

Committee on the Application of Standards

CAN/PV Serious failure

6.06.23

111th Session, Geneva, 2023

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

A. Update based on the information and reports 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 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.

Croatia. The Government has sent replies to the majority of 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.

Liberia. The Government has sent replies to the majority of 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, Dominica, Grenada, Haiti, Iraq, Lebanon, 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.

C. Discussion by the Committee

Chairperson – We will start our discussion of cases of serious failure of Member States to respect their reporting obligations and other standards-related obligations. Before giving the floor to the Vice-Chairpersons for their opening remarks, I would like to recall the Committee's working methods when dealing with the cases of serious failure to fulfil reporting and other standards-related obligations. The Committee has established specific criteria to determine what constitutes serious failure when it examines these cases. These criteria are contained in document CAN/D.1 which is available on the Committee's web page. The cases of serious failure have been identified in the relevant parts of the General Report of the Committee of Experts.

It should be recalled that the following criteria is applied: (i) none of the reports on ratified Conventions have been supplied during the past two years or more; (ii) first reports on ratified Conventions have not been supplied for at least two years; (iii) urgent appeals, that is failure to send reports on the application of ratified Conventions for at least three years; (iv) none of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the ILO Constitution, have been supplied during the past five years; (v) 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 ILO Constitution; (vi) no information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration; and (vii) the government concerned 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 ILO Constitution, copies of reports and information supplied to the Office have been communicated.

To take account of recent developments, updated information on the countries concerned was provided to our Committee in document CAN/D/SF, which was made available yesterday. This document takes into account the fact that some governments have submitted the required information and reports before the present sitting, and also compiles the written information received from governments with respect to these failures as indicated in part V of document CAN/D.1.

Government representatives from the countries mentioned in this document and registered on the list of speakers will be invited to provide information and explanations to the Committee. When providing information to the Committee, governments are asked to include information on all the cases of non-compliance in one single statement. The governments concerned may, in particular, highlight the challenges they are facing in fulfilling their obligations and indicate the areas in which ILO assistance and technical cooperation might be desirable. Such information would enable the Committee to have a better understanding of the situation in the country and is helpful to the Office when it is responding to government requests.

I would like to invite the two Vice-Chairpersons to make their introductory statements.

Worker members – The Committee cannot afford to evade the fundamental issue of reporting obligations under the ILO Constitution. Indeed, the work of the ILO, and more particularly the work of this Committee, relies on the reports provided by ILO Member States and on the observations submitted by trades unions and employers' organizations.

The failure to meet these obligations inevitably hinders work in the ILO's many policy areas, rendering the Organization unable to evaluate the implementation of ILO instruments in its Member States or to provide the necessary responses. Yet, ensuring the effective implementation of those instruments means ensuring respect for the dignity and rights that workers should enjoy under them.

Not for nothing, then, are serious failures to meet reporting obligations the subject of a special sitting of the Committee. It is vital that the Member States concerned are reminded that compliance with these obligations is fundamental and invited to make every effort to fulfil them as soon as possible.

It should be noted that no fewer than 56 Member States were invited to submit written explanations of their serious failures to respect reporting and other standards-related obligations to the Committee. That significant number highlights the extent of the work that remains to be done to increase compliance with those standards-related obligations.

This assessment is even more disappointing given the Office's extensive efforts to assist Member States in that task and the numerous tools that it has put at their disposal.

The "Managing International Labour Standards Reporting" website, for example, addresses reporting obligations specifically, while the online guide on established practices across the ILO supervisory system clearly sets out the essential role of these reporting obligations for the system. We invite Member States to familiarize themselves with these new tools and invite the Office and experts to ensure that they are given as much visibility as possible.

Clearly, training for government officials responsible for preparing these reports is an essential part of ensuring compliance with reporting obligations. The training programmes of the International Training Centre of the ILO aimed at the Organization's constituents have proven invaluable in that regard. Many Member States have made use of these training programmes in the past, with good results.

Member States can also count on the unfailing technical assistance provided by the Office and the expertise of the many standards specialists deployed on the ground by the ILO. We encourage the Office to continue its efforts in that connection and to strengthen the numerous measures already developed under the ILO Programme and Budget.

It is nonetheless important to recall that despite the development of all these tools, responsibility for ensuring that the resources necessary to comply with these obligations are deployed at the national level lies primarily with each Member State, and that not everything can be left to ILO assistance. Despite all these initiatives, we note that significant effort remains required to strengthen compliance with reporting obligations in the future.

Although there has been a slight improvement in the number of reports submitted, more than half are submitted late, hindering the work of the Committee of Experts. The fact remains that a number of Member States have, for several years, failed to submit the reports required under article 22 of Constitution.

In this regard, the Workers' group wishes once again to 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, the procedure has enabled the Committee of Experts to examine the substance of the cases of eight Member States on the basis of publicly available information following an urgent appeal launched at the previous session that, unfortunately, remained without response, sending a clear message that a failure to report can in no case allow a Member State to escape supervision of its compliance with ILO instruments.

This year, nine Member States are subject to an urgent appeal due to a lack of reporting for more than three years; the substance of those cases will be examined at the next session of the Committee of Experts if no report is submitted. We invite those Member States to respond favourably and as soon as possible to the appeal launched by the Committee of Experts.

The compilation of the General Surveys also relies on reports from Member States. It is essential that all Member States contribute to them. We must, however, regret that 20 countries listed in paragraph 142 of the report of the Committee of Experts have not submitted any report to contribute to General Surveys in the last five years. These Member States' contributions would have been greatly appreciated and would also have afforded them an opportunity to begin to reflect on the implementation at the national level of instruments addressed by General Surveys.

As to initiating discussions at national level on the implementation of ILO instruments, the submission of the instruments adopted by the ILO to the competent authorities is also a fundamental obligation in that it enables the enhancement of ILO's standard setting. We note, however, that at least 42 Member States have not submitted the instruments adopted by the ILO at the seven previous sessions of the Conference to the competent authorities. These are all missed opportunities to promote the implementation of ILO instruments and thus improve workers' rights.

This year, Member States were once again given the opportunity to submit written information on the serious failures of which they were accused. Only eight of them did so. We would like to thank those Member States, but regret that so few of them took this opportunity.

Based on the compiled information provided by the secretariat, it should be noted that, between when the serious failures of Member States were highlighted in the Report of the Committee of Experts and the special sitting of the Committee was held, 28 Member States either met all their reporting obligations or responded in part to the serious failures of which they are accused. We encourage these Member States to continue their efforts to fully comply with their obligations, but there are still many Member States that have yet to take any concrete initiatives in this regard.

The Worker members hope to learn more about the difficulties faced by these Member States during this session and hope that they will firmly commit to fully meeting their reporting obligations.

Employer members – The Employer members take note that the Committee of Experts once again expressed concerns in its report at the low number of government reports received by the 1 September deadline. We fully understand that some governments are still managing the aftermath of the COVID-19 pandemic and parallel interlocking crises. Nonetheless, we count 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 governments' reports that provide the core basis for our supervisory work.

The high number of comments of the Committee of Experts (there are 572 observations and 1,159 direct requests this year) suggest that ratification is often not taken sufficiently seriously. It seems that ratification is often considered to be more of a political statement or a declaration of intent, rather than what it is really is, namely a 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 in close consultation with the social partners, including the Employers. These pre-ratification assessments must include not only an appraisal of the country's implementation capacity, but also of its reporting capacity for the Convention envisaged for ratification, to avoid as far as possible cases of serious failure to report.

On governments' compliance with reporting obligations, the Employer members observe that there has been increase in the proportion of reports received by the end of the session from last year's 67.6 per cent, to this year's 70.9 per cent, which seems to reflect the further normalization of administrative activities in the aftermath of the pandemic. However, 59 per cent of the 2023 reports due this year were submitted after the 1 September deadline. While we commend governments for sending a greater number of the reports due, we also encourage them to send such reports in a timely manner so that the Committee of Experts can perform its work efficiently.

However, the Employer members note with real concern that, according to paragraph 90 of the General Report of the Committee of Experts, none of the reports due on ratified Conventions have been sent for the past two or more years from the following 13 countries: Afghanistan, Antigua and Barbuda, Chad, Comoros, Dominica, Haiti, Lebanon, Saint Lucia, Somalia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen. This is totally unacceptable and the Committee of Experts rightly urges the Governments concerned to make every effort to supply the reports requested. We encourage these countries to request ILO technical assistance if necessary to address this problem in a sustainable manner.

As regards the first reports on ratified Conventions, according to paragraph 93, eight Member States have failed to supply these reports for two or more years, namely the Cook Islands, Grenada, Lebanon, Marshall Islands, North Macedonia, Sudan, Tuvalu and Vanuatu. First reports are vital as they are meant to provide complete information about government action to comply with all provisions of the ratified Convention. First reports are thus the indispensable baseline for an initial comprehensive supervision of implementation. The Employer members strongly encourage the Governments of these eight countries to make a real effort to provide to the Committee of Experts the overdue first reports without further

delay. If necessary, they may request ILO technical assistance to address this problem in a sustainable manner.

In paragraph 98, the Employer members note with concern that the number of comments by the Committee of Experts to which replies have not been received from the governments concerned remains significantly high. There have not been government responses to no less than 48 comments this year. In this regard, we appreciate that eight States have provided information regarding their failure to reply to all or most of the Committee of Experts' comments in advance of the Conference, namely Bahamas, Plurinational State of Bolivia, Brunei Darussalam, Croatia, Montenegro, Seychelles, Yemen and Zambia.

The Employer members welcome the provision of an explanation by these States as well as the steps taken to address the situation. We hope that they will be able to meet their reporting obligations in due time and would like to recall that governments that have not done so can avail themselves of ILO technical assistance. The Employer members welcome the commitment of the States to fulfilling reporting obligations, including submitting the requested reports before the 1 September deadline, and we commend the steps taken to this end.

Regarding the other governments concerned, the Employer members would like to understand from them for what reasons they are not responding to the Committee of Experts' comments. Is it a lack of understanding, 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, the Employer members note with regret from paragraph 142 that the following 15 countries have not provided reports on ratified Conventions and Recommendations requested under article 19 of the ILO Constitution for the past five years: Albania, Barbados, Chad, Djibouti, Dominica, Haiti, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Timor-Leste, Tuvalu, Uganda and Yemen. As a great majority of cases of failure to report concerns developing and small island States, we suggest that the Office give appropriate attention to this fact, in order to better prioritize and focus its assistance. This would help States meet their reporting obligations under article 19 of the ILO Constitution in a sustainable manner.

We express our appreciation for the decision taken by the Committee of Experts to further extend the practice of urgent appeals with cases meeting certain criteria of serious reporting failure that require the Conference 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 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 note that three first reports have been received following an urgent appeal, with technical assistance provided by the Office and we trust that there will be even more positive results in the future.

Finally, regarding the social partners' role as participants in a regular supervisory system under article 23, paragraph 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 the implementation of standards at the national level. According to paragraph 136, the social partners submitted 1,156 observations to the Committee of Experts this year, compared to 757 last year, 212 of which, compared to 230 last year, were

communicated by employers' organizations, and 944, compared to 527 last year, by workers' organizations. The Employer members welcome the overall increase in submissions and we trust that the Office will continue to provide technical assistance, including capacity-building, to social partners where needed to enable them to send relevant comments to the Committee of Experts.

From the Employer members' side, the International Organisation of Employers (IOE), together with the ILO Bureau for Employers' Activities (ACTEMP) is supporting employers' organizations to contribute to the supervisory system in an effective manner. We are doing this by helping employers' organizations to submit up-to-date and relevant information to the Committee of 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 of the Conventions as well as proposals for alternative ways to implement ILO instruments, better taking into account the needs and realities of sustainable enterprises.

We trust that the Committee of Experts, in their observations, will fully consider these comments as well as any additional comments made by the Employers in their discussions in the Committee on the Application of Standards.

Government representative, Central African Republic – In response to the calls made by the Committee, as indicated by the Director of NORMES, I refer to the failure to produce and supply 24 reports on the application of Conventions, most of which should have included information in reply to the comments of the Committee of Experts.

The Government is honoured to provide full information on the action taken at the national level to comply with the ILO's basic text. The Government assures the Committee of its intention to submit, by 30 October 2023 at the latest, the remaining 22 reports following the receipt of the views of national employers' and workers' organizations, with the exception of those for Conventions Nos 150 and 155, which have already been provided to the Chancellery of NORMES. It also draws the Committee's attention to the fact that nearly all the relevant provisions of the Conventions for which the Government has to provide reports have now been transposed into the revised draft text of Act No. 09.004 of 29 January 2009 issuing the Labour Code of the Central African Republic, which is currently being examined by the National Assembly, and undertakes to provide the Office with a copy for information.

In 2022, five managerial-level staff were trained and sent to the African Regional Labour Administration Centre (CRADAT) and, in 2023, these officials were incorporated with responsibility for leading the reform of the Ministry in the field of labour standards, social protection and employment and vocational training. At the 110th Session of the Conference, the Government requested and obtained ILO support for capacity building for national institutions with a view to promoting rights and fundamental labour rights, as well as social justice, action to combat child labour, raise the awareness of national actors concerning international labour standards and transpose them into our national legislation.

With the ILO Country Office for Central Africa in the Democratic Republic of the Congo, the Government agreed to launch the process of developing a plan of action for the implementation of the SDGs within the framework of Alliance 8.7, of which the Central African Republic is a pathfinder country, and to continue the process of trade union elections through a preliminary diagnostic study for social dialogue in the country financed by the ILO.

The Government recalls that it requested and obtained a meeting with the ILO Director-General in Geneva in April 2023, on the occasion of which the request by the Central African

Republic for ILO technical assistance was reaffirmed, with a favourable response by the ILO. The availability of a standards specialist in the subregion will also facilitate the reinforcement of the technical capacities of labour inspectors to prepare reports, which will enable us to be up-to-date with our constitutional obligations within the specified deadlines.

The Central African Republic undertakes, with the support of the ILO Kinshasa Office, to provide all the reports due before 1 September 2023. All of the requests made offer sufficient proof of the Government's commitment to comply with the ILO Constitution. In light of the above, the Government requests the Committee to note its good will to comply with its commitments, despite the difficult socio-economic situation. It thanks the Committee for its understanding.

Employer members – 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. It is only with these inputs that the Committee of Experts and this Committee can properly supervise the implementation of ILO standards.

The Employer members are pleased to see an increase in the number of reports from governments and in 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 also hope that further joint efforts to streamline reporting and extend the possibilities for e-reporting, will help increase the number of government reports and comments from social partners in the future. These efforts need to be complemented by the consolidation and simplification of ILO standards. This could not only lead to better implementation of the standards, but could also focus the reports on elements that really matter. In that regard, we hope that the work of the Standards Review Mechanism will help us move forward.

Worker members – We thank the representative of the Central African Republic for appearing before the Committee, but regret that only one government has come forward to provide the Committee with information. We hope that in future the Office will ensure that governments appear before the Committee to provide the necessary explanations.

We have nevertheless taken due note of the written information submitted and of the difficulties encountered by certain Member States and are pleased to note that these Member States generally call on the ILO for assistance, and that the latter systematically responds favourably and in a very effective way.

We also note, however, that some Member States deliberately ignore their reporting obligations. The approach towards these Member States should be firmer than towards Member States whose technical difficulties or insufficient capacities are well-established. The urgent appeal procedure is a first response, but it applies indiscriminately to Member States acting in good or bad faith.

In terms of activities to promote international labour standards, additional resources could still be allocated to technical assistance and support activities for Member States and social partners, so that they are able to meet their standards-related obligations and are actively engaged in the ILO's tripartite dialogue.

The Worker members have noted the commitments made by some governments and hope that these will be followed by concrete actions to ensure full compliance with their obligations. It is essential that all these governments, and particularly those that have not provided any information to the Committee, put an end to the serious failures of which they are accused as quickly as possible. We also ask Member States to bear in mind that these

reporting obligations, beyond the formalism they may present, are fundamental insofar as they underpin the dynamics of tripartite social dialogue, as well as the respect and promotion of international labour Conventions. Member States must fully commit to these dynamics.

In view of this, the ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as well as its effective implementation, should be actively promoted, as this can also foster greater compliance with reporting obligations. Proactive support through the Office's technical assistance is essential so that Member States can properly implement this Convention and promote its ratification.

Lastly, we would like to respond to some of the comments made by the Employer spokesperson. The Worker members are open to discussions aimed at promoting greater compliance by Member States with their constitutional standards-related obligations. However, we do not believe that this objective can be achieved by consolidating or simplifying standards, but rather by strengthening Member States' technical assistance capacities.

Moreover, the process of ratifying international labour Conventions must be guided by the willingness of Member States to implement the principles, rights and freedoms that these contain. Concerns about the ability to meet reporting obligations should never be an obstacle to ratification. Member States can count on ILO technical assistance and on tripartite social dialogue in this regard.

Conclusions of the Committee

Chairperson – As announced, I will now read out the draft conclusion on cases of serious failure with reporting.

The Committee takes note of the information and explanations provided during the session by the Government representative of Central African Republic who made a statement as well as the written information provided by the Governments of the Bahamas, Plurinational State of Bolivia, Brunei Darussalam, Croatia, Montenegro, Seychelles, Yemen and Zambia.

However, the Committee regrets that the Governments of Afghanistan, Albania, Angola, Antigua and Barbuda, Barbados, Belize, Burundi, Chad, Comoros, Congo, Cook Islands, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Malta, Marshall Islands, North Macedonia, Papua New Guinea, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Syrian Arab Republic, Timor-Leste, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland (Falkland Islands (Malvinas)) and Vanuatu did not make statements or provide any written communication.

The Committee notes in particular the specific difficulties mentioned by some governments in complying with the 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, Comoros, Dominica, Haiti, Lebanon, Saint Lucia, Somalia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen will supply the reports 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 the submission of first reports on the application of ratified Conventions. The Committee expresses the firm hope that the Governments of Cook Islands, Grenada, Lebanon, Marshall Islands, North Macedonia, Sudan, Tuvalu and Vanuatu 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, 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. The Committee stresses the importance of the information provided in the reports submitted by governments on ratified Conventions to enable the regular supervision by the Committee of Experts. The Committee expresses the firm hope that the Governments of Antigua and Barbuda, Dominica, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen 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 will 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, Barbados, Burundi, Central African Republic, Chad, Comoros, Congo, Dominica, Grenada, Haiti, Iraq, Lebanon, 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 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 unratified Conventions and Recommendations. The Committee expresses the firm hope that Governments of Albania, Barbados, Chad, Djibouti, Dominica, Haiti, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Timor-Leste, Tuvalu, Uganda, and Yemen will

comply with their obligation to supply reports on unratified 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 and Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards and related activities. The Committee expresses the firm hope that the Governments of 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, Libya, Liberia, 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 will comply with their obligation to submit Conventions and 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 ILO 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's supervisory mechanisms.

The Committee welcomes the fact that this year again 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.