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Ninth sitting, 3 June 2022, 11 a.m.

Neuvième séance, 3 juin 2022, 11 heures

Novena sesión, 3 de junio de 2022, 11 horas

Chairperson: Mr Topet

Président: M. Topet

Presidente: Sr. Topet

Work of the Committee

The PV.2 is adopted, as amended.

Travaux de la Commission

La commission a adopté le PV.2, tel qu'amendé.

Trabajos de la Comisión

El acta 2 se adoptó en su tenor modificado.

El Presidente - La sesión de hoy se dedicará al examen de los siguientes casos individuales: Fiji, Convenio sobre la abolición del trabajo forzoso, 1957 (núm. 105); Djibouti, Convenio sobre la política del empleo, 1964 (núm. 122); Nicaragua, Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948 (núm. 87).

Quiero antes de comenzar nuestros trabajos esta mañana, informar a la Comisión que el periodo para la presentación de enmiendas al acta 2, relativo a la discusión de Myanmar (Convenio núm. 87), ha finalizado.

(Se adopta el acta 2 con las respectivas enmiendas)

Quiero informarles también que, algunos de los documentos D, que contienen la información escrita enviada por los Gobiernos incluidos en la lista de casos individuales ya están disponibles en la página web de nuestra comisión en todos los idiomas.

Discussion of individual cases (cont.)

Discussion des cas individuels (suite)

Discusión de los casos individuales (cont.)

Fiji (ratification: 1974)

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

Convention (n° 105) sur l'abolition du travail forcé, 1957

Convenio sobre la abolición del trabajo forzoso, 1957 (núm. 105)

El Presidente - Ahora sí, vamos a comenzar con las tareas de la mañana; el primer caso individual que vamos a tratar se refiere a la aplicación del Convenio sobre la abolición del trabajo forzoso, 1957 (núm. 105) por parte de Fiji.

Government member, Fiji (Mr KUMAR) – The Fijian Government acknowledges the advice of the Committee of Experts. Laws in Fiji such as the Public Order Act, 1969 which has been in force in Fiji since its independence in 1970 and is in place to ensure that order is maintained in the country and that the safety of the people is not compromised.

Globally acts of terrorism, racial riots, religious and ethnic vilification have led to countries putting in place legal safeguards. Fiji is no different as we have also experienced acts of terrorism in 2000, however, our law did not have safeguards in place to be able to counter such acts. The Public Order Amendment Act, 2012 remedied this by modernising the Public Order Act 1969 to include provisions that effectively counter terrorism, offenses against public order and safety, radical and religious vilification, hate speech and economic sabotage.

Employer members – The Convention is a fundamental Convention of the ILO, which deals with the abolition of forced labour. It is a very serious subject that deserves our full attention. The Convention was designed to supplement the Forced Labour Convention, 1930 (No. 29), which Fiji has also ratified.

The Convention requires the abolition of the use of any form of forced or compulsory labour in five specific cases. Three of these relate to the use of forced or compulsory labour as political coercion, labour discipline or as punishment for having participated in strike action.

By way of background Fiji ratified the Convention in 1974. The Committee of Experts has issued five observations on Fiji's application of this instrument in law and practice since 1996. More recently the Committee of Experts have issued observations in 2014, 2017 and 2021.

Turning now to the Committee of Experts' observations regarding Fiji's application of the Convention, the Employer members note the main issue in this case concerns various legislative provisions which may lead to the imposition of penalties involving compulsory

labour for activities linked to the expression of political views, opposed to the established political, social and economic order.

The legislative provisions concerned are:

- Section 14 of the Public Order Act, which provides for sanctions of imprisonment for up to three years for using threatening, abusive or insulting words in any public space of meeting, or behaves with the intent to provoke a breach of peace, or whereby such a breach is likely to be occasioned, and provides for the same sanction in a circumstance where a police officer has given directions to disperse or prevent obstruction or for the purpose of keeping order in any public space, without lawful excuse and an individual contravenes or fails to obey such direction.
- Section 17 of Public Order Act provides for sanctions of imprisonment for up to ten years for spreading any report or making any statement which is likely to undermine or sabotage, or attempt to undermine or sabotage, the economy or financial integrity of Fiji.
- Section 67 subsection B, C and D of the Crimes Decree, 1999 provides for sanctions of imprisonment for up to seven years for uttering seditious words, printing, publishing, selling or offering for sale, distributing or reproducing a seditious publication or importing seditious publications.

The Employer members note that the Government has indicated that the Public Order Act is in place to ensure the safety of people from acts of terrorism, racial riots, religious and ethnic vilification, hate speech and economic sabotage. The Employer members note that Article 1(a) of the Convention provides for a prohibition of using any form of forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

We also recall that in the 2012 General Survey on Fundamental Conventions, the Committee of Experts observed that national constitutions and other legislative texts in force in almost all countries of the world contain provisions which recognize freedom of thought and expression, the right to peaceful assembly, freedom of association, the right not to be arbitrarily arrested and the right to a fair trial.

The 2012 General Survey goes on to state that in this respect, the Convention does not prohibit the application of sanctions involving compulsory labour to persons who use violence incite to violence or perpetrate acts of violence.

The Committee of Experts specified in the 2012 General Survey that only in exceptional circumstances of extreme gravity and limited in time can a country derogate from this general principle. The General Survey also recalled that when examining the compatibility of national law and practice with the Convention, the offences provided for in the laws against defamation, sedition and subversion are not defined in terms so broad as to give rise to the imposition of sanctions involving compulsory labour as measures of political coercion or as a sanction against persons who have expressed political or ideological opinions.

The Employer members support the Committee of Experts' observations in this regard in this case in relation to Fiji's application of the Convention and we urge the Government of Fiji to bring its criminal law and practice in line with the Convention to ensure that no one is liable for penal sanctions involving compulsory labour, including compulsory prison labour, solely for peacefully expressing political views or views opposed to the established political, social and economic system including through the exercise of freedom of expression or assembly.

The Employer members also support the request that the Fijian Government provide information on the manner in which the above noted legislative provisions are applied in law and practice.

Worker members – We take note of the last-minute registration of the Government of Fiji, only hours before the examination of the case. We note, with regret, that this late registration has the effect of preventing the members of the Committee from adequately preparing for a full examination of the case today.

This will inevitably complicate our discussion today. The Worker members recall the importance of our Committee's mandate which is to provide for a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions. A refusal by a government to participate in the work of this committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization.

After these preliminary remarks, let us turn to the issue raised by the Committee of Experts.

As already observed by the Committee of Experts in 2014 and in 2017, the legislation in Fiji contains provisions allowing for the imposition of sanctions of imprisonment involving compulsory labour as a punishment for holding or expressing political views, or views ideologically opposed to the established political, social, or economic order.

More precisely, the Public Order Act, as amended in 2012 and the Crime Decree of 1999 criminalize a number of activities related to the exercise of the freedom of opinion and expression and the freedom of assembly, and provide for sanctions of imprisonment, while Section 43.1 of the Prison and Corrections Act, 2006, provides that every convicted prisoner may be required to undertake labour within, or outside the prison, in any labour that may be prescribed by the regulation or in the commissioner's orders. With such a penal framework, exercising the most fundamental freedoms constitutes a high risk for workers and their representatives. The list of freedoms criminalized under Fijian law is long and sanctions are disproportionately severe.

Section 14 of the Public Order Act criminalizes the use of threatening, abusive, insulting words in any public place or any meeting with a sanction of imprisonment of up to three years. The same sanction can be given for behaving with intent to provoke a breach of peace, or for failing to obey the police officer's direction to disperse.

Section 17 allows for sanctions of imprisonment for up to ten years for spreading any report or making any statement which is likely to undermine or sabotage or attempt to undermine or sabotage the economy or financial integrity of Fiji.

Section 67(b), (c) and (d) of the Criminal Decree, 1999, provides for sanctions of imprisonment for up to seven years for uttering any seditious words, printing, publishing, selling, offering for sale, distributing, or reproducing any seditious publication or importing any seditious publication. The term seditious is not defined and can therefore be applied widely to sanction legitimate activities.

We support the Committee of Experts' concern that these provisions are worded in such general terms that they can lead to the violation of Article 1(a) of the Convention, which mandates Member States to suppress or not make use of any form of forced or compulsory labour as a means of a political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system. The mere fact of maintaining this penal framework is all the more

concerning as the Public Order Act is regularly being used to arbitrarily refuse permission for union meetings and public gatherings. We also recall that Section 13 of this Act provides for sanctions of imprisonment for up to six months involving the possibility of compulsory labour for merely taking part in an unauthorized trade union meeting or demonstration.

The Worker members emphasize, once more, that the Convention protects persons who express political views, or views ideologically opposed to the established political, social, and economic system, by establishing that in the context of these activities, they cannot be punished by sanctions involving an obligation to work.

The range of activities protected include the right to freedom of expression, exercised orally or through the press or other communication media, as well as the right of association and of assembly through which citizens seek to secure the dissemination and acceptance of their views. The threats and sanctions of imprisonment and forced labour hangs over workers and their representatives whenever they express views contrary to the official position of the Government.

The laws of Fiji severely undermine the exercise of these freedoms and contravene the Convention. This situation calls for urgent action to restore fundamental rights and freedoms and the Worker members calls for the revision of the penal provisions, without delay, and in line with the recommendations of the Committee of Experts.

Worker member, Fiji (Mr ANTHONY) – The Convention puts a spotlight on the law and practice in Fiji that is imposed upon any trade union official or any ordinary citizen to carry out compulsory labour in prison. Currently, the law and practice remain unchanged despite several requests over the past years by the Committee of Experts to the Fijian Government. The law, particularly the Public Order Act, which was amended in 2012, and the Crimes Decree together with the Political Parties’ Decree, 2013, in various parts as informed to the Committee of Experts vigorously attack trade unions and its officials.

The situation lately, as in 2019, where we had myself, as National Secretary of Trade Union Congress (TUC), and ten other trade union officials around the country who were arrested and imprisoned. Similarly, there were 29 other National Union of Workers’ members put in prison on May Day 2019. About 2,000 workers were threatened with arrest around the country during the same time by the police. I, as the head of Fiji’s TUC, am still appearing in court and have been charged with causing public anxiety when I spoke to the media about the termination of 2,000 workers from the water authority of Fiji.

It is also a concern that the police interfere in industrial matters and the intimidation tactics that are being used by the police on workers. Let me say, that the Public Order Amendment Act gives unlimited powers to the Police Commissioner under section 11(A) of the Decree and gives them control and influence which are generally bestowed upon members of the judiciary in a court of justice. It also gives unlimited powers to police officers to disrupt public or private gatherings and the officer, if the officer considers it a threat to public safety, can use this to actually intimidate workers at the workplace.

The Government’s claim that the purpose of this is to ensure public safety from acts of terrorism, racial riots, religious ethnic vilification and economic sabotage is a red herring. There has been absolutely no need for such draconian laws in Fiji because there is absolutely no threat that the Government appears to showcase. This is all about intimidation and to instil fear in people and also the part on public sabotage, or sabotage of the economy is to ensure that unions do not go on strike or protest at all, in any form.

On at least six occasions, the Fijian TUC has applied for permits to protest against the imposition of labour laws that are not in compliance with ILO core Conventions. All such applications have been denied with absolutely no reason given for the denial. My appearances in the courts have been many over the three years and I am on bail. The case is listed for hearing in late October. If convicted, there could be a sentence in prison of up to three years, which includes compulsory prison labour.

The Committee of Experts has made repeated requests for the Government to review sections 10, 14, 17 of the Public Order Amendment Decree and section 67 of the Crimes Decree and to ensure that, in law and practice, fundamental rights are respected. No action has been taken by the Government regarding any of these requests apart from the assurances they have given, that they would respect them, which really holds no water anymore.

We recall that the Governing Body of the ILO had decided that a contacts mission visit Fiji sometime way back in 2019. We are still awaiting the visit from the contacts mission, and I urge that this mission visits Fiji without any further delay.

Membre gouvernementale, France (M^{me} SALOMON-VALLENS) – J'ai l'honneur de m'exprimer au nom de l'Union européenne (UE) et de ses États membres. L'Albanie et Le Monténégro, pays candidats, ainsi que l'Ukraine s'alignent sur la présente déclaration.

L'UE et ses États membres s'engagent à promouvoir, protéger, respecter et réaliser les droits de l'homme, y compris les droits du travail. Nous encourageons activement la ratification et la mise en œuvre universelle des normes internationales fondamentales du travail, y compris la convention, et nous soutenons l'OIT dans son rôle indispensable d'élaboration, de promotion et de contrôle de l'application des normes internationales du travail et des conventions fondamentales en particulier.

En tant que signataire de l'accord de Cotonou, l'UE et les Fidji ont engagé un dialogue politique global, équilibré et approfondi, portant sur les droits de l'homme, y compris les droits du travail, comme condition préalable au développement durable, à la croissance économique et à la réduction de la pauvreté.

Les Fidji et l'UE coopèrent également par le biais de l'accord de partenariat économique appliqué depuis juillet 2014, qui engage les parties à soutenir les droits sociaux.

Nous remercions le Bureau et lui apportons notre plein soutien pour son engagement constant dans la promotion des droits du travail aux Fidji. Nous remercions la commission d'experts pour le rapport sur la mise en œuvre de la convention aux Fidji.

L'UE et ses États membres sont gravement préoccupés par les rapports faisant état de sanctions d'emprisonnement impliquant un travail obligatoire en tant que punition pour avoir tenu ou exprimé des opinions politiques ou des opinions idéologiquement opposées au système politique, social ou économique établi, ce qui constitue une violation des dispositions de la convention.

La loi sur l'ordre publique, telle qu'amendée en 2012 par le décret sur l'ordre publique, ainsi que le décret sur les crimes de 1999, sont formulés en des termes si généraux qu'ils peuvent conduire à l'imposition de sanctions impliquant le travail obligatoire pour des activités pacifiques protégées par la convention.

Ces dispositions législatives ont également été de plus en plus utilisées pour interférer dans les réunions et assemblées syndicales, les empêcher et les faire échouer comme l'ont signalé la Confédération syndicale internationale (CSI) et le Fiji Trades Union Congress (FTUC).

Nous nous associons pleinement à l'appel de la commission d'experts et demandons au gouvernement de revoir la loi sur l'ordre public et le décret sur les crimes afin de garantir que, tant en droit qu'en pratique, les personnes qui expriment des opinions politiques ou des points de vue opposés au système politique, social et économique établi, notamment par l'exercice de leurs droits à la liberté d'expression ou de réunion, ne soient pas passibles de sanctions pénales impliquant un travail obligatoire, y compris un travail obligatoire en prison.

Nous réitérons également les demandes précédentes de la commission d'experts de fournir des informations sur la manière dont ces dispositions légales sont appliquées dans la pratique.

L'UE et ses États membres sont prêts à aider les Fidji à respecter leurs obligations et continueront à suivre de près la situation dans le pays.

Worker member, Australia (Ms MIDDLEMAS) – Sections 14, 15 and 17 of the Public Order Amendment Decree, 2012 and section 67 of the Crimes Decree provide for sanctions of imprisonment for the exercise of civil liberties including freedom of speech, freedom of assembly and freedom of association. Section 43, part 10 of the Prisons and Corrections Act, 2006 provide that every prisoner may be required to undertake labour within or outside a prison. The effect of these provisions is that trade unionists and others expressing political views and exercising freedom of association, freedom of speech or assembly could be imprisoned and subject to forced labour.

We recall the discussion in 2019 at the Committee which detailed the violations of basic civil liberties including arrests, detentions, assaults and restrictions on freedom of association and the Fijian authority's reliance on the Public Order Act to criminalize legitimate and peaceful trade union activities. Indeed, as this committee has just heard, the leader of the Fijian Trade Union movement, Mr Felix Anthony, has been arrested and imprisoned numerous times under the provisions of the Public Order Amendment Decree. This Act is being weaponized by the authorities to crack down on any form of dissent.

We also recall the conclusions from the discussion of Fiji at the Committee in 2019 where the Committee called upon the Government to refrain from anti-union practices, including arrests, detentions, violence, intimidation, harassment and interference and ensure that workers' and employers' organizations are able to exercise their rights to freedom to association, freedom of assembly and speech without undue interference by the public authorities.

We regret that the Government of Fiji, despite these calls from this Committee, has done nothing to reform the Public Order Amendment Decree and ensure that workers can exercise their rights to freedom of association, freedom of expression and freedom of speech.

We urge the Government of Fiji to immediately accept an ILO direct contacts mission, stop the harassment and attacks of trade unionists, uphold fundamental labour standards and reform the laws to ensure that workers are not subject to sanctions involving compulsory prison labour for exercising their fundamental rights.

Worker member, Italy (Mr MARRA) – I am speaking today on behalf of the Italian General Confederation of Labour (CGIL) and on behalf of the International Transport Workers' Federation (ITF).

As the Committee of Experts has noted in their observations, permission for union meetings and public gatherings continue to be arbitrarily refused in Fiji. Section 8 of the Public Order Act (POA), as amended by the 2012 Decree, continues to be used to interfere in, prevent

and frustrate trade union meetings and assemblies. While this itself amounts to a gross violation of the right to freedom of association, section 10 of the POA stipulates that a person who takes part in a meeting or procession for which no permit has been issued or in contravention of the provisions of the POA is liable to a prison sentence involving compulsory prison labour. We have just heard this from Mr Anthony actually.

This is where the intersection between the right to freedom of association and the protection of civil liberties becomes critical. The simple fact that attending a trade union meeting could possibly result in compulsory prison labour is an egregious violation of several fundamental human rights.

Given how sections of the POA have a direct impact on the right to freedom of association, we wish to highlight that freedom of association, as a principle, has implications that go well beyond the mere framework of labour law. As the ILO's supervisory bodies have held, the absence of a system in which fundamental rights that are necessary for the exercise of freedom of association cannot be fully developed.

Indeed, the common understanding that freedom of association is wholly ineffective without the protection of trade unionists' fundamental civil liberties, was enshrined in a resolution of the International Labour Conference of 1970. This resolution reaffirmed the link between civil liberties and trade union rights, which was already emphasized in the Declaration of Philadelphia, and listed the fundamental rights that are necessary for the exercise of freedom of association.

The Conference Resolution from 1970 recognizes that "the rights conferred upon workers' and employers' organizations must be based on respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, and that the absence of these civil liberties removes all meaning from the concept of trade union rights".

On this basis we contend that criminal sanctions carrying penalties of compulsory labour not only amount to gross violations of the Convention that we are discussing today, but also of Convention No. 87, the principles of freedom of association, and wider international human rights law.

To conclude, we urge the Government to amend and repeal the relevant sections of the POA so as to bring this legislation into conformity with the Convention.

El Presidente – Tengo el honor de informar a la comisión que tenemos la visita del Presidente de la Conferencia, el Sr. Claudio Omar Moroni, de la Argentina, del Vicepresidente empleador, el Sr. Alexandre Furlan, del Brasil y de la Vicepresidenta trabajadora, Sra. Paola Del Carmen Egusquiza Granda, del Perú. Les agradecemos sinceramente el interés que tienen por las tareas de esta comisión y esperamos que puedan acompañarnos.

Worker member, United States of America (Mr GOTTWALD) – It is well established by the Committee of Experts and this body, that legislation which provides for imprisonment with compulsory labour for expressing different opinions other than those of the established order is a threat to the free exercise of trade union rights.

The Fijian Government must amend the Public Order Act, particularly Section 14, which provides for sanctions of imprisonment for up to three years for using threatening, abusive or insulting words in any public place or any meeting. The Committee of Experts has correctly found that this law is worded in such vague and general terms that it represents an

unacceptable threat to the expression of political views or views ideologically opposed to the established political, social and economic order.

The Fiji Trade Union Congress has demonstrated that the Public Order Act has been used by the Government to arbitrarily deny permissions for union meetings and public gatherings and, more generally, to interfere in trade union affairs.

The Government claims that the Public Order Act is in place to ensure the safety of people from acts of terrorism, racial riots, religious and ethnic vilification, hate speech and economic sabotage.

However, it is clear the Government can achieve these goals without trampling on the fundamental rights of workers and others to express political views opposed to the established political order.

We call on the Government of Fiji to revise the Public Order Act in line with the recommendations in the Committee of Experts' report.

Observer, Public Services International (PSI) (Mr RUBIANO) – One of the issues examined by the Committee of Experts under the Convention is the application of the Public Order Act (POA), as amended in 2012 by the Government's Decree.

The Committee of Experts, for instance, noted that according to section 10 of the POA, a person who takes part in a meeting or procession for which no permit has been issued or in contravention of the provisions of the POA is liable to a prison sentence involving compulsory prison labour.

The provision is so broadly drafted and interpreted that it is used against whoever the Government dislikes. Obviously, this has had chilling effects on any fundamental freedom, but mostly the right to peaceful assembly has been arbitrarily restricted with the use of the Public Order (Amendment) Act 2014, particularly against trade unions.

For instance, the Fijian Government marked May Day 2019 with the arrest and detention of trade unionists, including the General Secretary of our affiliate, the Fiji Nursing Association, Ms Salanieta Matiavi, other leaders of one of the teachers' unions, and an officer from the National Union of Workers.

The Government has also used this law to harass unionists representing water workers who, at the time, were facing large-scale job losses, having been laid off at the end of a temporary contract.

Previously, the Government cracked down on air traffic controllers who took action after stalled negotiations for pay rises; these workers' jobs were later advertised internationally by the Government.

There is other questionable legislation in Fiji which merges this issue of forced labour and restricting fundamental freedoms. With this, Fiji has perhaps established a world record. It is the only country violating two or more fundamental Conventions with a single set of legislation.

We are disappointed that specific recommendations to amend or repeal these repressive laws by other UN bodies as well, were not yet accepted, many of which are based on draconian decrees enacted after the 2006 military coup and are not fit for purpose anymore.

We encourage Fiji to genuinely support basic rights and to bring national legislation into line with international law and fundamental labour standards.

Government member, Fiji (Mr KUMAR) – I take note of the comments made and I have no further comments on this.

Employer members – The Employers members begin by noting our deep concern regarding the allegations that we have heard today about imprisonment including forced labour while imprisoned over incidents that allegedly involve peaceful activities. As we know, this case appears against the backdrop of the Committee of Experts making repeated requests for the amendment of sections 14 and 17 of the Public Order Act and section 67 of the Crimes Decree. We also note this case takes place against the backdrop of this legislation not being amended and no action being taken in this regard by the Government to remedy the potential sanction of forced labour. We expect this situation to be resolved without further delay. We have listened carefully to the Government representative and the Workers members' views on this case. We believe it bears repeating that forced labour is a serious matter that violates fundamental human rights. While the Convention is not an instrument to guarantee freedom of thought or expression or to regulate questions of labour discipline or strikes; it does prohibit the use of forced or compulsory labour as a means of political coercion, education, or as a punishment for holding or expressing political views opposed to the established political, social or economic system.

After listening carefully to the views expressed by the members in our Committee today, the Employer members also wish to take special note of certain speakers' firm commitment to social partners' ability to peacefully express views related to established political, social and economic systems without penalty, including without penalty of imprisonment and the imposition of forced labour as a key aspect of fundamental rights, including fundamental rights surrounding freedom of association. We expect this position of the speakers will remain consistent throughout our discussion of all of the cases before the Committee on this fundamental issue of the protection of freedom of association.

In terms of the recommendations in this case, the Employer members are of the view that we must urge the Government, without further delay, to amend sections 10, 14 and 17 of the Public Order Act and immediately amend sections 67(b), subsection (c) and subsection (d) of the Crimes Decree to ensure that persons who express political views or views opposed to the established political, social and economic system, including through the right of freedom of expression or assembly, are not liable to penal sanctions involving compulsory labour including compulsory prison labour.

The Employer members must urge the Government of Fiji immediately to provide information on the manner in which these legislative provisions are applied in practice and urge the Government to submit a report in consultation with the most representative employers' and workers' organizations to the Committee of Experts no later than 1 September 2022.

Worker members – The Worker members thank the Government of Fiji for its extensive response. We also thank the other speakers for their intervention.

In view of the last-minute registration for the Government of Fiji and its consequence on our discussion today, the Worker members recall once again the importance of our Committee's mandate to provide for a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions. It also recalls the refusal by the Government to participate in the work of this Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization.

Turning to the issue examined in this discussion, the Worker members express their deep concern at the penal framework enforced in Fiji which criminalizes with heavy prison enforced labour, the exercise of freedom of opinion, expression and assembly of workers and their representatives and thus severely tramples these most fundamental freedoms.

As we emphasized in our opening speech, the Public Order Act and the Crimes Decree contravene the Convention and create a climate which is not conducive to the full enjoyment of the individuals and the workers' freedom. The situation calls for urgent action and we support the Committee of Experts in its analysis and recommendations regarding the need to review sections 10, 14 and 17 of the Public Order Act and section 67(b),(c) and (d) of the Crime Decree to ensure that both in law and in practice, persons who express political views or views opposed to the established political, social and economic system, including through the exercise of their right to freedom of expression or assembly are not liable to penalties involving compulsory labour.

We call on the Government of Fiji to request the technical assistance of the ILO to resolve this issue swiftly and in conformity with the provisions of the Convention.

El Presidente - Damos entonces por concluida la discusión de este caso. Agradecemos la participación del miembro gubernamental de Fiji y de todos aquellos que han hecho uso de la palabra.

Las conclusiones serán adoptadas por la Comisión en la tarde del jueves 9 o en la mañana del viernes 10.

(...)