

Committee on the Application of Standards

Date: 5 June 2023

- ▶ **A. Cases of serious failure by Member States to respect their reporting or other standards-related obligations**
 - ▶ **B. Written information received from Governments concerned by serious failure**
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A. Cases of serious failure by Member States to respect their reporting or other standards-related obligations, as identified in the Report of the Committee of Experts, and updated based on the information and reports received since its last session

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

Countries mentioned in paragraph 90 of the General Report – page 62

Afghanistan, Antigua and Barbuda, Chad, Comoros, Dominica, Gabon, Haiti, Lebanon, Saint Lucia, Slovenia, Somalia, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu and Yemen.

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

Gabon. The Government has sent some reports due.

Slovenia. The Government has sent all reports due.

Timor-Leste. The Government has sent all reports due.

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

Afghanistan, Antigua and Barbuda, Chad, Comoros, Dominica, Haiti, Lebanon, Saint Lucia, Somalia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen.

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

Countries mentioned in paragraph 93 of the General Report – page 64

State	Conventions Nos
Cook Islands	– Since 2021: MLC, 2006
Grenada	– Since 2021: MLC, 2006 and Convention No. 189
Lebanon	– Since 2021: MLC, 2006
Marshall Islands	– Since 2021: Convention No. 182
North Macedonia	– Since 2021: Conventions Nos 141 and 171
Sudan	– Since 2021: MLC, 2006
Tuvalu	– Since 2021: Convention No. 182
United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas))	– Since 2021: MLC, 2006
Vanuatu	– Since 2021: Convention No. 138

Since the last session of the Committee of Experts, a first report has been received from the following country:

United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas)). The Government has sent the first report on the application of the MLC. 2006.

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

Cook Islands, Grenada, Lebanon, Marshall Islands, North Macedonia, Sudan, Tuvalu and Vanuatu.

3. “Urgent appeals” – Failure to supply reports on the application of ratified Conventions for at least three years

Observations concerning particular countries ([Part II](#) of the CEACR Report – page 95)

Antigua and Barbuda, Dominica, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen.

Since the last session of the Committee of Experts, no reports have been received from these countries.

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

Antigua and Barbuda, Dominica, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen.

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

Countries mentioned in [paragraph 98](#) of the General Report – page 64

Afghanistan, Albania, Antigua and Barbuda, Argentina, Barbados, Burundi, Central African Republic, Chad, Comoros, Congo, Croatia, Dominica, El Salvador, Equatorial Guinea, Gabon, Grenada, Guyana, Haiti, Iraq, Kenya, Lao Peoples’ Democratic Republic, Lebanon, Liberia, Libya, Malta, Mongolia, Montenegro, Netherlands (Aruba), North Macedonia, Papua New Guinea, Romania, Saint Lucia, Samoa, Sao Tome and Principe, Singapore, Slovenia, Somalia, South Sudan, Syrian Arab Republic, Tajikistan, Timor-Leste, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas), Guernsey and Jersey), 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:

Albania. The Government has sent all replies to the Committee’s comments.

Argentina. The Government has sent all replies to the Committee’s comments.

Equatorial Guinea. The Government has sent all replies to the Committee’s comments.

El Salvador. The Government has sent all replies to the Committee’s comments.

Gabon. The Government has sent replies to the majority of the Committee’s comments.

Guyana. 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.

Lao Peoples' Democratic Republic. The Government has sent all replies to the Committee's comments.

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

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

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

São Tomé and Príncipe. The Government has sent all replies to the Committee's comments.

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

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

Timor-Leste. The Government has sent all replies to the Committee's comments.

United Kingdom of Great Britain and Northern Ireland (Guernsey and Jersey). The Government has sent all replies to the Committee's comments.

In addition, written information was received from the Governments of Croatia and Montenegro

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, Barbados, Burundi, Central African Republic, Chad, Comoros, Congo, Croatia, Dominica, Grenada, Haiti, Iraq, Lebanon, Liberia, Libya, Malta, Montenegro, North Macedonia, Papua New Guinea, Romania, Saint Lucia, Singapore, Somalia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas)), Vanuatu and Yemen.

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

Countries mentioned in paragraph 142 of the General Report – page 82

Albania, Barbados, Belize, Brunei Darussalam, Chad, Congo, Djibouti, Dominica, Haiti, Lesotho, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, São Tomé and Príncipe, Sierra Leone, Timor-Leste, Tuvalu, Uganda and Yemen.

Since the last session of the Committee of Experts, **Belize, Brunei Darussalam, Congo, Lesotho and Sierra Leone** have sent reports on unratified Conventions and Recommendations.

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

Albania, Barbados, Chad, Djibouti, Dominica, Haiti, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, São Tomé and Príncipe, Timor-Leste, Tuvalu, Uganda and Yemen.

6. Failure to submit instruments to the competent authorities

Countries mentioned in paragraph 153 of the General Report – page 85

Angola, Bahamas, Belize, Plurinational State of Bolivia, Brunei Darussalam, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Kazakhstan, Lebanon, Liberia, Libya, Maldives, Marshall Islands, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Yemen and Zambia.

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

Bahamas. On 30 November 2022, Bahamas ratified the Violence and Harassment Convention, 2019 (No. 190). According to the criteria established by the Committee of Experts, Bahamas is not in serious failure to submit; however, due to the substantial number of pending submissions, it remains in failure to submit status.

Kazakhstan. On 24 July 2021, Kazakhstan submitted the 39 instruments adopted by the Conference between 1993 and 2019, to the Parliament. Moreover, on 29 May 2023, Kazakhstan submitted the Protocol of 2014 to the Forced Labour Convention, 1930, to the Parliament. According to the criteria established by the Committee of Experts, Kazakhstan is now no longer in serious failure to submit.

Maldives. On 2 January 2023, Maldives submitted the instruments adopted by the Conference at its 99th, 100th, 101st, 103rd, 104th, 106th and 108th Sessions (2010–19), to the Parliament of the People (*Majlis*). According to the criteria established by the Committee of Experts, the Maldives is no longer in serious failure to submit.

In addition, written information was received from the Governments of the **Bahamas, the Plurinational State of Bolivia, Brunei Darussalam, the Seychelles, Yemen and Zambia.**

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, Belize, Plurinational State of Bolivia, Brunei Darussalam, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Lebanon, Liberia, Libya, Marshall Islands, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Yemen and Zambia.

B. Written information received from Governments concerned by serious failure

Bahamas

We acknowledge that article 19 of the ILO Constitution on submission and reporting obligations for the Bahamas has not yet been satisfied. However, we have utilized the technical assistance offered by the ILO Caribbean Office and in doing so, have finalized the Submissions Report. The Submissions Report contains an amalgamation of all outstanding international instruments for the country.

In the coming weeks, it is anticipated that this report will be submitted to the Cabinet for approval to be tabled in Parliament. Consequently, the next correspondence on this matter should advise that the Bahamas is now fully compliant, having satisfied its submission and reporting obligations.

Plurinational State of Bolivia

The Government of the Plurinational State of Bolivia reaffirms its commitment to decent work and wages, the protection of workers' rights, equal opportunities and combating the patriarchal approach. It is also respectful of the international system and cooperation, and in accordance with the principles of the sovereignty and dignity of our territory, is always receptive to the observations and recommendations of the ILO, which strives for the protection of workers, as well as the promotion of collective social justice. We inform the Committee that note has been taken of the observation on the 31 instruments adopted at the 20 sessions held between 1993 and 2019.

In this regard, it should be emphasized that the Plurinational State of Bolivia (formerly known as the Republic of Bolivia) has undergone constitutional, and thus regulatory and structural, changes since 2009, and that many of the recommendations are already implicitly reflected in the national legislation. We also recognize that there has been a new government administration, headed by President Luis Arce Catacora, in the Plurinational State of Bolivia since November 2020, which is working tirelessly for economic reconstruction, rebuilding and industrialization with import substitution in our country. Given the panorama of instability worldwide, we are stepping up efforts to protect workers, as well as laying economic foundations that are favourable to employers as a whole, as a fundamental pillar of our productive social community economic model.

As part of this commitment to furthering rights, protection and duties, we have analysed the list of the 31 instruments to which the above-mentioned observation refers, and wish to point out that:

The Labour Inspection (Seafarers) Recommendation, 1996 (No. 185), has been withdrawn by the ILO. Similarly, the Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186), has been withdrawn.

Regarding the Violence and Harassment Convention, 2019, (No. 190), we wish to report that in 2021, a bill on workplace harassment was presented to the Legislative Assembly while the ratification of Convention No. 190 was being discussed. Similarly, in 2010, Ministerial Resolution No. 868/10 for the restitution of labour rights was published. As part of the complementarity and action to combat violence against women and patriarchy, drawing primarily on aspects of the Violence and Harassment Recommendation, 2019 (No. 206),

Ministerial Resolution No. 196/2021 on the procedure for dealing with complaints about workplace harassment and sexual harassment of women in the workplace has been drafted.

The Plurinational State of Bolivia also presented the Protocol of 2014 to the Forced Labour Convention, 1930, to the Plurinational Legislative Assembly, after complying with the corresponding procedures.

With respect to the remaining 26 instruments, we inform the Committee that a process of review and technical analysis will be initiated by the various state bodies, within the framework of sovereignty and complementarity, to ensure compliance with the recommendations and also to produce draft regulations to be presented to the Plurinational Legislative Assembly. It is clear that the submission of the instruments to the relevant bodies must be carried out in an effective, timely and responsible manner, ensuring all the elements that the recommendations can contribute to our society while upholding the mandates of the Political Constitution of 2009.

The Plurinational State of Bolivia reiterates its ethical and political commitment to working towards a more just society that respects workers' rights to decent work and wages, as well as the responsibility of representing our society in international cooperation bodies, in a framework of respect and sovereignty.

Brunei Darussalam

The Government of Brunei Darussalam take note of the concern raised by the Committee regarding the objective and purpose of the submission's obligation, as outlined in the 2005 Memorandum of the Committee of Experts. The Government understand that the objective of this obligation is to promote the ratification of international labour standards and enhance public awareness of the instruments adopted by the Conference, by communicating them to the competent authority for examination, discussion, and possible action.

The Government would like to provide further information on Brunei Darussalam's efforts. Brunei Darussalam has been actively sharing information on previously adopted Conventions with relevant government agencies. The Government is committed to building on this existing practice and refining it to ensure compliance with the objectives of the submission's obligation.

Given the importance of this matter, the Government recognizes the need for a further consultation and exploration to identify the most appropriate mechanisms and platforms within our national context to fulfil these objectives comprehensively and ensure widespread understanding and participation. The Government appreciates the Committee's support in facilitating and providing guidance and assistance in understanding the obligations and identifying the best approach to submit any reports. By seeking guidance, the Government aims to fulfil its responsibilities in a timely and accurate manner.

The Government of Brunei Darussalam highly values the Committee's understanding and support and seeks additional guidance from the ILO to ensure a comprehensive approach to meeting our obligations. The Government is committed to working collaboratively to enhance its compliance, promote public awareness, and strengthen its commitment to the principles and goals of the ILO.

The Government looks forward to continued cooperation with the Committee and the ILO in addressing this matter.

Croatia

The Ministry of Labour, Pension System, Family and Social Policy of the Republic of Croatia faced serious challenges in fulfilling reporting obligations under article 22 of the ILO Constitution in 2022.

Unfortunately, the reason for this was a sudden shortage of employees during 2022 an overload of tasks and activities within the Service for European and International Cooperation in the Field of Work that is responsible for all the work and fulfilment of obligations related to ILO activities. Moreover, an additional reason for this challenge was a significant increase in the number of ratified Conventions due for reporting obligations in 2022, from the usual 4 in previous years to 24 Conventions in 2022, presenting a significant difference.

However, we are pleased to inform you that we have prepared first batch of ten reports that will be submitted after the receipt of comments from social partners that will be incorporated in the prepared reports, certainly before the commencement of the 111th Session of the Conference. According to the work schedule and preparatory work that has already been undertaken, we can assure you that all requested and remaining reports will be submitted by 1 September 2023.

On this occasion, we would like to express our appreciation for the ILO's devoted work in the field of promotion of tripartism and social dialogue, as well as in creating and promoting international labour standards globally. We can strongly reconfirm our commitment to fulfilling of obligations deriving from membership of the ILO.

Montenegro

Montenegro has been recognized as one of the cases by the Committee of Experts due to substantial violations of reporting obligations or other obligations related to the ILO standards. The Government of Montenegro acknowledges that its reporting obligations for the past year have not been met.

The Government is committed to ensuring the timely submission of its reporting obligations on ILO Conventions. Significant effort was put into submitting the article 22 Reports in 2022. Due to an unprecedented cyberattack that impacted the digital infrastructure of the Government in August 2022, all efforts made towards the preparations of reports were lost, thus requiring the process to commence anew.

The Government will provide information for reports due for 2022 and most of the reports due for 2023. The reports will be sent according to the established deadline, between 1 June and 1 September 2023.

Seychelles

The Ministry for Employment and Social Affairs of the Republic of Seychelles notes with regret that the Seychelles has not been able to honour this standard-related obligations under article 19 of the ILO Constitution, due to various factors.

The Ministry is pleased to inform the Committee that 20 of the pending ILO adopted instruments were presented to the Cabinet of Ministers on 24 May 2023 and approval was received to submit the instruments to the National Assembly for information. Furthermore, the Domestic Workers Convention, 2011 (No. 189), was also presented to the Cabinet at the same meeting for ratification. The Cabinet approved for the Domestic Workers Convention to be ratified and submitted accordingly to the National Assembly.

Also, the proposal for ratification of the Domestic Workers Convention, 2011 (No. 189), and submission of the 20 pending instruments, were presented prior to the tripartite National Consultative Committee on Employment (NCCE), at its meeting on 23 February 2023. The NCCE which comprises the most representative employers' and workers' organizations, had no adverse comments and supported the proposal for ratification and submission of the pending instruments.

The Ministry shall proceed with the formalities for ratification and submission of instruments within the shortest possible time and trusts that this new development will be favourably considered by the ILO and the Committee at the 111th Session of the Conference in June 2023.

The Government of Seychelles would also like to acknowledge the technical support received from the ILO and the International Labour Standards Specialist, which provided guidance in ensuring the appropriate process is undertaken, to fulfil this constitutional obligation as a Member State of the ILO.

Yemen

The permanent delegation of the Republic of Yemen to the United Nations and other international organizations in Geneva conveys its compliments to the International Labour Organization (ILO) and has the honour to advise the ILO that under the current circumstances in Yemen, the country could not submit the required instruments. We are also pleased to advise the ILO that the Ministry of Social Affairs and Labour will initiate dialogue among the tripartite constituents to discuss the required instruments, which will be referred to the Council of Ministers as soon as possible for submission.

Zambia

The Ministry of Labour and Social Security regrets that Zambia has not been able to honour this standard-related obligation under article 19 of the ILO Constitution.

Zambia is pleased to inform you that the process on ratification and submission of the ten instruments to the competent authorities has begun. The Violence and Harassment Convention, 2019 (No. 190) and its Recommendation were adopted by the Tripartite Consultative Labour Council comprising Government, Employers' and Worker's representatives for ratification. A Cabinet memorandum was submitted to the Cabinet for consideration on 27 March 2023.

With regards to the Protocol of 2014 to the Forced Labour Convention, 1930, the Tripartite Consultative Labour Council adopted the instrument for ratification on 9 May 2023 and the necessary processes for submission to the Cabinet and National Assembly have commenced.

The Domestic Workers Convention, 2011 (No. 189), was also adopted for ratification by the Tripartite Consultative Labour Council and other stakeholders and the Ministry is in the process of finalizing the submission to Cabinet.

The HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), 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) are also in the process of being submitted to the Cabinet for information.

The Ministry shall proceed with the formalities for ratification and submission of instruments within the shortest possible time and trusts that this new development will be favourably considered by the ILO and the Committee at the 111th Session of the Conference in June 2023.