that contain relevant information and are sent regularly and on time as well as on those additional comments provided by the social partners, where needed, to clarify the situation and help provide additional information. Without this input, the Committee Experts and the Conference Committee cannot properly supervise the implementation and application of ILO standards. We are pleased to see an increase in the number of reports from governments and the number of comments from social partners from last year. We take this opportunity to note specifically in the Committee that we appreciate all of the efforts made to enable the supervisory system to perform its work efficiently with the submission of the reports on a timely basis.

We further hope that our joint efforts to streamline reporting and extend the possibilities for e-reporting will continue to help facilitate government reporting and increase the number of reports and comments in the future. These efforts should be complemented by a significant consolidation and simplification of ILO standards. Consolidation and simplification of the standards system could lead, in the Employers' view, to better implementation of those standards and also focus the reporting obligations on the priority areas. In that regard, we hope the work of the Standards Review Mechanism and discussions by the Governing Body, in this regard, will help us move forward.

Finally, we would like to stress, once more, that there is absolutely no question that reporting on ratified Conventions is a key obligation for Member States. It is therefore important for governments ratifying ILO Conventions to make sure that they have the capacity to implement the respective Conventions, including the reporting obligation and, if that does not exist, to request appropriate technical assistance to allow the government to meet those key and necessary obligations.

Worker members – We have already placed emphasis in our written observations on the fundamental nature of the dialogue that needs to be developed between Member States and the ILO, particularly in terms of scrupulous compliance with standards-related obligations. We are bound to strongly insist once again on this point. It is all the more important to insist on it when we see that no fewer than 63 Member States have been invited to provide written explanations concerning serious failings in their reporting and other standards-related obligations. This significant number places emphasis on all the work that still needs to be done to increase compliance with their standards-related obligations.

Once again this year, Member States have been given the opportunity to provide written information on the serious failings identified. Only nine of them have taken up this opportunity. We thank the latter, but we regret that so few took this opportunity. Based on the compilation of information provided by the Secretariat, it should be noted that, between the time when the serious failings of Member States were indicated in the report of the Committee of Experts and the holding of this special sitting of the Conference Committee, many Member States have responded to all their reporting obligations, or responded in part to the serious failings identified. We encourage these Member States to continue their efforts to fulfil their reporting obligations in full. There are nevertheless many Member States that have not yet taken tangible action in this respect.

More Member States have come forward to provide information during the present sitting, which is also appreciated. It is nevertheless the case that the failings of these Member States have perturbed the smooth operation of the supervisory system, which must absolutely be avoided in future.

On the basis of the written information provided by Governments and the explanations provided during this sitting, we have taken due note of the difficulties faced by certain Member States and emphasize with satisfaction that these Member States generally call for ILO assistance. The ILO systematically responds to them favourably and very effectively. This ILO support must be maintained and reinforced so as to guarantee sustainably the capacity of these Member States to comply with their reporting and other standards-related obligations.

In this regard, it appears to us that the Office needs to pay particular attention to this issue. In the framework of the activities to promote international labour standards, additional resources could still be allocated to technical assistance and support activities for Member States and the social partners so as to enable them to comply with their standards-related obligations and engage them actively in ILO tripartite dialogue.

It could be useful to devote a specific chapter of the report which, on the one hand, would provide full relevant information to constituents on the nature of the ILO assistance and support that can be mobilized for this purpose and, on the other, would inform our Committee of the use that has been made of it by Member States and the social partners, and the progress achieved. These Member States must however be aware that it is fundamental for them to also allocate the necessary resources to comply with these obligations and that they cannot rely totally on ILO assistance.

The written information provided and the interventions by certain governments also show that there is a clear need for training. Member States must not hesitate to take the opportunity of the training programmes provided by the ILO, and particularly those intended for the representatives of these Member States. The training programmes of the International Training Centre designed for ILO constituents offer valuable assistance in this regard. We note in this respect with great satisfaction that Antigua and Barbuda and other Member States have trained officials in the reporting obligations through the training programme provided by the International Training Centre and envisage training others in future. We can only encourage these Member States to continue along this path.

Reference should also be made to the many very useful resources developed by the ILO which are available to Member States, and particularly the technical assistance provided by the many standards specialists in the field, the website *Managing ILS Reporting* and the many other means already developed in the context of the ILO Programme and Budget. Just last year, the Representative of the Secretary-General of the Conference announced that the first version of the *Guide on established practices across the ILO supervisory system* had been put online.

This is a new tool which has now been completed, and takes the form of an informative website, accessible in the three working languages of the ILO, and which, among other subjects, allows a better understanding of standards-related obligations. These obligations are placed in the broader context of the supervisory mechanisms and standard-setting procedures on which they are based, which allows Member States to fully understand the underlying objectives of these obligations. The Office should clearly give the broadest possible publicity to these valuable tools so that constituents can take full advantage of them.

We call on Member States that have not provided any information to the Committee, despite the invitation to do so, to be mentioned in the report of this discussion. The absence of dialogue on these matters is prejudicial to the discussions that we can have during the present special sitting and means that we are not able to identify difficulties, needs or indeed the intentions of the governments concerned, unless they come and provide explanations during the sitting. We deplore the low number of governments which have come before the Committee to provide explanations and, at the same time, thank the governments that have come forward today in the Committee.

We have taken due note of the commitments made by certain governments in their written information and hope that these commitments will be followed up by tangible action to ensure full and complete compliance with their obligations. We also call on all these governments, and particularly those which have not provided the Committee with any information, to bring an end as soon as possible to the serious failings identified.

Over and above purely formal compliance with these obligations, it is necessary for Member States to ensure the effective implementation of processes of tripartite social dialogue and compliance with and the promotion of the international labour standards which form the basis for all these obligations.

From this viewpoint, it would be appropriate to actively promote the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the proper implementation of the Convention. Proactive support through ILO technical assistance is essential to enable Member States to apply the Convention correctly and promote its ratification.

Allow me, finally, to react to certain of the comments made by the Employer spokesperson. The Worker members are open to discussions which are intended to facilitate greater compliance by Member States with their constitutional standards-related obligations. However, it does not seem to us that this objective can be fulfilled through an approach of the consolidation or simplification of standards, but rather through the reinforcement of technical assistance capacities for Member States.

Moreover, the ratification of international labour standards must be guided by the will of Member States to give effect to the principles, rights and freedoms that they contain. Fears related to the capacity to comply with reporting obligations must never be an obstacle to ratification. For that, Member States can count on ILO technical assistance and tripartite social dialogue.

Finally, it seems to us to be important to conclude by recalling, based on the mandate of the Committee of Experts as set out in paragraph 23 of its report, that while taking into account the comments of workers and employers contributes to the broad recognition of the technical role and moral authority of the Committee of Experts, it can in no event influence the independent and impartial examination by the Committee of Experts of the legal scope, content and meaning of the provisions of Conventions. We therefore firmly reject the observations of the Employer spokesperson, which call into question the independence of the Committee of Experts and which, moreover, bear no relation to the purpose of the present discussion.

Conclusions of the Committee

Chairperson – As announced earlier, I will now read out the draft conclusions regarding the cases of serious failure to submit reports.

The Committee takes note of the information and explanations provided during this session by the Government representatives of Eswatini, Kuwait and Lesotho, who made statements, as well as the written communications provided by the Governments of Albania, Angola, Antigua and Barbuda, Bahamas, Gambia, Grenada, Hungary, Lebanon and the United Kingdom of Great Britain and Northern Ireland – British Virgin Islands.

However, the Committee regrets that the Governments of Afghanistan, Bahrain, Barbados, Belize, Plurinational State of Bolivia, Brunei Darussalam, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Eritrea, Gabon, Guinea, Haiti, Kazakhstan, Kiribati, Liberia, Libya, Madagascar, Maldives, Marshall Islands, North Macedonia, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Timor-Leste, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu, Yemen and Zambia did not make statements or provide any written communication.

The Committee notes in particular the specific difficulties mentioned by some governments in complying with their constitutional obligations related to reporting and

the submission of the instruments adopted by the International Labour Conference to the competent national authorities. It also takes note of the promises 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.

Concerning the failure to supply reports for the past two or more years on the application of ratified Conventions, the Committee recalls that reporting on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the supervisory system. The Committee also stresses the importance of respecting the deadlines for such reporting. The Committee expresses the firm hope that the Governments of Afghanistan, Antigua and Barbuda, Chad, Dominica, Equatorial Guinea, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Uganda, Vanuatu and Yemen will supply the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the failure to supply first reports for two or more years on the application of ratified Conventions, the Committee recalls the particular importance of this submission of first reports on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of Albania, Congo, Equatorial Guinea, Gabon and Guinea will supply the first reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

Concerning the 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), the Committee underlines the fundamental importance of sending the reports and the detailed information requested in the first reports on the application of ratified Conventions. With particular reference to the first reports and the detailed information requested, the Committee stresses the importance of this information to set out the baseline for continued regular supervision by the Committee of Experts. The Committee expresses the firm hope that the Governments of Albania, Congo, Dominica, Equatorial Guinea, Guinea, Lebanon, Saint Lucia and Vanuatu will send the reports due as soon as possible, and decides to note these cases in the corresponding paragraph of its General Report.

The Committee brings 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 Governments mentioned have not sent the reports due. The Committee reminds governments that they can request technical assistance from the Office to overcome their difficulties in this respect.

Concerning the failure to supply 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, Antigua and Barbuda, Bahamas, Barbados, Plurinational State of Bolivia, Chad, Comoros, Congo, Dominica, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea, Haiti, Kiribati, Lebanon, Madagascar, North Macedonia, Papua New Guinea, Saint Lucia, San Marino, Singapore, Slovenia, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Timor-Leste, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland – British Virgin Islands,

United Republic of Tanzania, Vanuatu and Yemen 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 Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Haiti, Lesotho, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Timor-Leste, Tuvalu 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 competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. The Committee expresses the firm hope that the Governments of Angola, Bahamas, Bahrain, Belize, Brunei Darussalam, Central African Republic, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Eswatini, Gabon, Gambia, Grenada, Haiti, Hungary, Kazakhstan, Kuwait, Lebanon, Liberia, Libya, Maldives, Marshall Islands, North Macedonia, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia will comply with their obligation 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 relation to the failure to indicate during 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, 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 welcomes the fact that no Member State has failed 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. The Committee expresses the firm hope that this is a sign that genuine tripartite social dialogue has been established in all ILO Member States. The Committee decides to note this positive development and to encourage Member States to continue in that direction in the corresponding paragraph of the General Report.

(The conclusions are adopted.)