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In 1991, in its comments, the Committee of Experts emphasized the progress achieved by the Government of the Dominican Republic and noted the report of the direct contacts mission organized by the Office from 3 to 21 January 1991. The Committee of Experts noted with interest the adoption of Decree No. 417/90 of 15 October 1990 respecting the regularization of the situation of Haitian citizens in the country, the installation of special labour inspection delegations in sugar-cane plantations in order to enforce the terms of employment contracts and ensure that they were strictly observed, and to monitor that the human rights of Haitian workers were respected. The Decree also established an obligation for the State Secretariat for Labour to regularly report to the ILO on the observance of the provisions contained in the Decree and on any matter relating to the protection due to these workers. The Committee of Experts nevertheless emphasized the persistence of practices contrary to the effective application of Convention No. 105. The same year, the application of the Convention by the Dominican Republic was the subject of a further individual examination by the Conference Committee. The conclusions adopted by the Conference Committee that year emphasized that:

“[...] The Committee took note of the fact that direct contacts have taken place in January 1991. It welcomed the reopening of the dialogue between the Dominican Republic and the supervisory bodies, as well as the progress that has been observed. **However, the Committee remains extremely concerned about the situation of Haitian workers in the sugar-cane plantations in the Dominican Republic. The Committee noted with interest that a series of specific preliminary measures have already been undertaken to improve the situation, in particular by the preparation of a new Labour Code. However, the Committee deplored the fact that this progress has not yet made it possible to adapt national law and practice to meet all the requirements of Conventions Nos. 95 and 105, in respect of which there are still various divergencies.** The Committee hoped that this Code can be adopted as soon as possible. The Committee noted with interest the existence of Decree No. 417/90 dated 15 October 1990 which in particular imposes a form of cooperation with the International Labour Office which should make it possible to see in the field that the promised improvements have taken place which are still awaited. The Committee invited the Government to strengthen the necessary measures the application of which could be monitored. The Committee noted with concern the failure of efforts aimed at concluding an agreement with Haiti concerning recruitment. **It expresses the strong hope that the Government will have recourse to the assistance of the ILO in order**

**to renew its efforts so that such an agreement can be concluded, taking into account, inter alia, the comments of the supervisory bodies.** The Committee trusts that the Government of the Dominican Republic will continue its efforts and will immediately, by means of energetic and sustained action, take the additional measures, in particular by adopting the new Labour Code in order to fully implement in law and in practice measures in response to the comments made by the supervisory bodies of the ILO.<sup>59</sup>

In 1992, the Committee of Experts requested the Government to provide information on the measures taken to supplement and give effect to those which had been adopted respecting the regularization of the situation of Haitian workers who came to the country to work in the sugar-cane harvest, those who were permanently resident in the country and the descendants of Haitian citizens born in the Dominican Republic, as well as the regularization of the hiring procedure. In this respect, the Committee of Experts requested the Government to supply information on the measures taken to ensure observance of the terms of employment contracts and of the rights and freedoms of the workers, especially with regard to their freedom of movement, their physical safety and moral well-being, their freedom to terminate their employment relationship, and their coverage on equal terms by the labour legislation. In June, the Dominican Republic was once again included in the list of individual cases discussed by the Conference Committee in relation to non-compliance with Convention No. 105. During the discussion in the Conference Committee, the representative of the Government of the Dominican Republic emphasized the progress achieved by the country on the various subjects and comments addressed over several years by the Conference Committee and the Committee of Experts:

“A Government representative [...] praised the work of the Committee of Experts which through its comments enabled member States to make the changes and amendments necessary to bring national legislation into conformity with international standards. **He indicated that the new Labour Code was promulgated on 29 May 1992. This Labour Code was the result of a tripartite dialogue between Government, workers and employers which made it possible to reach a consensus on the 740 articles of the draft Code presented to the national Congress.** [...] The Labour Code contained provisions concerning the following: prohibition of forced labour, the obligation to pay workers wages in cash and not in the form of vouchers or other

<sup>59</sup> ILC, 78th Session, 1991, *Record of Proceedings*, 24, “Report of the Committee on the Application of Standards”, p. 24/67.

payments and the prohibition of the employment of children under the age of 14 years. With respect to freedom of association, the new Code recognised the protection of immunity for the founders of trade unions, its leaders and negotiators of collective agreements. Furthermore, the Code included the concept of essential services consistent with the jurisprudence of the Committee of Experts and guaranteed the right to strike by repealing penal sanctions for workers participating in illegal strikes, by reducing the percentage necessary to declare a strike and by permitting strikes not only for economic disputes but also disputes of interests. [...] As regards Convention No. 105, the General Directorate of Migration continued its work of regularisation of the status of Haitian nationals, especially of those engaged as sugar-cane cutters. [...] Furthermore, 36,180 residents' permits [had been] granted to Haitians living in the country. Decree No. 233/91 was no longer being applied and the General Directorate of Migration had recommenced the work of regularisation called for under Decree No. 417/90. Furthermore, given the events taking place in Haiti since October 1991 and the decision of the Organization of American States to isolate the *de facto* Government of Haiti, the Dominican Republic found itself blocked from reaching an agreement" with the authorities of Haiti concerning the recruitment of workers employed for the sugar-cane harvest. Accordingly, for the 1991-92 harvest, recruitment was limited to Haitian nationals already resident in the country, as well as those who had voluntarily crossed the border. With regard to the protection by the competent authorities of the rights and freedoms of workers, various measures had been adopted: (a) an agreement between the State Sugar Board (CEA), the Federation of Sugar Producers and the various trade unions, under which workers' associations were associated with the weighing of the cane to prevent the use of fraudulent methods; (b) the permanent presence of inspectors in the sugar-cane harvesting fields of the State Sugar Board and of private producers; (c) the recognition of new unions of sugar cane workers, both for those engaged in cutting cane and in weighing in the various plantations; (d) the continuation of the social programmes launched by the State Sugar Board; (e) the imposition of penalties on any employee in breach of the Labour Code or any other labour regulation, and the registration of any violation identified by labour inspectors. [...] Finally, with regard to the protection of remuneration, in accordance with the 3/92 rates of December 1991 issued by the National Wage Board, which is a tripartite body, the minimum monthly wage for workers in the sugar industry not working in plantations was raised by 20 per cent. Moreover, the minimum wage for agricultural workers, including workers in the sugar industry, was increased by 30 per cent. Similarly, the State Sugar Board increased the wage of "sugar-cane harvesters in 1991-92 by 40 per cent. In order to improve the living and working conditions of sugar-cane workers, particularly as concerns harvesters, the State Sugar Board and the Federation of Sugar Growers provided, in its agreement with the trade unions, for the

collaboration between sugar industries and trade unions for the creation of consumer cooperatives which would enable the workers to avoid any abuse attempted by small private merchants.”<sup>60</sup>

During the discussion in the Conference Committee, the Employer and Worker members commented on the explanations provided by the Government representative and recalled the need to implement new measures in relation to hiring practices and, more generally, with regard to the issue of regularization:

**“The Worker members** [...] recalled [...] that this case had been discussed for many years now and that, last year, the Office had undertaken a mediation mission. With respect to the regularisation of the status of Haitian workers in the Dominican Republic, they had already noted progress in this regard last year as a result of the adoption of Decree No. 417/90. This year’s report of the Committee of Experts, however, had also referred to Decree No. 233/91 concerning the repatriation of foreign workers. This Decree had been implemented in an indiscriminate manner and affected not only men and women of all ages, but also persons born in the Dominican Republic, whether or not in the possession of a resident’s permit. Decree No. 233/91 had been applied, in many cases, by means of round-ups in violation of human and employment-related rights. The application of this Decree in fact impeded the process of regularisation which was being implemented under Decree No. 417/90. There were, therefore, two contradictory policies. **They urged the Government to take every measure to end this contradiction by ensuring a global policy, affirmed at the highest level, to ensure the application of the relevant standards.** [...] Having noted the progress made in the adoption of the Labour Code, they added that it would be necessary for a copy of the Code to be communicated to the Office in order to enable the Committee of Experts to fully analyse the new measures with respect to the comments which had been made for many years now. Finally, they noted the progress made concerning freedom of association but again urged the Government to communicate supplementary information in order to permit a determination of whether, in practice, the guarantee of freedom of association was truly respected.”

**“The Employer members** recalled that this case had been a problem for ten years and recalled that in 1983 a Commission of Inquiry had presented a report containing a number of recommendations to be implemented in order to ensure the full application of the Convention. **They noted that the mediation mission undertaken in 1991 had resulted in a series of administrative**

<sup>60</sup> ILC, 79th Session, 1992, *Record of Proceedings*, 27, “Report of the Committee on the Application of Standards”, pp. 27/75-77. The following quotations are taken from the same *Record of Proceedings*.

**and legislative improvements. Some problems still remained, however, and certain points needed to be clarified.** They recalled that Decree No. 417/90 concerning the regularisation of Haitian nationals affected over 100,000 workers, including Haitians born in the Dominican Republic. This Decree provided the framework, but many texts and detailed regulations would need to be drafted to ensure its effective implementation. They drew attention to Decree No. 233/91 which permitted the repatriation of foreign workers under 16 years of age [and of those over the age of 60]. The older workers in question had, in many cases, been living and working in the Dominican Republic for decades. Furthermore, in some cases this repatriation was carried out forcibly. They noted the contradiction between these two Decrees and requested the Government to clarify its previous statement by indicating which Decree was no longer in force. Secondly, they stressed the need to further regularise and control the hiring procedure. They recalled that the draft legislation reviewed in 1991 had made many improvements in the hiring procedure, but stressed that the practical implementation of these was essential. New hiring systems were to be introduced for the 1991-92 sugar-cane harvest. They regretted that there had still been no agreement reached with the Government of Haiti and requested the Government of the Dominican Republic to indicate the methods and procedures presently being used for hiring and the number of persons involved. Finally, they requested the Government representative to submit in writing to the Office all the information [...] provided verbally, including replies to all the questions raised in the Committee of Experts' report. They stressed the need for further information on legislative provisions which had been adopted and on their practical implementation, as well as on supervisory mechanisms. They expressed the hope that the progress which had been made would continue and that there would be no need to discuss this case in the future."

In its conclusions, the Conference Committee expressed doubts concerning the proper application of Convention No. 105, despite the progress emphasized by the Committee of Experts:

**"The Committee noted the information given by the Government, in particular concerning the adoption and coming into force of the new Labour Code. It was satisfied to note the progress having been made on different points made in the Committee of Experts' report, but doubted whether such progress on the [regularisation of] the status of Haitian workers was sufficient. It therefore urged the Government, in view of the fact that this matter had been pending for years, to regulate that status as soon as possible, in conformity with the relevant Conventions of the ILO and hoped to be able to conclude at its next session that this goal had been reached."**

Finally, following the numerous discussions in the Conference Committee, the missions of assistance and mediation undertaken by the Office and the gathering of the information supplied by the Government of the Dominican Republic, by Employer and Worker members, the Committee of Experts was able to note significant progress and the application of Convention No. 105 by the Dominican Republic has not been the subject of discussion in the Conference Committee since 1992.

### *Arab States*

#### *QATAR (C.182)*

Qatar has been a Member of the ILO since 1972 and has ratified six Conventions (C.29, C.81, C.105, C.111, C.138 and C.182). Up to now, Qatar has been the subject of two individual examinations by the Conference Committee on the Application of Standards: in 2002 in relation the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and in 2005 concerning the Worst Forms of Child Labour Convention, 1999 (No. 182). With regard to Convention No. 182, the Committee of Experts on the Application of Conventions and Recommendations made two observations to Qatar in 2005 and 2007.

In 2005, the application of Convention No. 182 by Qatar was the subject of an individual examination by the Conference Committee. The Government representative of Qatar provided explanations to the Conference Committee of the application of the Convention, and particularly on the issue of the participation of children as jockeys in camel races:

“[...] a Government representative stated that Qatar had ratified the Convention less than one year after its adoption and since then the Government had always cooperated with the Committee of Experts and had provided the necessary information. The Government would also fully reply to the observation under discussion in the Committee. Two years ago an institute for the protection of children and women had been established which provided an institutional framework for the protection of [women’s and] children’s rights. The High Council for Family Affairs was also involved in such matters and numerous seminars and workshops had been organized. With regard to the participation of children as jockeys in camel racing, the Government informed the Committee that Law No. 22 had been promulgated on 23 May 2005, which prohibited the bringing in, involving or participation of children as jockeys and/or other involvement of persons below the age of 18 in camel races, as well as the training of persons under the age of 18 for such a purpose. The Law provided for sanctions of fines up to 200,000 rials and of imprison-

ment between three to ten years. The Labour Inspectorate was responsible for supervising the Law's application and was cooperating with the public prosecutor in order to ensure strict implementation and enforcement of this legislation. The Government representative further stated that a light robot had been developed to replace children as camel jockeys and had already been successfully tested. Children had previously participated in camel racing as a hobby always with the authorization of their parents while the High Council for Family Affairs was making every effort to integrate the children concerned in the educational system."<sup>61</sup>

During the discussion, the Employer and Worker members replied to the explanations and information supplied by the Government representative of Qatar and set out their respective positions concerning the sale and trafficking of children under 18 years of age to Qatar to work as camel jockeys and the dangerous nature of this activity:

**"The Employer members** emphasized [...] that they remained frustrated at the fact that the issues which had given rise to this case, i.e., the trafficking of children for the purposes of, and the use of children in, the camel racing industry, continued to exist. They agreed with the Committee of Experts that the issue of trafficking and forced labour of children and the use of children as camel jockeys, could be examined more specifically and appropriately under this Convention especially because of the need for immediate and effective steps. [...] For purposes of this case, the Committee of Experts had commented, and the Employers agreed, that the sale and trafficking of children, and forced or compulsory labour for the purposes of camel jockeying fell within Article 3(a) of the Convention. Thus, the Convention required trafficking in children to be immediately eliminated and prohibited. According to the observation of the Committee of Experts, no evidence had been provided and the Employer members assumed that the Government had failed to do so. [...] The Employer members considered that camel racing was inherently dangerous to the health and safety of children, and did not foresee any circumstances where camel racing would not be considered as a worst form of child labour in accordance with Article 3(d)."

**"The Worker members** noted that the Committee had discussed for several years the suffering of children trafficked to the Gulf region for forced labour exploitation as camel jockeys. This exploitation violated at least three Conventions (Nos. 29, 138 and 182), involving boys sometimes less than 10 years

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<sup>61</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, "Report of the Committee on the Application of Standards", pp. 22 Part Two/69-72.

old in trafficking, forced labour and employment and hazardous work below the minimum age. [...] there was no doubt that numerous young children had been trafficked to the Gulf, including Qatar. In reply to the Government's claim that they were there with their families, the Worker members had hoped that the denial stage had been passed as a barrier to resolution of the problem. The annual United States report on trafficking in persons of June 2005 stated that: "Qatar is a destination for men and women trafficked for the purpose of labour exploitation and young boys trafficked for the purpose of exploitation as camel jockeys. Children trafficked for exploitation as camel jockeys come primarily from South Asia and Sudan. Most no longer remember where they come from. [...] The Worker members wanted to know how the Government intended to identify violations of the Law, what measures it was taking to rehabilitate, repatriate and compensate child camel jockeys, and ensure that psychiatric and medical care, counselling and education were provided."

In its conclusions, the Conference Committee noted the request for technical assistance made by the Government of Qatar and referred to the comments of the Committee of Experts and the discussions by constituents during the debate:

"[...] the Committee noted the information provided by the Government representative that Law No. 22 of May 2005 prohibited the trafficking of children under 18 to Qatar to work in camel racing. The Government also pointed out that by virtue of article 4 of this recently enacted Law, whoever violated the prohibition on the trafficking of children to work as camel jockeys was liable to between three and ten years imprisonment and a fine, and that article 2 of the recently enacted Law No. 22 of 2005 prohibited the employment, training and use of children in camel racing, and that by virtue of article 1 of the Law, a child was a person under 18 years of age. The Committee also noted the intent expressed by the Government representative to combat child trafficking for labour exploitation. This intent was reported to be reflected in concrete measures, including the purchase and use of robots to replace the use of children as camel jockeys. **The Committee further noted that the Government of Qatar had expressed its willingness to continue its efforts to eradicate such situations with the technical assistance of the ILO.** The Committee also noted that the Government was considering the ratification of Convention No. 138. **While welcoming the recent measures taken, the Committee urged that children should no longer continue to be victims of trafficking for the purpose of labour exploitation, and that those responsible would be punished.** The Committee emphasized that, in accordance with Article 3(a) of the Convention, the sale and trafficking of children for labour exploitation, includ-

ing camel racing, constituted one of the worst forms of child labour and that the Government was obliged, by virtue of Article 1 of the Convention, to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. **In this regard, the Committee urged the Government to take the necessary measures to ensure that unannounced inspections were carried out by the labour inspectorate and that persons, regardless of their nationality, who trafficked in children to work as camel jockeys, were prosecuted and sufficiently effective and dissuasive penalties were imposed.** The Committee expressed its concern about the inherently hazardous nature of this activity. The Committee asked the Government to take necessary measures to ensure also that Qatari or non-Qatari children under 18 years of age did not perform any work under the circumstances that were likely to be detrimental to their health, safety or morals. The Committee recalled that Convention No. 182 had to be applied without distinction as to nationality. The Committee also invited the Government to take steps to develop social dialogue on the implementation of the Convention, in particular, concerning the determination of types of hazardous work, in accordance with Articles 3(d) and 4(1) of the Convention. **Noting that the Government was prepared to avail itself of ILO technical assistance, the Committee decided that a technical advisory mission should be undertaken to the country to evaluate the situation of compliance with the Convention in law and practice. [...]** The Committee also requested the Government to provide detailed information on the effective and time-bound measures taken to prevent trafficking and to remove former child victims of trafficking from hazardous work and to provide for their rehabilitation and social integration, in conformity with Article 7(2) of the Convention. These measures should include the repatriation, family reunification and support for former child victims of trafficking.”

At the request of the Government of Qatar, a technical advisory mission was undertaken in March 2006. According to the report of the mission, there is a clear political will on the part of the Government to deal with and resolve the issue of the trafficking of children for their use in camel racing. The report highlights the measures taken on three fronts by the Government with a view to eradicating the problem: (1) legislative measures; (2) practical measures; and (3) rehabilitation measures. Indeed, as emphasized in the comments of the Committee of Experts in 2007, which reproduce the conclusions of the advisory mission, pursuant to the adoption of Law No. 22 of 2005, which prohibits the employment, training and use of children in camel races, the Government launched a number of sensitization measures aimed at creating awareness of this Law. These measures include: recourse to the media, the strengthening of labour inspection and the organization of various meetings with the Camel

Racing Federation. Moreover, unannounced labour inspections have been carried out to ensure that children are not used for this purpose. The Government also adopted a number of practical measures aimed at effectively ensuring that camel owners do not use children under 18 years for camel racing. In particular, the Government started in 2004 to buy robots from a Swiss company to replace camel jockeys. After some initial problems with such robots, local production of robots that responded more adequately to the needs of camel owners in Qatar commenced. This proved to be a huge success, since the robots manufactured were cheap and very light. The production of robot jockeys was developed with the financial assistance of the Government, which also financed the establishment of the robot factory, the Raqbi Centre, next to the camel racing track. Furthermore, according to the mission report, the Government has adopted a number of rehabilitation measures aimed at assisting former child camel jockeys and providing them with medical treatment for poor health or injuries sustained before returning to their country, i.e. Sudan. Moreover, the Government, along with charitable organizations in Qatar, has provided assistance to these children through the establishment of free medical and educational facilities for them in Sudan.

The Committee of Experts therefore emphasized the progress achieved by the Government of Qatar in the application of Convention No. 182 in law and practice following the discussions in the Conference Committee. Indeed, the Committee of Experts welcomed the prompt and effective measures taken by the Government of Qatar in order to prohibit and eliminate the trafficking of children to Qatar for their use in camel racing and considered the developments in Qatar concerning the use of robot camel jockeys represented a case of best practice;

**“The Committee notes with satisfaction the Government’s information that Law No. 22 of 2005 on the importation, employment, training and participation of children in camel racing has been promulgated. [...] The Committee notes that, prior to the adoption of Law No. 22 of May 2005 there were between 200 and 300 children from 6 to 13 years of age (all from Sudan) used in camel racing and exposed to serious injuries. The Committee notes with satisfaction that since the promulgation of Law No. 22 of 2005 there has been no recourse by camel owners to using children as camel jockeys. [...]The Committee notes with satisfaction that section 4 of Law No. 22 of 2005 on the prohibition of importing, employing, training and the participation of children in camel racing, carries penalties of imprisonment for a minimum of three years and a maximum of ten years, and the payment of a minimum fine of 50,000 rials and a maximum fine of**

200,000 rials for anyone found violating this Law. Furthermore, the labour inspectorate is responsible for supervising the Law's application and cooperates with the public prosecutor in order to ensure strict implementation and enforcement of this legislation. [...]Finally, the Committee notes with interest that Qatar ratified the Minimum Age Convention, 1973 (No. 138), on 3 January 2006."<sup>62</sup>

### *Special case*

#### *MYANMAR (C.29)*<sup>63</sup>

Myanmar has been a Member of the ILO since 1948 and has ratified 21 Conventions, including two fundamental Conventions (Nos 29 and 87). Over the past 20 years, the application of Convention No. 29 by Myanmar has been the subject of 14 individual examinations in 1992, 1995, 1996, 1999 and since 2001 it has been the subject each year of a discussion in a special sitting of the Conference Committee. The case of Myanmar is in many ways atypical from the viewpoint of the scope and persistence of the problems in the application of the Convention on forced labour, which have been continually emphasized in the observations and comments of the Committee of Experts for over 20 years, and in the attention afforded to the case by the Organization over the years. It may therefore seem highly surprising to describe the individual case of Myanmar in an analysis devoted to cases of progress so enormous are the challenges which remain to be overcome in the case. However, this should not prevent developments being outlined, however limited and circumstantial they may sometimes be, relating directly to the treatment of the case of Myanmar by the ILO supervisory bodies. Indeed, although the application of Convention No. 29 by Myanmar is still today a case of the persistent violation of the provisions of the Convention, emphasis should nevertheless be placed on the improvements in dialogue and the innovative approaches adopted by ILO bodies to address the case. Analysis of the case of Myanmar is intended to draw attention more to innovations and adaptations in the ILO supervisory system in relation to new methods of examining the case, the establishment of a special sitting during the Conference Committee, the appointment of a Liaison Officer ensuring the permanent presence of the ILO in the country, etc.

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<sup>62</sup> ILC, 96th Session, 2007, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), pp. 258-259.

<sup>63</sup> This case was also analysed from the viewpoint of the interaction between the various supervisory procedures in the study referred to above: GB.303/LILS/4/2, Case Study No. 4.

Since 1991, in its individual observation concerning the application of Convention No. 29 by Myanmar, the Committee of Experts noted the comments of the International Confederation of Free Trade Unions (ICFTU) of 17 January 1991 on the application of the Convention. In its comments, the ICFTU indicated that the practice of compulsory portering was widespread in the country and involved many thousands of workers. According to the ICFTU, the majority of porters used by the army were forcibly recruited and harshly exploited, rarely if ever paid, inadequately fed and cared for. They were required to carry excessive loads and were exposed to acute physical hardship and danger. There is no formal regulation or supervision of the conditions of work of porters, which are in practice determined at the discretion of local military commanders. As a result, many of them die or are killed in the course of forced labour, some are used as human shields during military actions, others are shot when trying to escape, or are killed or abandoned when, as a result of malnutrition or exhaustion, they are no longer able to carry their load. Following this observation, Myanmar was included in the list of individual cases discussed by the Conference Committee in 1992. At that session, the Government denied the allegations of the ICFTU reported in the comments of the Committee of Experts in 1991. The Conference Committee concluded that year on the need for the Government of Myanmar to provide a full report to the Office in view of the serious nature of the allegations referred to by the Committee of Experts. In a communication of 25 January 1993, the ICFTU, referring to article 24 of the Constitution of the ILO, made a representation alleging non-compliance with the Convention by Myanmar. The Committee of Experts noted that at its 255th Session (March 1993), the Governing Body had decided that the representation was receivable and had set up a committee to examine it. The Committee of Experts therefore suspended its examination of this matter while awaiting the conclusions of the committee set up to examine the representation. Furthermore, in its General Report in 1993, the Committee of Experts referred to the report of the Special Rapporteur on the situation of human rights in Myanmar submitted to the United Nations Human Rights Commission in February-March 1993. In this respect, the Committee of Experts referred to forms of forced labour other than portering (including labour for the construction of railroads and roads).

In 1995, in its General Report, the Committee of Experts noted the conclusions and recommendations made by the tripartite committee set up by the Governing Body to examine the 1993 representation. The tripartite committee submitted its report to the Governing Body in 1994 and observed that the exaction of labour and services, in particular portering services, under the Village Act and the Towns Act, is contrary to the Convention ratified by Myanmar in 1955. The Governing Body urged the Government to take the necessary steps “(i) to ensure

*that the relevant legislative texts, in particular the Village Act and the Towns Act, are brought into line with the Convention: and (ii) to ensure that the formal repeal of the powers to impose compulsory labour be followed up in practice and that those resorting to coercion in the recruitment of labour be punished”<sup>64</sup>*

In 1995, the case was once again discussed by the Conference Committee. In its conclusions, the Committee decided to include its conclusions in a special paragraph of its General Report and reiterated the observations of Committee of Experts;

“The Committee took note of the statement made by the Government representative that measures were under way for amending the Village Act and Towns Act which contained provisions contravening Convention No. 29. **It recalled that the Government had been told about this for nearly 30 years.** It also recalled the adoption in 1994, by the Governing Body, of the recommendations of its tripartite Committee for the repeal of the offensive provisions. **The Committee could not find a way to agree with the position of the Government, as reported to the Committee of Experts, that what was being alleged to be forced labour was actually voluntary labour.** The Committee further recalled the report of the United Nations Special Rapporteur on human rights in Myanmar and deprecated a situation in Myanmar as reflected in this report. **In these circumstances, the Committee called upon the Government to urgently repeal the offensive legal provisions under the Village Act and the Towns Act to bring them into line with the letter and spirit of Convention No. 29, to terminate forced labour practices on the ground, to provide for and award exemplary penalties against those exacting forced labour, and to furnish a detailed report to the Committee of Experts on legislative and practical measures adopted to fall in line with Convention No. 29. The Committee also decided to mention this conclusion in a special paragraph of its General Report.**”<sup>65</sup>

In its following reports, the Committee of Experts observed that Myanmar persisted in blurring the distinction between compulsory and voluntary labour and provided no indication whatsoever that concrete measures had been taken to abolish the powers to impose compulsory labour in either law or practice. In view of the continued failure of application of the Convention on forced labour

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<sup>64</sup> ILC, 82nd Session, 1995, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 107.

<sup>65</sup> ILC, 82nd Session, 1995, *Record of Proceedings*, 24, “Report of the Committee on the Application of Standards”, pp. 24/62-63.

by Myanmar, the case was discussed by the Conference Committee in 1986 at the 83rd Session of the Conference. Moreover, in a letter of 20 June 1996 to the Director-General of the ILO, 25 Worker delegates to the International Labour Conference lodged a complaint under article 26 of the Constitution against the Government of Myanmar for non-compliance with Convention No. 29. The Governing Body of the ILO then decided that at its 267th Session in November 1996 that the Government of Myanmar should be called upon by the Director-General to provide its observations with regard to the complaint by 31 January 1997. The Governing Body established a Commission of Inquiry at its 268th Session in March 1997.

In addition to the testimony given during the hearings in 1997 and the visit by the Commission of Inquiry to the region in January 1998, some 274 documents, amounting to nearly 10,000 pages in official records, were provided to the Commission of Inquiry following the commencement of the procedure. The Commission of Inquiry set up under article 26 of the Constitution of the ILO to examine compliance by Myanmar with Convention No. 29 was not authorized to visit the country. Its report was therefore based on both documentary evidence and testimony. It submitted its report in 1998. According to the conclusions of the report, there is *“abundant evidence before the Commission showing the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, (Endnote 978) none of which comes under any of the exceptions listed in Article 2(2) of the Convention.”*<sup>66</sup> The Commission of Inquiry also found that *“the obligation under Article 1, paragraph 1, of the Convention to suppress the use of forced or compulsory labour is violated in Myanmar in national law, in particular by the Village Act and the Towns Act, as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people of Myanmar.”*<sup>67</sup>

<sup>66</sup> ILO, *Official Bulletin*, Vol. LXXXI, 1998, Series B, Special Supplement, “Forced labour in Myanmar (Burma): Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the forced Labour Convention, 1930 (No. 29),” para. 528.

<sup>67</sup> *Ibid.*, para. 536.

In accordance with the provisions of article 29, paragraph 1, of the Constitution, the Director-General of the ILO then communicated the report of the Commission of Inquiry to the Government of Myanmar. Within the period of three months envisaged in article 29, paragraph 2, of the Constitution, the Government informed the Director-General that the authorities “*will do their utmost to complete the process within the timeframe referred to in the Report*” of the Commission of Inquiry. No significant follow-up action in this respect was noted by the Governing Body or the International Labour Conference. At the 87th Session (Geneva, 1999), the Conference Committee especially drew the attention of the ILC to the fact that the explanations provided by the Government did not respond to the detailed and well-substantiated findings and recommendations of the Commission of Inquiry. During the discussions by the Conference Committee, the Government representative of Myanmar refuted the conclusions of the Commission of Inquiry and the Committee of Experts. The Government of Myanmar also considered that the report of the Director-General to the members of the Governing Body on measures taken by the Government of Myanmar following the recommendations of the Commission of Inquiry, dated 21 May 1989, was based on inaccurate facts. At that Session, the Conference Committee adopted the following conclusions concerning the generalized recourse to forced labour in Myanmar:

**“[The Conference Committee] noted with deep concern the findings of the Commission of Inquiry that there was convincing information available that forced and compulsory labour on a very large scale still occurred in Myanmar.** The Committee regretted that the Government had not allowed the Commission of Inquiry to visit the country to verify the situation for itself. It could also have been the occasion for the Government to present its own position before the Commission in a very objective and impartial manner. **It regretted that the Government had shown no inclination to cooperate with the ILO in this respect. It called upon the Governing Body, the Committee of Experts and the Office to continue taking all possible measures to secure the observance by Myanmar of the recommendations of the Commission of Inquiry, which confirmed and expanded the Committee of Experts’ own previous conclusions.**”

“The Worker members, in view of the continued failure of the Government to implement the conclusions of the Commission of Inquiry, called for the Committee to include its conclusions in a special paragraph of its report on the grounds of flagrant, persistent and repeated failure to comply with the provisions of a ratified Convention.”

“The Employer members observed that the case was particularly serious and that the Committee had already dealt with it on several occasions in the past

by expressing its deep concern in a special paragraph of its report. It would, therefore, be consistent and appropriate once again to place its conclusions in a special paragraph for consistent failure to comply with the provisions of a ratified Convention.”

**“The Committee decided to include this case in a special paragraph in its report and to mention it as a case of continued failure to implement a ratified Convention.”<sup>68</sup>**

In a report dated 21 May 1999 addressed to the members of the Governing Body, the Director-General indicated that all the information on actual practice (information from workers’ and employers’ organizations, from intergovernmental organizations and from member States of the ILO) that had been received in reply to his request noted the continued widespread use of forced labour by authorities, in particular by the military. There are many indications confirming practical cases of the exaction of forced labour between August 1998 and April 1999, including a large number of official written orders from the military or from representatives of the administration requiring village heads to provide villagers to perform forced labour. In the same way as previous orders, those issued after July 1998 never refer to any legal basis as a justification for the powers exercised. The Government of Myanmar continued to consider that the information contained in the reports and comments of the Committee of Experts were false accusations made by terrorist groups with a view to the destruction of Myanmar.

In the context of the massive and systematic violation of the provisions of the Convention on forced labour and the absence of collaboration by the Government of Myanmar, the ILO mobilized new procedures to adapt to the situation.

#### *Accentuation of international pressure*

The continued failure of the Government to give effect to the recommendations of the Commission of Inquiry and the observations of the Committee of Experts, on the one hand, and the other issues raised during the discussion of the case by other ILO bodies, on the other, led the Governing Body at its 277th Session in March 2000 to have recourse for the first time in its history to article 33 of the Constitution, an unprecedented decision, which was followed by the adoption of a resolution by the Conference at its Session in June 2000. Under the

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<sup>68</sup> ILO. *Record of Proceedings*, 23, “Report of the Committee on the Application of Standards”, ILC, 87th Session, 1999, p. 23/92.

terms of article 33 of the Constitution of the ILO, the International Labour Conference therefore adopted a resolution approving the measures recommended by the Governing Body at its 277th Session (March 2000) to secure compliance with the recommendations of the Commission of Inquiry on the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), and decided that the measures would take effect on 30 November 2000, subject to the condition set out in point 2 of the resolution. The Conference considered that it could not refrain from the immediate application of these measures “*unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry’s recommendations, thereby ensuring that the situation [of workers subjected to various forms of forced or compulsory labour] will be remedied more expeditiously and under more satisfactory conditions for all concerned*”. The Conference entrusted the Governing Body with the examination of the framework of legislative, executive and administrative measures which have to “*sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled*” and translate the intentions expressed by the Minister of Labour of Myanmar in his letter 27 May 2000 following the first ILO technical cooperation mission sent by the Director-General to Yangon from 23 to 27 May 2000.

### *Implementation of high-level technical missions*

In accordance with the “Understanding on an ILO objective assessment” concluded on 19 May 2001 by the representatives of the Director-General and the Government of Myanmar following a first ILO technical cooperation mission in May 2000, the Government agreed to receive a high-level team to carry out an objective assessment of the practical implementation and actual impact of the framework of legislative, executive and administrative measures adopted by the Government at the end of October and beginning of November 2000. The High-Level Team (HLT) nevertheless considered that its task extended beyond the analysis of the formal steps taken by the Government to implement the orders concerning forced labour. The HLT identified the various obstacles to the eradication of forced labour in Myanmar. Its report identifies three reasons for the modest results:

- (1) The army enjoys a certain level of independence. Local commanders have a broad margin for manoeuvre in relation to selecting the means that they deem appropriate to carry out their primary mission, namely to safeguard the integrity of the national territory.
- (2) Furthermore, and despite the adoption of new legislation, the de facto impunity of the military is a reality. They are unaffected by any criminal

proceedings. That can partly be explained by the lack of confidence of the victims in the legal system and the judiciary and their fear of reprisals.

- (3) Finally, with regard to public works, the authorities do not offer real financial and practical alternatives to forced labour.

It should be emphasized that the “Understanding” has been renewed on several occasions and that since 2001 an ILO High-Level Team has visited the country each year.

#### *Multiplication of sources of information for the ILO supervisory bodies*

The idea of an ILO presence in Myanmar for collaboration with the authorities with a view to the elimination of forced labour in the country, which had been under discussion since the end of 2001, finally resulted, during a visit to Myanmar by an ILO High-Level Team, in the establishment of a post for a Liaison Officer in Myanmar. At its Session in March 2002, the Governing Body endorsed an Understanding between the Government of Myanmar and the Office envisaging the appointment of an ILO Liaison Officer while awaiting the establishment of continued and effective ILO representation in the country. As of October 2002, a permanent Liaison Officer took office and reports on her activities, including her travel in the country and her discussions with the authorities, were submitted to each session of the Governing Body. On 27 May 2003, the Government and the ILO reached agreement on a joint Plan of Action for the Elimination of Forced Labour Practices in Myanmar. In 2007, a Supplementary Understanding concerning the appointment and role of an ILO Liaison Officer in Myanmar was concluded following long negotiations between the ILO and the Government of Myanmar. The Supplementary Understanding provided for the establishment and implementation of a new complaints mechanism, the principal objective of which was to “formally offer the possibility to victims of forced labour to channel their complaints through the services of the Liaison Officer to the competent authorities with a view to seeking remedies”.

In view of the persistence of violations of Convention No. 29 by Myanmar, the ILO bodies needed to multiply the sources of information available to them with a view to addressing more effectively the case of Myanmar. In addition to technical missions, so as to adapt to the case, the ILO increased the sources of information relating to the supervision of the effect given to the forced labour Convention in Myanmar. The ILO accordingly mobilized sources from other United Nations bodies, such as the reports of the Human Rights Committee on the situation of human rights in Myanmar and its resolutions. The Office also made use of the various communications and documents provided by the

International Confederation of Free Trade Unions (ICFTU) and the reports of its Liaison Officer in Myanmar.

*Institutionalization of the means of addressing the case of Myanmar*

As from 2001 and up to the present, the application of Convention No. 29 by Myanmar has been the subject of a discussion during a special sitting of the Conference Committee each year. The first Saturday of the annual session of the Conference Committee is entirely devoted to the examination of the case of the application of Convention No. 29 by Myanmar. The ILO supervisory bodies have also established new areas for supervision and discussion of the case of Myanmar. Since the report of the Commission of Inquiry was submitted to it, the Governing Body has examined the issue of the implementation of Convention No. 29 by the Government of Myanmar at each of its sessions in March and November.

This series of measures taken by the Governing Body, the Conference Committee, the Committee of Experts and other components of the ILO supervisory system, although resulting in certain limited progress, must not obscure the persistence of serious violations of Convention No. 29 by Myanmar. These measures nevertheless emphasize the progress made in addressing the case from the viewpoint of the improvement of access to information, certain tangible forms of progress on the spot, particularly through the opening of a Liaison Office, and the establishment of new supervisory mechanisms and areas of dialogue and discussion.

## **PART III**

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### **Impact of the work of the Conference Committee on the Application of Standards on cases of serious failure to meet reporting obligations**

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*This Part, which analyses the impact of the work of the Conference Committee on the Application of Standards on cases of serious failure to meet reporting and other standards-related obligations is organized in three sections. The first consists of a quantitative evaluation of cases of serious failure by member States to meet their constitutional obligations. The second analyses cases of progress in complying with constitutional reporting requirements. Finally, a third section summarizes the relevant elements of a discussion concerning the impact of the work of the Conference Committee in relation to the strategies and tools mobilized by the Office with a view to improving compliance with constitutional obligations.*



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## I. Overview of cases of serious failure to meet constitutional obligations

Articles 22 and 35 of the Constitution of the ILO establish the system for the provision of reports to the Office. By virtue of article 22 of the Constitution of the ILO, “*each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party*”.<sup>69</sup> There is therefore a “reporting obligation”. Failure by a member State to meet this obligation has in practice been called an “automatic” case, in the sense that it is automatically listed in the reports of the Committee of Experts, and then in the report of the Conference Committee once it corresponds to the formal criteria identified by the two Committees in light of the constitutional obligations relating to the sending of reports and information on international labour standards. These cases give rise to individual comments, known as general observations and direct requests, which are addressed by the Committee of Experts to each of the countries concerned. If the governments concerned do not provide the required reports and information, this is then brought to the knowledge of the Conference Committee, which has discussed such cases in a sitting devoted specifically to them since 1993. Specific criteria have been determined to identify the various cases of serious failure to meet constitutional obligations and are used by both Committees: (1) failure to supply reports for the past two years or more on the application of ratified Conventions; (2) failure to supply first reports on the application of ratified Conventions; (3) failure to supply information in reply to comments made by the Committee of Experts; (4) failure to submit to the competent authorities the instruments adopted by the Conference over at least seven sessions; (5) failure to supply reports for the past five years on unratified Conventions and Recommendations; and, finally, (6) failure to indicate, for the

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<sup>69</sup> Constitution of the ILO, article 22.

past three years, the representative organizations of employers and workers to which copies of reports have been communicated. In contrast with the Committee of Experts, the Conference Committee does not address individual comments to the countries concerned, although it refers to them under each criterion in appropriate parts of its report.

As most of the workload of the Committee of Experts consists of examining the reports provided by governments on the Conventions ratified by member States, it is easy to understand the extent to which failure to meet reporting obligations constitute an obstacle to the effectiveness and proper functioning of the ILO supervisory system. On many occasions, during the discussion of cases of serious failure by certain governments to meet their reporting and other standards-related obligations, the Employer and Worker members of the Conference Committee have emphasized the importance of member States complying with their constitutional commitments. In this respect, the Employer and Worker have recalled on many occasions during the discussions of the so-called “automatic” cases that the sending of reports by member States is the very essence of the ILO supervisory machinery and that cases of serious and systematic failure to comply with reporting obligations are prejudicial to the ILO supervisory system as a whole.

In the same way as the Committee of Experts, the Conference Committee has also emphasized that the failure by certain States to meet their reporting obligations undermines the operation of the ILO supervisory system as it is based, in the first place, on the information contained in the reports provided by governments. Indeed, in practice, when a country does not provide any of the first reports following the entry into force of a Convention, or where a report has not been provided for several years, it is often the case that supervision of the application of ratified Conventions cannot be commenced or has to be suspended. Accordingly, cases of serious failure to meet reporting obligations need to be given the same attention as cases of failure to give effect to ratified Conventions. For this reason, in the context of the improvement of the coherence and effectiveness of the ILO supervisory system, the issue of the sending of reports and effective compliance with this obligation have been identified as an essential component of the ILO’s standards strategy.

### ***1. The reinforcement of procedures with a view to a personalized follow-up***

At the initiative of the Committee on the Application of Standards at the 93rd Session of the Conference (June 2005), the Committee of Experts and the Conference Committee, with the assistance of the Office, decided to reinforce

follow-up in cases of serious failure by member States to meet reporting and other standards-related obligations with a view to identifying more precisely the difficulties giving rise to such failure and to help each of the countries concerned to find appropriate solutions on a case-by-case basis. The objective was also to give greater visibility to the treatment of these cases, both by the supervisory bodies and by the Office, and accordingly to persuade the countries to find an effective solution to their difficulties. As from 2004, the Worker members expressed their concern to the Conference Committee on the Application of Standards at the high percentage of reports that were not received or were received late and called on the Office to develop a more personalized approach to countries that failed to fulfil their obligations for several years in succession.<sup>70</sup>

In 2005, the General Report of the Conference Committee also emphasized the position of the Worker and Employer members concerning the need to improve situations of serious failure to fulfil reporting and other standards-related obligations. The Worker members called on the Office to launch a campaign in relation to the failure of certain member States to meet their constitutional obligations and proposed that the Office should send personalized letters to governments which failed to comply with these obligations. The Worker members also called on the Office to provide greater information to the Conference Committee on the practical problems encountered by States which failed to fulfil their reporting obligations.<sup>71</sup> The Employer members also made a number of proposals. In their view, cases of serious failure by member States to fulfil their reporting and other standards-related obligations should be treated in the same way as the respective paragraphs in the report of the Committee of Experts. According to the Employer members, the so-called “automatic cases” constituted serious failures to comply with reporting obligations and included situations which undermined the supervisory system as a whole. In the same way as the Worker members, the Employer members called on the Office to undertake a more in-depth analysis of the reasons why certain member States were not sending reports, including better information on the specific circumstances of each country.

During the discussion in the Conference Committee at the 93rd Session of the Conference, the Office noted all of the positions and statements made by the constituents. An “Information note on the so-called ‘automatic’

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<sup>70</sup> ILC, 92nd Session, 2004, *Record of Proceedings*, 24, “Report of the Committee on the Application of Standards”, General Report, para. 112.

<sup>71</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, paras. 62, 63 and 69.

cases”,<sup>72</sup> prepared by the Office and submitted to the Conference Committee for discussion, contained a number of elements in response to the calls made by the constituents with regard to the strategy to be adopted in relation to cases of serious failure by governments to fulfil their constitutional obligations. The Information note briefly described the various factors identified by the Office which could explain cases of serious failure by member States to comply with their reporting obligations. The Information note outlined a possible approach to improving the response to the difficulties encountered by member States in giving effect to their constitutional commitments. Also during the discussion in the Conference Committee at the 93rd Session of the Conference, the Office proposed to replace the term “automatic cases” by “cases of serious failure by member States to respect their reporting and other standards-related obligations”. On several occasions during the discussion in the Conference Committee, the Employer members emphasized that the use of the term “automatic cases” could give a false impression by suggesting that they were without importance. The decision to change the term was not, however, only symbolic, but also emphasized the declared will of the Office, the Conference Committee and the Committee of Experts to address cases of serious failure by member States to respect the constitutional obligations and to develop a coherent strategy in response to these issues.

Accordingly, as from 2005, the discussions in the Conference Committee gave rise to a process of personalized follow-up within the context of the examination by the Conference Committee and the Committee of Experts of the cases of serious failure identified in accordance with the common criteria of the two Committees and the assistance provided by the Office further to this examination.

The starting point for the personalized follow-up is the report of the Conference Committee identifying cases of serious failure. On the basis of this report, and since 2005, the Office has sent personalized follow-up letters to the member States concerned by cases of serious failure in the context of the conclusions of the Conference Committee on the Application of Standards. Since the introduction of the personalized follow-up procedure in 2005, and up to 2010, a total of 285 letters were sent out.

In practice, these letters remind the member States concerned by the personalized follow-up procedure of the conclusions of the Conference Committee on the Application of Standards and emphasize for each country to which the letters are addressed the serious failures identified by the Committee (for example, the number or type of reports due and the Conventions concerned). The follow-up letters also review the technical assistance provided (the mis-

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<sup>72</sup> ILC, 93rd Session, 2005, C.App/D.4.

**Number of personalized follow-up letters sent (2005-2010)**

2005	2006	2007	2008	2009	2010
53	49	45	55	44	39

sions undertaken and their impact) and encourage the member States concerned to request technical support from the Office, where appropriate. An appendix is added to each letter summarizing the three following points: the instances identified of failure to meet constitutional obligations, the reports due and, finally, the follow-up in terms of technical assistance. In short, the personalized follow-up draws attention to the specific instances of failure by certain member States and calls on them to describe in practical terms the obstacles and problems that are preventing compliance with their constitutional obligations. The States concerned are invited to define their potential technical assistance needs and, if they have not yet requested assistance, the personalized follow-up letters invite them to do so. This correspondence has a dual objective: firstly, to draw the attention of the highest competent authorities in the countries concerned and, secondly, to facilitate action by external offices, and more specifically their standards specialists, who are designated by name as the Office officials responsible for providing any necessary support to the governments concerned. In practice, this correspondence, in the preparation of which the specialists in the external offices are closely associated, has been accompanied by a greater mobilization of these offices, which alone are able to assess the assistance needs of the countries and provide assistance based on realistic objectives adapted to the national situation.

Since 2008, the Office has reinforced the personalized follow-up procedure. A second cycle for countries that had not provided their reports by the final date of 1 September or which had not replied to the offer of assistance. Moreover, a third cycle of follow-up was initiated in February 2009 based on the report of the Committee of Experts with a view to encouraging governments to fulfil their obligations before the session of the Conference in June 2009.

The third phase of the personalized follow-up consisted of the Committee of Experts adapting its general observations and direct requests, which it was in the practice of addressing to countries that had not fulfilled their constitutional obligations in accordance with the same criteria used by the Conference Committee, as described above. Prior to 2005, these comments were brief and more general in content. As from 2005, the Committee of Experts took into account the general comments made by the members of the Conference Committee emphasizing a specific aspect of the failures identified, the conclusions of the Conference Committee on the cases in question and any measures taken by the

countries to overcome these problems since the Conference, including through recourse to ILO technical assistance. Accordingly, to give effect to the general guidance established by the Conference Committee in 2005, the Committee of Experts has adjusted its comments in light of the situation of each country with a view to helping the countries and the Office to find an effective solution to the difficulties. It may therefore be noted that the personalized follow-up procedure is a significant example of two major aspects that are the hallmark of the ILO supervisory system: the complementarity between the Conference Committee and the Committee of Experts, and the combination of the examination of issues by the supervisory bodies and the technical assistance provided by the Office.

## **2. An improvement in compliance with constitutional obligations**

What then is the situation in quantitative terms? A numerical assessment of the number of reports received in time for the session of the Committee of Experts shows a general trend for this figure to increase in absolute terms, with peaks and certain troughs, principally as a function of the number of reports requested for the year in question. In percentage terms, the variation is relatively low from one year to another, even though significant progress was observed in 2008. In general, progress can be seen since 2005 in terms of the number of reports received by the requested date, with a relative decline in 2009. The figures provided in Appendix II to the reports of the Committee of Experts in the table on reports received on ratified Conventions (article 22 of the Constitution) bear witness to this improvement.

This quantitative analysis therefore emphasizes the importance of the decisions adopted at the initiative of the Committee on the Application of Standards at the 93rd Session of the Conference in 2005. The strategy followed by the Office in relation to the personalized follow-up introduced as of 2005 has in practice resulted in an improvement in the performance of certain member States in relation to their constitutional obligations. According to the report of the Committee of Experts in 2009, the personalized follow-up policy had borne fruit:

*“Although 32 [of the 55 member States to which the Office sent targeted letters in 2008] had already been mentioned for the same failures in the 2007 report of the Conference Committee (and even, in some cases, in the 2005 and 2006 reports), it is nevertheless the case that some of them have made significant progress in resolving most of the shortcomings for which they were mentioned.”*<sup>73</sup>

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<sup>73</sup> ILC, 98th Session, 2009, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), General Report, para. 15.

**Table of reports on ratified Conventions (1993-2010)**

Conference year	Reports requested	Reports received by the due date	Reports received by the session of the Committee of Experts	Reports received by the session of the Conference
<b>1993</b>	1096	471 24,7%	1233 64,6%	1473 77,2%
<b>1994</b>	2290	370 16,1%	1573 68,7%	1879 82,0%
<b>1995</b>	1252	479 38,2%	824 65,8%	988 78,9%
<b>1996</b>	1806	362 20,5%	1145 63,3%	1413 78,2%
<b>1997</b>	1927	553 28,7%	1211 62,8%	1438 74,6%
<b>1998</b>	2036	463 22,7%	1264 62,1%	1455 71,4%
<b>1999</b>	2288	520 22,7%	1406 61,4%	1641 71,7%
<b>2000</b>	2550	740 29,0%	1798 70,5%	1952 76,6%
<b>2001</b>	2313	598 25,9%	1513 65,4%	1672 72,2%
<b>2002</b>	2368	600 25,3%	1529 64,5%	1701 71,8%
<b>2003</b>	2344	568 24,2%	1544 65,9%	1710 72,6%
<b>2004</b>	2569	659 25,6%	1645 64,0%	1852 72,1%
<b>2005</b>	2638	696 26,4%	1820 69,0%	2065 78,3%
<i>– Introduction of personalized follow-up</i>				
<b>2006</b>	2586	745 28,8%	1719 66,5%	1949 75,4%
<b>2007</b>	2478	845 34,1%	1611 65,0%	1812 73,2%
<b>2008</b>	2517	811 32,2%	1768 70,2%	1962 78,0%
<b>2009</b>	2733	682 24,9%	1853 67,8%	2120 77,6%
<b>2010</b>	2990	939 31,4%	2002 66,95%	

The strategy implemented since 2005 therefore appears to have had a significant impact. Increased supervision has resulted in a reduction in the number of cases of serious failure<sup>74</sup> to comply with reporting obligations, and particularly to target countries experiencing serious and persistent difficulties. The member States mentioned in the relevant paragraphs of the report of the Conference Committee for failure to comply with their reporting obligations fell to 39 in 2010, compared with 53 in 2005. The Conference Committee has also noted the constant increase in the number of comments provided by employers' and workers' organizations.

<sup>74</sup> See section II below on cases of progress.

Even though certain member States are still experiencing difficulties and are not fulfilling their constitutional obligations, emphasis should be placed on the significant improvement in the situation. In this respect, as emphasized in the General Reports of the Committee of Experts and the Conference Committee since 2005, the personalized follow-up strategy has not only facilitated an improvement in compliance with constitutional commitments by the member States quoted for serious failures by raising their awareness of the importance of the issue, it has also resulted in greater adaptation of the Office's methods and means of action in offering a practical response.

## II. Analysis of cases of progress

The following analysis of specific cases is intended to identify more fully the conditions and means by which the ILO supervisory bodies, and more specifically the Conference Committee on the Application of Standards, have had an impact on compliance with reporting and other standards-related obligations by member States. This analysis of cases is organized by geographical region: Asia, Arab States, Europe, Africa and the Americas.

### *Asia*

#### *AFGHANISTAN*

Afghanistan has ratified 19 Conventions, including five fundamental Conventions. In 2005, Afghanistan failed to comply with various constitutional obligations. It had not complied with the obligation to provide reports for two years or more on the application of ratified Conventions. Nor had Afghanistan complied with its constitutional commitments in relation to replies to the comments of the supervisory bodies concerning six Conventions, including two fundamental Conventions. In 2005, the report of the Committee of Experts on the Application of Conventions and Recommendations noted in its observations on reports on ratified Conventions in relation to Afghanistan:

*“The Committee notes with regret that, for the eighth year in succession, the reports due have not been received. While taking note of the ongoing transitional process of reconstruction of the country and rebuilding of national institutions, it hopes that appropriate measures will be taken to ensure application of the ratified Conventions as soon as the circumstances so permit.”<sup>75</sup>*

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<sup>75</sup> ILC, 93rd Session, 2005, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 27.

Also in 2005, the Conference Committee emphasized the failure of Afghanistan to fulfil the obligations set out in articles 19 and 22 of the Constitution.

*“The Committee noted with regret that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the instruments adopted by the Conference at the last seven sessions at least (from the 84th to the 90th Sessions) to the competent authorities [and] that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2004 [...]. The Committee [also] noted with regret that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, had been supplied [...]”*<sup>76</sup>

In 2006, the Committee of Experts reiterated its assessment of the situation, although it nevertheless noted that a first national tripartite workshop had been held in May 2005 and that it *“addressed in particular the issue of compliance with reporting and other standards-related obligations”*.<sup>77</sup> The Committee of Experts also noted that, following the workshop, the Government provided general information on national law and practice relating to ratified Conventions and that this information was accompanied by comments from employers’ and workers’ organizations. The Committee of Experts further acknowledged the Government’s reply to the Office’s letter dated 5 July 2005 pursuant to the conclusions of the Committee on the Application of Standards concerning compliance by Afghanistan with its reporting and other standards-related obligations. In conclusion, the Committee of Experts welcomed *“these positive developments and firmly hopes that they will yield concrete results in the near future and that, with the appropriate technical assistance from the Office, the Government will submit the long overdue reports concerning the application of ratified Conventions.”*<sup>78</sup> Following the 93rd Session of the International Labour Conference in 2005, the Office had sent targeted letters to 53 States, including the Government of Afghanistan, drawing attention to their serious failure to comply with reporting and other standards-related obligations. Afghanistan provided substantive replies and the Office responded to the requests by Afghanistan for technical assistance. In 2008, the Conference Committee, in its General Report, placed emphasis on the efforts made by Afghanistan:

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<sup>76</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, paras. 140, 145 and 149.

<sup>77</sup> ILC, 95th Session, 2006, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 31.

<sup>78</sup> *Ibid.*

*“Certain countries deserved to be mentioned for having made special efforts after many years to send all their reports ...”*<sup>79</sup>

Despite the efforts noted in 2007, the General Report of the Conference Committee in 2008 referred to the failure of Afghanistan to send information in reply to the comments of the Committee of Experts. In that year, from 21 to 24 April, a technical assistance mission was undertaken by two standards specialists (one from the International Labour Standards Department in Geneva and the other from the Subregional Office in New Delhi). The objectives of the technical mission included the provision of technical assistance to tripartite representatives in relation to the constitutional commitments set out in article 22 of the Constitution. According to the mission report:

*“The separate and tripartite meetings finally dealt with article 22 reports, their number and quality. The beauty of the tripartite meeting was the frankness of all participants and the meeting took place in a constructive climate. Social partners were requested to provide their inputs, while the ILO officials assured post-mission quality control of the reports.”*<sup>80</sup>

In 2009, an official of the Afghan Government also participated in the training course in Turin intended specifically for officials responsible for the preparation of reports. As of 2009, Afghanistan no longer appeared in the list of countries discussed in relation to their serious failure to fulfil reporting obligations. Furthermore, according to the General Report of the Committee of Experts in 2010, the Government provided replies to all of the comments of the Committee of Experts.

## *TURKMENISTAN*

Turkmenistan has been a Member of the ILO since 1993. The country has ratified all of the fundamental Conventions since 1997, with the exception of the Minimum Age Convention, 1973 (No. 138).<sup>81</sup> The Committee of Experts noted on several occasions in its reports as from 2000 that the first reports due since 1999 on six Conventions ratified by Turkmenistan had not been received. Furthermore, as from 1999, the Conference Committee on the Application of Standards noted with regret that over the past five years none of the reports on unratified Conventions and Recommendations requested under article 19 of

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<sup>79</sup> ILC, 96th Session, 2007, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, para. 67.

<sup>80</sup> Report of the technical assistance mission, Afghanistan, Kabul, 21-24 April 2008.

<sup>81</sup> With regard to Convention No. 138, Turkmenistan submitted an instrument of ratification without the required declaration of the minimum age, which is currently preventing the registration of this ratification.

the Constitution had been supplied by Turkmenistan. In other words, since it became a Member of the Organization, Turkmenistan had not fulfilled any of its constitutional reporting obligations. Furthermore, since 1999 and until the 99th Session of the Conference in June 2010, the Conference Committee emphasized that the Government of Turkmenistan, which was not represented at the Conference, had been unable to participate in the examination of the case relating to it. In its report in 2007, the Committee of Experts indicated that:

“[The absence of the reports due on the six fundamental Conventions ratified by Turkmenistan] *has prevented any examination of the application of these six fundamental Conventions, over a long period of time. On the other hand, following the Government’s recent request for the Office’s technical assistance on international labour standards, the Committee notes that the Office has proposed to the Government that such assistance takes place early next year [in 2008]. The Committee welcomes this important and positive development. It hopes that, with the necessary support of the Office, the Government will be in a position to fulfil its obligation to supply the reports long overdue, in accordance with its constitutional obligation [...].*”<sup>82</sup>

In 2007, the Government of Turkmenistan, for the first time, requested technical assistance from the Office. A seminar was held on 25 and 26 April 2007 with the assistance of a standards specialist from the Moscow Subregional Office. The seminar focussed on the fundamental Conventions and on the information required for the preparation of the first reports due on the application of ratified Conventions. Nevertheless, the following year, the comments of the Committee of Experts and the Conference Committee emphasized the persistence of serious failures by Turkmenistan to comply with its constitutional obligations.

In 2009, from 1 to 6 November, a further mission was undertaken in Turkmenistan in Ashkhabad, carried out by the Director of the Moscow Subregional Office. The clarification of problems relating to the serious failure of Turkmenistan to comply with its constitutional obligations in relation to the ILO was one of the principal objectives of the mission. The mission report emphasizes in this respect a number of difficulties encountered by the Government and the administrative services of Turkmenistan with regard to the sending of reports and the submission to the competent authorities of the instruments adopted by the Conference. The mission report specifies that the work of the officials relating to reporting obligations is made difficult by the complexity of

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<sup>82</sup> ILC, 96th Session, 2007, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 37.

the administration in Turkmenistan, as well as linguistic problems and translation. According to the report, the technical assistance provided two years earlier had, for example, become inoperative as a result of administrative reorganization and institutional reforms.<sup>83</sup> The mission therefore reaffirmed the need for technical assistance, a significant part of which should focus on reporting obligations. Regular contacts have since been established between the Office and the Government of Turkmenistan. Indeed, the following year, in June 2010, a high-level delegation of seven officials from Turkmenistan visited the Office for a training and information session in the International Labour Standards Department. Following these regular contacts and, according to the report of the Conference Committee on the Application of Standards, since the session of the Committee of Experts in 2009, the Government of Turkmenistan in January 2010 provided the first reports on the application of Conventions Nos. 29, 87, 98, 100, 105 and 111, which had been due since 1999 and which were examined by the Committee of Experts in November 2010 at its 81st Session. Turkmenistan has therefore succeeded in fulfilling its constitutional obligations in relation to ratified Conventions following years of serious failure to do so.

## *Arab States*

### *IRAQ*

Iraq has been a Member of the ILO since 1932 and has ratified 66 Conventions, including seven fundamental Conventions. The General Report of the Conference Committee on the Application of Standards in 2005 emphasized the serious failure by Iraq to comply with reporting and other standards-related obligations. The Conference Committee also noted with regret that Iraq had not provided any report on ratified Conventions for over two years. The Committee further observed that Iraq had not provided the first reports due since 2003 on the following ratified Conventions: Convention No. 172 and Convention No. 182. Moreover, the Committee recalled that no information had yet been received from the Government of Iraq regarding all or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2004. Nevertheless, the Conference Committee noted that Iraq had provided explanations concerning the situation relating to the reporting obligations during the discussion by the Conference Committee of cases of serious failure at the 93rd Session of the Conference (May-June 2005):

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<sup>83</sup> The report indicates that the division of the Ministry of Economic Development and Finance into two different bodies contributed to the dispersion of the officials trained during the 2007 technical mission, who were mainly reassigned to the Ministry of Finance, thereby leaving the Ministry of Economic Development and the newly created Institute for Democracy and Human Rights (responsible for sending reports) without training.

*“The Employer member of Iraq emphasized [in that respect] that his country was going through an extraordinary situation, but that it was nevertheless making progress towards democracy and compliance with its international commitments. Iraq had prepared a draft Labour Code in cooperation with the ILO Regional Office for Arab States, which would soon be submitted for examination to the National Assembly. The recent elections had helped to strengthen human rights in the country and had restored many of the freedoms of the population, including the right to establish trade unions and the right to strike. He hoped that the ILO would provide the technical assistance necessary for his country to build up its capacities and respond to the requirements of today.”<sup>84</sup>*

The persistence of situations of serious failure by Iraq to comply with its constitutional obligations was emphasized in the reports of the Conference Committee in 2006 and 2007. According to the report of the Conference Committee in 2008, Iraq had still not resolved its failure to comply with constitutional obligations. The Conference Committee also recalled that, over the past five years, none of the reports on unratified Conventions and on Recommendations, requested under article 19 of the Constitution, had been supplied by the Government of Iraq. The report nevertheless noted that, since the meeting of the Committee of Experts in 2008, the Government of Iraq had supplied certain reports due on the application of ratified Conventions, as well as replies to the majority of the comments of the Committee of Experts. During the discussion in the Conference Committee, the Government returned to its difficulties in complying with its constitutional commitments:

*“[...] the Government member of Iraq apologized for the lack of appropriate conditions to provide the Committee with the requested reports and promised full cooperation with the ILO, in observance of the ILO Constitution.”<sup>85</sup>*

After the 97th Session of the Conference (May-June 2008), contacts were made with the Government of Iraq in the context of the personalized follow-up of countries listed in the cases of serious failure to comply with constitutional obligations. It was therefore decided to send a technical mission, which was carried out from 17 to 29 September 2008 in Amman in Jordan. The objective of the technical mission was to provide assistance to the Governments of Jordan and Iraq in relation to their constitutional reporting obligations. According to the mission report, the technical assistance focussed on the analysis of

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<sup>84</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, p. 22 Part 2/4.

<sup>85</sup> ILC, 97th Session, 2008, *Record of Proceedings*, 19, “Report of the Committee on the Application of Standards”, General Report, para. 164.

the comments of the ILO supervisory bodies and the preparation of the reports due.<sup>86</sup> As from 2009, Iraq has therefore no longer appeared on the list of countries affected by serious failure to comply with their constitutional commitments. In the same year, another technical assistance mission to Damas undertaken by the Beirut Regional Office from 15 to 22 March continued the work of reinforcing the capacities of national tripartite commissions in relation to constitutional obligations. In 2009, the Committee of Experts therefore welcomed the action taken by Iraq to make up the backlog in the sending of reports and the submission of all the reports due.

## *Europe*

### *ALBANIA*

Albania was a Member of the ILO from 1920 to 1967, and since 1991. The country has ratified 51 Conventions, including the eight fundamental Conventions. In 2006, the Conference Committee on the Application of Standards emphasized the serious failure by Albania to comply with its constitutional commitments:

*“The Committee noted with regret that over the past five years none of the reports on unratified Conventions, unratified Protocols and Recommendations, requested under article 19 of the Constitution, had been supplied [...].”<sup>87</sup>*

The Conference Committee also noted with regret that the first reports due on two ratified Conventions had not been provided by Albania since 2004. The next year, in 2007, the Conference Committee reiterated its comments on the serious failures by Albania in relation to the obligation to report on three other Conventions. The Committee also noted that no information had been received from the Government of Albania regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2006. In the same year, the report of the Conference Committee emphasized that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, had been provided by Albania. In 2008, the Conference Committee recalled that Albania had not provided the first report due on Convention

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<sup>86</sup> Also according to the mission report, the high-level national tripartite commission played an important role in making up the backlog in the submission of reports due. A total of 41 reports were prepared during the mission. Following several years of serious failure to comply with its obligations, Iraq succeeded in fulfilling its constitutional commitments, progressing from 0 to 100 per cent in compliance with its reporting obligations.

<sup>87</sup> ILC, 95th Session, 2006, *Record of Proceedings*, 24, “Report of the Committee on the Application of Standards”, General Report, para. 167.

No. 171. The Committee also regretted that, despite the invitations made to it, the Government of Albania had failed to take part in the discussions concerning its constitutional reporting obligations.

Nevertheless, significant progress was noted in 2009. In its General Report in 2009, the Committee of Experts welcomed the efforts made by Albania to make in part for its reporting failures. These improvements were due in particular to the personalized follow-up action on the cases of serious failure by Albania to comply with reporting obligations, beginning in 2005 in a coordinated effort by the ILO in Geneva and the Budapest Subregional Office. Between June 2005 and December 2008, two technical assistance missions were undertaken in Albania by the social dialogue specialist of the Budapest Subregional Office. According to the report of one of the technical missions carried out (8 to 11 October 2007), the objectives of the follow-up were, on the one hand, to identify the practical problems encountered by the Albanian Government in relation to its constitutional commitments and, on the other, to provide responses in terms of training and technical assistance. The mission report accordingly described the difficulties of the Albanian administration in complying with its commitments: the lack of coordination between the various units of the Ministry of Labour, the lack of competence and knowledge at both the linguistic and technical levels in relation to reporting obligations and the problems of coordination with other ministries concerned by labour issues. The mission therefore focussed on resolving the problems of coordination. By March 2007, the Ministry of Labour had determined the procedure for the preparation of reports, which would henceforth be the responsibility of the Industrial Relations Department of the Ministry. The outcome in terms of the submission of the reports due was commensurate with the objectives of the mission: 22 reports were prepared and sent to the Office, while other reports for the following Conventions (Conventions Nos 175 and 182, which have been ratified, and unratified Convention No. 94 and Recommendation No. 84) were being prepared following the technical mission. The mission also emphasized the need to train officials of the Ministry of Labour, which was undertaken in 2010, when two Albanian officials attended the training course in Turin. Accordingly, as from 2009, Albania has not been on the list of cases of serious failure to comply with reporting and other standards-related obligations.

#### *BOSNIA AND HERZEGOVINA*

Bosnia and Herzegovina has been a Member of the ILO since 1993. It has ratified 80 Conventions (most as a result of the succession of treaties previously applicable to the country), including the eight fundamental Conventions.

In 2005, Bosnia and Herzegovina had failed to comply with various constitutional obligations. In its General Report in 2005, the Conference Committee noted that:

*“[...] no first reports due on ratified Conventions had been supplied [by Bosnia and Herzegovina since 2002 on Convention No. 105 and since 2003 on Convention No. 182] [and] that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2004 [...]. [Finally, the Committee] noted with regret that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, had been supplied [...].”<sup>88</sup>*

The Conference Committee also regretted that Bosnia and Herzegovina had not participated in the discussion of the individual case on its application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), although the Government delegation was accredited to the Conference. The Permanent Mission of Bosnia and Herzegovina to the United Nations Office in Geneva had indicated in a letter dated 10 June 2005 that, for reasons of *force majeure*, the delegation of Bosnia and Herzegovina regretted that it would be unable to attend the meeting of the Conference Committee on 11 June 2005. Despite the observations made by the Committee of Experts in 2003, 2004 and 2005, the Government never replied to the comments of the Committee of Experts.

The same failures to comply with constitutional obligations by Bosnia and Herzegovina were emphasized by the Conference Committee at the 95th Session of the Conference in 2006. Moreover, in its report in 2006, the Committee of Experts observed that no reply had been received from the Government of Bosnia and Herzegovina to the Office’s letter dated 11 July 2005 following up on the conclusions of the Committee on the Application of Standards at the 93rd Session of the Conference concerning compliance with its standards-related obligations. The Committee of Experts emphasized that it regretted that the Government of Bosnia and Herzegovina had not provided the Office with explanations concerning the particular difficulties that it was encountering in giving effect to its constitutional commitments in relation to the ILO. The next year, in 2007, the Committee of Experts once again emphasized the failure by Bosnia and Herzegovina to comply with its constitutional obligations: 42 of the 49 reports due had not been received by the Office, including the first reports

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<sup>88</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, paras. 143, 146 and 149.

due on Conventions Nos 105 and 182, as had already been noted in the General Report of the Conference Committee in 2005.

In the context of the personalized follow-up implemented by the Office as from June 2005, Bosnia and Herzegovina received technical assistance, including two missions in 2006 carried out by the specialists of the ILO Budapest Subregional Office. Other missions were carried out in 2007, including a high-level mission from 2 to 5 October 2007 undertaken by a standards specialist from Headquarters and a social dialogue specialist from the Budapest Subregional Office. The report of the Committee of Experts in 2007 noted in this respect:

*“The Committee notes that the Government is receiving ongoing technical assistance from the Office to enable it to submit the reports due. Within the framework of this assistance, the specific situation faced by the country, namely that the labour and social issues fall under the competence of the various entities, has been taken into account and solutions identified. The Committee strongly hopes that the steps currently undertaken by the Government will enable it to fulfil, without further delay, its obligation to supply the reports due on ratified Conventions, in accordance with its constitutional obligation.”<sup>89</sup>*

The technical assistance highlighted various problems which explained the difficulties encountered by Bosnia and Herzegovina in fulfilling its constitutional commitments. The mission report emphasized problems relating to administrative complexity<sup>90</sup> and political tension.<sup>91</sup> Training and technical assistance was provided focussing on a working group responsible for preparing the reports due from Bosnia and Herzegovina in accordance with its constitutional obligations. The working group then focussed on the preparation of reports on ratified Conventions (28 Conventions), as well as two unratified Conventions and Recommendations. The Ministry of Civil Affairs also commenced a procedure for the submission to the competent national authorities of all of the Conventions and Recommendations adopted by the International Labour Conference between its 80th and 95th Sessions, in accordance with article 19 of the Constitution of the ILO.

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<sup>89</sup> ILC, 96th Session, 2007, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 34.

<sup>90</sup> According to the report of the technical assistance mission, responsibility for managing matters relating to the ILO then lay with the Ministry for Civil Affairs, while employment policy and labour policy were under the responsibility of other administrative units.

<sup>91</sup> The high-level mission undertaken between 2 and 5 October 2009 emphasized the role of political tension relating to the negotiations on the final status of Kosovo among the explanations for the difficulties encountered by the Government in relation to its constitutional obligations.

However, in 2009, the Conference Committee in its General Report emphasized the persistent failure of Bosnia and Herzegovina to submit to the competent authorities the instruments adopted by the Conference. The Conference Committee also emphasized that the Government had not participated in the discussion on cases of serious failure to comply with constitutional obligations. The same year, an official from the Government of Bosnia and Herzegovina participated in a training course in the Turin Centre. The training bore fruit, as in 2010 Bosnia and Herzegovina was not longer on the list of member States cited for serious failure to comply with constitutional obligations. In its General Report in 2010, the Committee of Experts noted in this respect that it was “*grateful to [Bosnia and Herzegovina as one of the 88 countries which had] submitted all of the reports due on time*”.<sup>92</sup>

### SERBIA

Serbia has been a Member of the ILO since 2000 and has ratified 71 Conventions (most as a result of the succession of the treaties applicable previously to the country), including the eight fundamental Conventions. In 2005, Serbia was encountering serious problems in the process of the provision of reports and in compliance with other standards-related obligations. As emphasized in the report of the Conference Committee on the Application of Standards that year:

*“The Committee [...] noted with regret that no first reports due on ratified Conventions had been supplied by [Serbia and Montenegro since 2003].”*<sup>93</sup>

In its General Reports in 2006 and 2007, the Conference Committee also noted with regret that the first reports had not been provided by Serbia and Montenegro since 2003 on five Conventions and since 2005 on nine Conventions. The reports of the Committee of Experts in 2006 and 2007 contained the following observations:

*“[In 2006 the Committee observed] that no reply has been received from the Government to the Office’s letter dated 8 July 2005, following up on the conclusions of the Committee on the Application of Standards at the 93rd Session of the International Labour Conference (May-June 2005) concerning compliance by Serbia and Montenegro with its reporting and other standards-related obligations. Noting that a tripartite seminar on*

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<sup>92</sup> ILC, 99th Session, 2010, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), General Report, para. 36.

<sup>93</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, para. 143.

*the ILO standard-setting and supervisory activities was organized in April 2005, the Committee hopes that in the near future the Government will be in a position to fulfil its obligation to supply the first reports due on the Conventions mentioned above, in accordance with its constitutional obligations.”<sup>94</sup>*

*“[In 2007 The Committee noted] that the Office is closely following up the matter. Bearing in mind the important institutional transformations which have affected the country this year and which have not been completed yet, the Committee strongly hopes that the Government will pursue, with the support of the Office, the submission of the reports due on the application of ratified Conventions, in accordance with its constitutional obligation.”<sup>95</sup>*

Nevertheless, as of the 97th Session of the Conference in 2008, Serbia and Montenegro no longer appeared on the list of countries mentioned by the Conference Committee for serious failure to comply with reporting obligations. In 2008, the Committee of Experts noted in its General Report that:

*“[...] the Committee wishes firstly to welcome the action taken by [Serbia] to make up the accumulated backlog by submitting all the reports due. It also welcomes the fact that other member States [including Serbia] have made use of the period between the Conference and the present session of the Committee of Experts to provide most or all of the reports requested. Finally, it notes that, according to information provided by the subregional offices, a steadily increasing number of member States have taken action to overcome their difficulties in this regard. The Committee firmly hopes that these latter States [including Serbia] will pursue their efforts and will follow up on the matter with the assistance of the Office.”<sup>96</sup>*

These results in terms of making up the backlog in the supply of reports due are the outcome of a technical assistance effort commenced as from June 2005 in the context of the personalized follow-up. In 2007, a technical mission was undertaken by the Budapest Subregional Office (from 24 to 27 September 2007) and the same year and the following year two Serbian officials participated in training courses in Turin. The mission was intended to facilitate the preparation of the reports due from Serbia in accordance with its constitutional

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<sup>94</sup> ILC, 95th Session, 2006, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 35.

<sup>95</sup> ILC, 96th Session, 2007, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), p. 37.

<sup>96</sup> ILC, 97th Session, 2008, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, General Report, para. 15.

commitments. The work carried out by the specialists from the Budapest Office consisted at the outset of identifying the reasons for the difficulties encountered by the Serbian administration in relation to its reporting obligations. As emphasized in the General Report of the Committee of Experts in 2007, instability in the public administration was one of the causes identified by those responsible for the mission.<sup>97</sup> In 2007, at the 96th Session of the International Labour Conference (May-June 2007), the Government of Serbia provided the following explanations concerning its difficulties in fulfilling its constitutional obligations and on the role of the technical assistance mission:

*“[...] two circumstances had had an impact on the failure to submit reports since 2003 and 2005. With regard to the period before May 2006, due to its constitutional particularities, lack of functionality and coherence of public governance had characterized the State Union of Serbia and Montenegro. After both republics became independent, Serbia had faced a new challenge, notably on how to undertake the necessary institutional transformations in order to meet international obligations in the most effective way. [...] The other aspect concerned Serbia’s interest in protecting labour standards in the sectors covered by the Conventions concerned. After the dissolution of the State Union with Montenegro, Serbia became a landlocked country. As a result, attention had to be paid to the relevant sectors and legislation. However, those developments had been duly taken into account in the context of the obligations arising from ILO membership. A consultative process with the line ministries had recently been initiated and the Government would consider carefully the reports on the application of all ratified Conventions. In conclusion, the speaker paid a special tribute to the ILO Subregional Office in Budapest for offering very useful assistance on reporting obligations, among other matters. Government experts had also participated in the course on international labour standards held in Turin and Geneva, and Serbia very much appreciated that help.”<sup>98</sup>*

Following the technical assistance mission, the Ministry of Labour and Social Affairs mobilized a group of officials with a view to preparing the work of submitting the reports due and 16 reports were sent to the Office with comments from Serb employers and workers. The Committee of Experts noted in

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<sup>97</sup> As indicated in the report of the technical assistance mission, following the formation of the new government in May 2007, the personnel responsible for ILO matters changed jobs and the new officials required training on ILO issues and on questions relating to the constitutional obligations of Serbia in relation to the ILO.

<sup>98</sup> ILC, 96th Session, 2007, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, Part II/6.

this respect in its General Report in 2010 that it was “*grateful to [Serbia as one of the 88 countries which had] submitted all the reports due on time.*”<sup>99</sup>

## ***Africa***

### ***GAMBIA***

Gambia has been a Member of the ILO since 1995 and has ratified the eight fundamental Conventions. According to the General Reports of the Committee on the Application of Standards at the 92nd and 93rd Sessions of the International Labour Conference, Gambia failed to comply with certain constitutional obligations:

*“The Committee also noted with regret that no first reports due on ratified Conventions had been supplied by [Gambia since 2002 on Conventions Nos. 29, 105 and 138 and since 2003 on Convention No. 182]” “The Committee noted with regret that the [Government of Gambia which was] not represented at the Conference [had been] unable to participate in the Committee’s examination of the cases relating to [it].”<sup>100</sup>*

This situation was emphasized on a regular basis by the Conference Committee and the Committee of Experts. Moreover, according to the report of the Committee of Experts in 2008, Gambia was one of the member States which had not provided any information on the submission to the competent authorities of the instruments adopted by the Conference during the seven sessions between 2000 and 2008. The Committee of Experts accordingly drew the attention of Gambia to this matter so that it could “*immediately, as a matter of urgency, take appropriate measure to bring [itself] up to date.*”<sup>101</sup> In 2007, the Government of Gambia provided explanations to the Committee on the Application of Standards at the 96th Session of the Conference (May-June 2007) on the difficulties that it was encountering in relation to its constitutional commitments:

*“Since the Employment Division of the Ministry had only one member of staff, ILO technical assistance would be greatly appreciated on those [the sending of the reports due] and other issues.”<sup>102</sup>*

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<sup>99</sup> ILC, 99th Session, 2010, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), General Report, para. 36.

<sup>100</sup> ILC, 92nd and 93rd Sessions, 2004 and 2005, *Record of Proceedings*, 24 and 22, “Report of the Committee on the Application of Standards”, General Reports, paras. 201 and 221 (2004) and 143 and 165 (2005).

<sup>101</sup> ILC, 97th Session, 2008, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), General Report, para. 79.

<sup>102</sup> ILC, 96th Session, 2007, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, Part II/6.

Furthermore, during the discussion of cases of serious failure by member States to comply with their reporting and other standards-related obligations during the 97th Session of the International Labour Conference in 2008, Gambia provided the following explanations concerning its difficulties in fulfilling its constitutional obligations:

*“A Government representative of Gambia conveyed his Government’s apologies for not fulfilling its reporting obligations. This was due to capacity problems in terms of staffing at the unit of the Ministry of Employment responsible for ILO issues. Despite these problems, the Ministry had recently managed to send a report on Convention No. 29.”<sup>103</sup>*

According to the 2009 report of the Committee of Experts, only one report on the application of ratified Conventions had been received, namely for Convention No. 29, while seven reports remained due. Furthermore, the same year, the Conference Committee recalled the failure by Gambia to provide information in reply to the comments of the Committee of Experts and called on the Government of Gambia to make every effort to ensure that the information requested was provided in the very near future. In a letter dated 17 July 2008, following up the conclusions adopted by the Conference Committee, the Office indicated its availability to organize a tripartite seminar on reporting.

In response to the requests made by the Department of State for Trade, Industry and Employment (DOSTIE) in 2007 and 2008, a two-and-a-half day seminar was organized in January 2009 in Banjul by the specialists on standards and workers’ activities of the Dakar Subregional Office. Official representatives and social partners participated in the seminar, the objective of which was to identify the difficulties encountered by Gambia in fulfilling its constitutional commitments and to train participants on ILO issues and, specifically, on reporting obligations.<sup>104</sup> Following this activity, the Government of Gambia sent the first reports due on the application of Conventions Nos 105, 138 and 182. In the context of these activities, and with a view to pursuing this effort, the standards specialist of the Dakar Subregional Office remained in regular contact with the Government of Gambia.

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<sup>103</sup> ILC, 97th Session, 2008, *Record of Proceedings*, 19, “Report of the Committee on the Application of Standards”, Part II/6.

<sup>104</sup> The technical assistance provided from 19 to 21 January 2009 had the following objectives: (1) raise the awareness of the Department of State for Trade, Industry and Employment, as well as other Government departments and the social partners, concerning Gambia’s constitutional obligations in relation to reporting; (2) increase the knowledge of the participants with regard to the international labour standards system; (3) identify obstacles to compliance with Gambia’s reporting obligations and endeavour to make recommendations on how they can be overcome; and (4) contribute to an improved understanding and therefore peaceful coexistence between the social partners and the Government.

Accordingly, the Committee of Experts noted in its General Report in 2010 that it was “*grateful [to Gambia as one of the 88 countries which had] submitted all the reports due on time.*”<sup>105</sup> As a result of further improvements, the report of the Conference Committee on the Application of Standards also noted in 2010 that Gambia, since the meeting of the Committee of Experts, had submitted to the National Assembly on 22 March 2010 the instruments adopted by the International Labour Conference between the 82nd and 96th Session (1995 and 2007). Accordingly, in 2010 Gambia was no longer included in the list of cases of serious failure by member States to comply with constitutional obligations.

### *LIBERIA*

Liberia has been a Member of the ILO since 1919 and has ratified 25 Conventions, including six fundamental Conventions. In 2005, the Conference Committee on the Application of Standards noted the serious failure of Liberia to comply with its constitutional obligations. It noted that no report on ratified Conventions had been provided since 2000 and that the first report on a ratified Convention had not been provided by Liberia since 1992.<sup>106</sup> The Conference Committee also emphasized the fact that no information relating to the observations and direct requests of the Committee of Experts had been received for the period ending 2004 for 15 Conventions ratified by Liberia. Finally, the Conference Committee emphasized that over the past five years no report on unratified Conventions and Recommendations, requested under article 19 of the Constitution of the ILO, had been provided by Liberia. During the discussion at the 93rd Session of the International Labour Conference (May-June 2005) on cases of serious failure to comply with reporting and other standards-related constitutional obligations, the Government of Liberia explained its failure to comply with its constitutional obligations as follows:

*“A Government representative of Liberia conveyed the greetings of the National Transitional Government and the people of Liberia. As a founding member of the ILO, Liberia had always endeavoured to play a meaningful role in upholding and promoting its principles. However, its activities within the ILO had been hindered due to the civil crisis which had torn the entire country. [...] Due to the prolonged crisis in Liberia, it had been very difficult to make any substantial reports on ratified Conventions. However, he provided a brief overview of the current efforts being made concern-*

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<sup>105</sup> ILC, 99th Session, 2010, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), General Report, para. 36.

<sup>106</sup> It should however be emphasized that both the Committee of Experts and the Conference Committee noted the political context and general situation confronting the country during that period.

*ing the application of certain Conventions as peace and stability steadily returned to Liberia.”<sup>107</sup>*

The Conference Committee had to reiterate its comments the following years in 2006 and 2007. In its report in 2007, the Conference Committee added that the first reports due for four other Conventions had not been provided since 2005. The Conference Committee therefore called on the Government of Liberia to make every effort to ensure that the information requested was provided in the very near future and emphasized the availability of the Office to provide technical assistance. In 2008, the Conference Committee emphasized the persistence of the failure of Liberia to comply with its constitutional commitments, but nevertheless observed that since the meeting of the Committee of Experts that year the Government of Liberia had provided certain reports due on the application of ratified Conventions.

In 2008, from 13 to 16 October, a technical assistance mission was carried out in Monrovia by the international labour standards specialist from the Dakar Subregional Office. The objectives of the mission included training the officials responsible for the preparation of the reports due under article 22 of the Constitution, as well as the social partners, with a view to helping Liberia make up its backlog in relation to its constitutional obligations. Following this technical mission, Liberia sent the first reports due on the application of Conventions Nos 81, 144, 150 and 182 and started to submit reports after a four year interruption. In 2009, according to the report of the Conference Committee, Liberia was still not in compliance with its constitutional obligations in relation to the ILO, despite certain progress. During the discussion of cases of serious failure to comply with reporting and other standards-related constitutional obligations at the 98th Session of the International Labour Conference (May-June 2009), the Government of Liberia participated in the discussion and described the improvements in terms of reporting and the role played by the technical assistance provided by the Office:

*“A Government representative of Liberia stated that his Government had already submitted reports concerning the application of Conventions Nos 22, 53, 55, 58, 92, 105, 111 and 112, although their receipt had not yet been acknowledged. The Government had been facing problems relating to capacity in its efforts to submit reports, but the Office had provided technical assistance in October 2008 and the relevant officials had been trained. He indicated that the remaining reports would be submitted in due course.*

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<sup>107</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, Part 2/4.

*He highlighted the improvement in the number of reports submitted, namely zero in 2007, three in 2008 and 14 out of 18 in 2009, and reiterated the commitment of his Government to submit the rest of the reports due.”<sup>108</sup>*

During the 98th Session of the International Labour Conference in 2009, a representative of the Government Delegation of Liberia was also received by the Director of the International Labour Standards Department. During this meeting, nine reports due were delivered by hand and discussions were held on possible requests for technical assistance and the persistent failure to comply with constitutional obligations. In 2010, Liberia progressively complied with its remaining obligations in terms of reports on unratified Conventions, the provision of first reports (including for Convention No. 133, for which the report had been due since 1992), and replies to the comments of the Committee of Experts. Accordingly, Liberia has no longer been on the list of cases of serious failure to send the reports due on ratified Conventions under article 22 since 2010.

## ***Americas and the Caribbean***

### ***BOLIVIA***

The Plurinational State of Bolivia has been a Member of the ILO since 1919 and has ratified 48 Conventions, including the eight fundamental Conventions. In 2007, the General Report of the Conference Committee on the Application of Standards referred to the failure of Bolivia to fulfil its constitutional commitments:

*“The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2006 from [Bolivia]” Moreover, the Committee “regretted that, despite the invitations, the [Government of Bolivia had] failed to take part in the discussions concerning [its fulfilment of its] constitutional obligations to report”.*<sup>109</sup>

The following year, in 2008, the Conference Committee noted with regret that no reports on ratified Conventions had been supplied by Bolivia and that it had not replied to the comments of the Committee of Experts. In its report in 2009, the Committee of Experts nevertheless welcomed the fact that Bolivia had made use of the period between the Conference and the session of the Com-

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<sup>108</sup> ILC, 98th Session, 2009, *Record of Proceedings*, 16, “Report of the Committee on the Application of Standards”, Part II(Rev.)/6.

<sup>109</sup> ILC, 96th Session, 2007, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, General Report, paras. 155 and 170.

mittee of Experts to make up in part for some of its failings. The same report noted the persistent failure of Bolivia to provide information in relation to the observations and direct requests of the Committee of Experts for 25 of the 48 Conventions that it has ratified.

Nevertheless, as from 2008, the process of technical assistance and personalized follow-up in relation to reporting obligations was reinforced. As Bolivia had not provided any report in the years 2006 and 2007, close contacts were established between the Subregional Office for the Andean countries in Lima and the Ministry of Labour of Bolivia to resolve this backlog. A methodological support mission and follow-up training were carried out in June 2008 by the standards specialist from the Lima Office, including the determination of a schedule to make up progressively the backlog in the sending of reports. In 2008, an official of the Ministry of Labour of Bolivia also participated in the training course in Turin. In March 2009, a support mission was once again carried out by the standards specialist from the Lima Subregional Office.<sup>110</sup> As a follow-up to the conclusions of the Conference Committee at the 98th Session of the International Labour Conference (May-June 2009), the process of technical assistance was continued. As a result of the sustained technical assistance provided by the Office and the Lima Subregional Office, Bolivia has succeeded in considerably reducing the number of reports due. In 2010, Bolivia was therefore no longer included on the list of cases of member States concerning which the Conference Committee discussed the serious failure to comply with constitutional obligations.

### *BARBADOS*

Barbados has been a Member of the ILO since 1967 and has ratified 39 Conventions, including the eight fundamental Conventions. In 2005, the report of the Committee of Experts emphasized the cases of serious failure by Barbados to comply with its reporting and other standards-related to obligations: failure to provide information in reply to the comments of the Committee of Experts for Conventions Nos 63, 81, 105, 108, 118 and 147, to provide the reports due on ratified Conventions and failure to submit to the competent authorities the instruments adopted by the Conference. At the 93rd Session of the International Labour Conference (May-June 2005), the Government of Barbados provided

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<sup>110</sup> The objectives of the follow-up were the following: determination of new objectives to make up the backlog in the sending of reports due, individual work with the official responsible for preparing reports and, finally, the holding of a one-day seminar to raise awareness of the importance of reports, bringing together the various departments of the Ministry of Labour.

the following explanations to the Conference Committee on the Application of Standards:

*“A Government representative of Barbados regretted that her country had been unable to meet all of its reporting obligations, particularly since it was committed to the principles of the ILO and usually submitted fully detailed and timely reports. She assured the Committee that of those listed in the General Report, the reports on Conventions Nos. 63 and 81 had already been submitted. The report on Convention No. 118 was also ready and available for submission to the Committee. A simplified report on Convention No. 105 had also been submitted. However, there were outstanding comments in respect of this Convention relating to the observations made by the Committee of Experts. She added that there were also outstanding reports on Conventions Nos. 108 and 147. She explained that in each of these cases the difficulty in submitting the outstanding reports and comments had arisen because her Government had not yet received the comments from all of the social partners. She assured the Committee that reports on the remaining Conventions would be submitted to the Committee shortly.”<sup>111</sup>*

The following year, in 2006, the Committee of Experts highlighted the persistence of serious failings by Barbados. Nevertheless, in 2006 the Conference Committee observed that since the meeting of the Committee of Experts the Government of Barbados had provided replies to most of the comments of the Committee of Experts. As from 2008, Barbados was once again included in the list of cases of serious failure to comply with constitutional obligations, as the Government had not provided replies to the comments of the Committee of Experts for 16 ratified Conventions. Barbados was once again called upon to provide explanations to the Conference Committee:

*“A Government representative of Barbados acknowledged the failure of his Government to submit information in reply to comments made by the Committee of Experts. A lack of human resources capacity, the need to retrain new staff members following the transfer of several officials, and a delay in receiving inputs from the relevant stakeholders were responsible for this failure. He assured the Committee that a mechanism had been put into place to ensure that the Government fulfilled its reporting obligations for the present year – a recurrence of the failure to submit information was not anticipated.”<sup>112</sup>*

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<sup>111</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, Part 2/5.

<sup>112</sup> ILC, 97th Session, 2008, *Record of Proceedings*, 19, “Report of the Committee on the Application of Standards”, Part 2/6-7.

In the context of the personalized follow-up procedure, letters were then sent to the Government of Barbados to emphasize the serious failings mentioned in the report of the Conference Committee. The Government of Barbados received technical assistance from the Port-of-Spain Subregional Office in March 2007 and June 2008 on the issue of reporting obligations. Nevertheless, in 2009 the Committee of Experts noted that no information had been received for 14 ratified Conventions. In reply to these comments, and as a result of sustained efforts, Barbados was finally withdrawn that same year from the list of cases of serious failure to comply with its constitutional obligations following the provision, between the meeting of the Committee of Experts and the session of the Conference, of replies to the majority of the comments made by the Committee of Experts.

### III. Building greater impact through joint action by the supervisory bodies and the Office

Analysis of the cases of progress suggests various conclusions concerning the impact of the work of the Conference Committee on the Application of Standards in relation to compliance by member States with their constitutional obligations. Firstly, although the Conference Committee is a central forum for discussion and debate, a body in which significant practices are progressively developed (as in the case of the personalized follow-up procedure), it is not possible to separate the work of the Conference Committee from that of the Committee of Experts or from the measures taken by the Office. Indeed, it would appear to be essential to analyse the impact of the Conference Committee from the viewpoint of the joint action by the ILO supervisory bodies and the Office. A distinction also needs to be made between the effects of the discussion of cases of serious failure to comply with constitutional obligations by the Conference Committee on the Application of Standards and the subsequent action taken to follow up the Committee's discussions and conclusions. Over and above a significant improvement by certain member States in their compliance with reporting and other standards-related obligations, analysis of the cases of progress highlights the range of action, tools and strategies available to the Office, both to identify the various types of difficulties encountered by member States in giving effect to their constitutional commitments to the ILO, as well as, and in particular, in developing a progressive and concerted response.

**(1) Identifying the problems that give rise to serious failure to comply with constitutional obligations as a basis for a more effective response**

It became clear during the informal consultations in preparation for the 93rd Session of the International Labour Conference (May-June 2005) that it would be useful for the Secretariat to submit to the Conference Committee a note so that it could better understand the difficulties which give rise to cases of serious failure by member States to comply with their reporting and other standards-related obligations. This Information note on the so-called “automatic” cases was intended both to provide information on the problems giving rise to failure to comply with constitutional obligations by certain member States, and also to examine the means that could be adopted to contribute to improving compliance with these constitutional and other standards-related obligations.<sup>113</sup> An essential role was played in this respect by the external offices and the international labour standards specialists in the field and at Headquarters. Following this note, in each of its General Reports, the Committee of Experts reviews the factors that cause the difficulties encountered by countries in sending reports.

**(A) Factors giving rise to cases of serious failure to comply with constitutional obligations**

The note accordingly reviewed the problems and constraints encountered by Governments in endeavouring to comply with their constitutional obligations and proposed a number of responses which could be adopted. This process therefore provided an opportunity for the Office to determine more accurately the difficulties encountered by States in giving effect to their constitutional obligations. Several factors contributing to failure to comply with these constitutional obligations were accordingly identified. The Information note on the so-called “automatic” cases made a distinction between two categories of factors: (a) the institutional situation at the national level; and (b) the visibility of the ILO and the clarity of its supervisory mechanisms and procedures.

**A.1 INSTITUTIONAL SITUATION AT THE NATIONAL LEVEL**

*Situation of conflicts or natural disasters:*

Several sets of circumstances were indicated among the factors relating to the institutional situation of member States which may explain their difficulties in fulfilling their reporting obligations. The general situation of a country affected by conflicts or natural disasters easily explains the failure of certain

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<sup>113</sup> ILC, 93rd Session, 2005, C.App./D.4.

States to comply with their constitutional commitments in relation to the ILO. In this respect, during the discussions of cases of serious failure to comply with reporting and other standards-related obligations, certain member States have emphasized this type of situation in explanation of their reporting backlog. This has been the case, in particular, of Afghanistan, Iraq and Liberia, the Government representatives of which have explained on several occasions to the Conference Committee on the Application of Standards the specific difficulties related to the conflicts occurring in their countries. The Government representatives of Afghanistan, Iraq and Liberia also emphasized the exceptional situation of their countries in the context of institutional reconstruction. Other member States have referred to serious social crises related to natural disasters in explanation of their serious failure to comply with their constitutional obligations. One example was the Government representative of Haiti in the Conference Committee in 2009:

*“A Government representative of Haiti apologized for the fact that her Government had not been able to submit the instruments adopted by the Conference within the time limits. The reasons, however, were unrelated to the will of her Government, and arose out of the political and social crisis, the natural cataclysms and the unrest that had affected the country.”*<sup>114</sup>

*Situation of the labour administration:*

The situation of the labour administration was identified as a factor which may contribute to the failure of member States to comply with their constitutional obligations. This factor covers three main aspects: the low ranking in government hierarchy attached to the Ministry responsible for social issues; the lack of material resources; and the vital question of human resources. The problem of material resources is in practice one of the factors referred to most frequently during discussions in the Conference Committee of cases of serious failure to comply with constitutional obligations. The issue of shortages of human resources is also one of the elements put forward most often by member States whose cases of serious failure to comply with constitutional obligations are discussed by the Conference Committee. These may relate to a shortage of personnel, shortcomings in the training of the personnel responsible for preparing reports or the rotation of officials responsible for ILO matters. The report of a technical assistance mission carried out for the benefit of officials in Turkmenistan noted in this respect that the training provided during a previous tech-

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<sup>114</sup> ILC, 98th Session, 2009, *Record of Proceedings*, 16, “Report of the Committee on the Application of Standards”, Part 2(Rev.)/160.

nical mission had been made inoperative due to personnel restructuring within the administration. Accordingly, in certain cases, situations of administrative reform may also explain a loss of knowledge and expertise. This was a factor put forward by the Government of Cambodia during the discussion of cases of serious failure to comply with constitutional obligations during the Committee on the Application of Standards at the 93rd Session of the International Labour Conference (May-June 2005):

*“A Government representative of Cambodia indicated that, as a result of the technical assistance provided by the Office, Cambodia had made progress the previous year. Hence, the reports for the year 2004 had already been sent. With regard to the reports for 2005, they had not yet been prepared because of the changes within the Ministry of Labour. In July 2004, the Government of Cambodia had been restructured and a new Ministry of Labour had been created, combining a part of the former Ministry of Social Affairs and the Ministry of Education. He added that his Government was ready to prepare the reports for 2005. However, because the staff of the different services had changed posts due to the restructuring, the staff that were competent in the field of labour had not yet taken up their functions, in particular those related to the drafting of ILO reports. He hoped that the new Ministry of Labour and Vocational Training would fulfil its reporting obligations.”<sup>115</sup>*

The Committee of Experts regularly emphasizes that the difficulties facing labour administrations are an important factor in compliance by member States with their constitutional reporting obligations. The significance of this factor has been accentuated in recent years. For this reason, in its General Report at its 81st Session (November-December 2010), the Committee of Experts noted the discussion held at the 309th Session (November 2010) of the Governing Body on the challenges and perspectives of labour administration and inspection in light of the general discussion to be held at the 100th Session of the Conference.<sup>116</sup>

#### *Mobilization of the social partners:*

Although the sending of reports is the responsibility of governments, the mobilization of employers' and workers' organizations in the process of the provision of reports and replies to the comments of the ILO supervisory bodies

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<sup>115</sup> ILC, 93rd Session, 2005, *Record of Proceedings*, 22, “Report of the Committee on the Application of Standards”, Part 2/5.

<sup>116</sup> ILC, 99th Session, 2010, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, General Report, para. 24.

can have an effect on the sending of reports and their content. This factor also depends on the level of knowledge of the ILO supervisory mechanisms among the social partners and the functioning of tripartite dialogue at the national level. Although it may be a way for governments to pass their responsibilities for compliance with constitutional obligations onto the social partners, this issue is nevertheless often raised in discussions of cases of serious failure to comply with these obligations during the Conference Committee on the Application of Standards. It is therefore also important for governments to comply with the obligation placed upon them by article 23, paragraph 2, of the Constitution to send copies of the reports and the information due under articles 19 and 22 of the Constitution to the representative organizations of employers and workers. Both Committees have once again recently emphasized the importance of compliance with this obligation. Such mobilization may also occur in the context of promoting the ratification and application of Convention No. 144, for which, alongside the three other governance Conventions, a plan of action has been adopted.

*Linguistic factors:*

The sending of reports and other standards-related information can become a long and costly procedure for countries which do not master any of the ILO's working languages, as national administrations then have to bear translation costs. It may be that the difficulties are encountered less at the level of the administrative service responsible for relations with the ILO than in other administrative services which need to make a substantial contribution to the preparation of reports. Linguistic problems may also constitute an obstacle for participation in training courses organized by the Office. For this reason, among the measures adopted by the Office in the context of the personalized follow-up, financial support has been provided for the translation of report forms and Conventions into national languages where this had not already been done by the Office. Furthermore, it should be noted that in certain cases the Office has provided financial support for the translation of the comments of the Committee of Experts into national languages.

*The question of collaboration and coordination between the various administrative departments:*

The absence of a suitable coordination structure between the various administrative departments, or the low priority within the government given to the supply of reports, may explain shortcomings and the failure to comply with reporting obligations. By way of illustration, coordination difficulties between administrative departments, and often between the Ministry responsible for

the preparation and sending of reports and the Ministry of Foreign Affairs, are regularly mentioned as a cause of cases of serious failure to comply with constitutional obligations during discussions of the so-called “automatic” cases in the Conference Committee. For this reason, the standards specialists in external offices have established inter-ministerial working groups in many countries to prepare reports and have convinced governments of the need to clarify the responsibilities of the various ministries concerned. Finally, the Office takes care to involve ministries other than the Ministry of Labour in training activities on standards.

*Institutional structure of the country involving a transfer of competence for labour and social matters to autonomous entities:*

Autonomous entities may have a very limited knowledge of the ILO supervisory procedures. The transfer of competence to such entities may also give rise to difficulties in the supply of reports where no specialized structure within the central administration is responsible for issues related to the ILO.

#### **A.2 VISIBILITY OF THE ILO AND CLARITY OF ITS SUPERVISORY MECHANISMS AND PROCEDURE**

While these are indirect factors, they nevertheless have an impact on compliance with standards-related obligations deriving from the Constitution. In this respect, the issue of the visibility of the ILO can be raised from the standpoint of the impact of its action in comparison with that of other international organizations present in the field. Reference should also be made to the issue of workload and planning arising out of the multiple demands for reports from different international organizations, including the ILO. These demands are often focussed on a small number of officials. This factor is therefore related to difficulties in terms of human resources and training. Moreover, it would appear that certain ILO supervisory procedures are not always well understood by constituents. The procedure which appears to have given rise to the most difficulties in this regard is that of the submission to the competent authorities of the instruments adopted by the Conference, the goals and objectives of which have not always been clearly understood at the national level.

#### **B) Mobilizing the expertise of field offices**

The gathering of information that has taken place since 2005 has been made possible by mobilizing the expertise of the various international labour standards specialists in regional and subregional offices. They were called upon

to undertake an examination of the difficulties experienced by the member States listed in the cases of serious failure to comply with their reporting obligations, and which they had identified during their years of experience through technical and advisory missions undertaken in the context of their assistance activities. The expertise of external offices was therefore mobilized with a view to identifying on the spot the difficulties experienced by member States for which cases of serious failure to comply with constitutional obligations had been reported in the work of the Conference Committee on the Application of Standards.

Furthermore, analysis of cases of progress also emphasizes the importance of identifying the problems that give rise to the difficulties experienced by member States listed for serious failure in this respect. The Office's strategy was therefore in the first place to identify the various problems which could explain the failure and delays in complying with reporting obligations by certain member States. Based on the report of the Conference Committee in 2005, the Office therefore sent out personalized follow-up letters to the member States concerned. These letters, pursuant to the conclusions of the Conference Committee, indicated the specific obligations with which certain member States had failed to comply and called on them to describe in practical terms the obstacles and problems which were preventing compliance with their constitutional obligations. The States concerned were accordingly invited to determine their potential needs in terms of technical assistance and, if they had not requested it, the personalized follow-up letters invited them to do so. In this respect, the Office was able to mobilize the expertise of the standards specialists in sub-regional offices, who were requested to collaborate in the drafting of the letters for the States concerned by such serious failures. Technical assistance missions offered the opportunity for the international labour standards specialists to make formal and informal contacts with the governments and responsible administrative departments. These contacts allowed the assessment to be regularly updated of the difficulties faced by certain member States in relation to their constitutional obligations and measures were proposed to overcome them during technical missions. In the various phases of the personalized follow-up, the international labour standards specialists were called upon to update the assessments of the member States that were failing to comply with their reporting obligations. It is also important to emphasize that, in addition to the information provided by governments during the discussion of cases of serious failure to comply with constitutional obligations during the Conference Committee and during technical assistance missions, the informal contacts developed by ILO officials in the "field" have resulted in deeper and more regular relations with these States, as well as making it possible to identify more tangi-

bly the material and human difficulties giving rise to cases of serious failure to comply with constitutional obligations.

Finally, this process of identifying the problems giving rise to cases of serious failure to comply with constitutional obligations by certain member States also provided the basis for adapting the ILO's means of action, and particularly its technical assistance strategy, so as to optimize the action taken by the Office on the issue of cases of serious failure to comply with constitutional obligations.

## **2. *The decisive role of technical assistance***

The ILO is not only engaged in supervising the application of ratified Conventions. It also provides technical assistance, which may take various forms: promotional activities, national seminars and workshops, technical assistance missions on specific issues, such as training and assistance activities relating to the reporting obligations of member States, as well as advisory missions and direct contacts missions during which ILO officials are able to meet the competent government officials and the social partners to discuss problems in the application of standards and to find solutions with a view to raising awareness of standards. The technical assistance provided by ILO officials is therefore intended to develop among stakeholders the capacities and practical knowledge at the national level which may be lacking to give effect to their constitutional and standards-related commitments. Accordingly, Office officials and other experts help States to resolve the problems that they are encountering in the legislative field and in practice with a view to ensuring conformity with international labour standards.

### **(A) *A network of expertise in the "field"***

Many of these technical assistance activities are carried out by international labour standards specialists who are assigned to the Organization's offices throughout the world. These specialists meet the competent government officials, employers' and workers' organizations to provide them with assistance in relation to issues arising in the region: the ratification of new Conventions, the promotion among national stakeholders of the tools and standards developed by the ILO, reporting obligations, solutions to the issues raised by the supervisory bodies and the examination of draft legislation to ensure that it is in conformity with international labour standards. The ILO therefore has an international network of regional and subregional offices which include international labour standards specialists.

***ILO external offices and international labour standards specialists***

**Africa:** Pretoria, Cairo, Dakar, Yaoundé

**Americas:** Lima, San José, Santiago

**Caribbean:** Port-of-Spain

**Arab States:** Beirut

**East Asia:** Bangkok

**South Asia:** New Delhi

**Eastern Europe and Central Asia:** Moscow

***B) Provision of targeted technical support and training***

Technical assistance activities have been developed through close collaboration between Headquarters and the field by means of regular correspondence and the systematic submission of detailed reports on the technical assistance missions undertaken by international labour standards specialists. The effectiveness of technical assistance as an ILO means of action is determined by the capacity of the Office and the supervisory bodies to target the pertinent needs of each member State in relation to reporting, the submission of instruments adopted by the Conference to the competent bodies and replies to the comments of the ILO supervisory bodies. The work of the Committee of Experts and the Conference Committee has therefore contributed to determining priorities for the technical assistance provided.

Technical assistance activities relating to reporting and other standards-related obligations consist in particular of the provision of training for the officials responsible for preparing reports in the competent national institutions. The annual information document on ratifications and standards-related activities published by the Office as a supplement to the report of the Committee of Experts gathers together all the technical support and training activities on constitutional obligations.<sup>117</sup> These may consist of tripartite workshops on constitutional standards-related obligations during which stakeholders are trained in the preparation of reports and the provision of replies to the comments of the ILO supervisory bodies. In addition, collaboration has been reinforced with the International Training Centre in Turin with a view to providing a training programme combining technical expertise and active methodologies for train-

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<sup>117</sup> See, for example, ILC, 99th Session, 2010, *Information document on ratifications and standards-related activities*, Report III (Part 2), paras. 36 to 68.

ing on international labour standards. Since 1994, a total of 393 government representatives have participated in training courses in the Turin Centre (see Appendix 2). In the context of the personalized follow-up, the Office takes care to select the countries to which grants are provided for participation in these courses among those concerned by the cases of serious failure referred to in the reports of the two Committees. Furthermore, certain countries have received technical support missions to the competent ministries for the purposes of reporting or the submission to the competent authorities of the instruments adopted by the Conference with a view to rationalizing the planning and administrative management of the workload relating to reporting. Since 2005, a total of 92 technical assistance missions focussing on constitutional obligations have been undertaken by the Office: four in 2005, 13 in 2006, 33 in 2007, 33 in 2008 and nine in 2009 (see Appendix 3).

Analysis of the cases of progress also suggests that the provision of technical assistance is an essential element of the strategy to resolve cases of serious failure to comply with reporting and other standards-related obligations. Accordingly, many requests for technical assistance have been made to the Office during the Conference Committee on the Application of Standards or in the context of contacts institutionalized through the personalized follow-up procedure. In the majority of cases, a direct link can be established between the resolution of failures in terms of reporting and the implementation of a technical assistance mission. The strengthening of systematic technical assistance has in practice had a significant impact on the submission of reports. For example, in terms of the number of first reports due, 26 countries have received personalized follow-up letters concerning the failure to provide first reports on ratified Conventions since 2005. In total, it was determined that 117 first reports were late, of which 82 have now been provided. Letters were sent to 76 countries which had not replied to the comments of the Committee of Experts. Since then, replies have been received from 47 of these countries and, of the 29 remaining countries for which the problem has not been resolved, 16 have received three or more letters recalling their obligations. In relation to reports on ratified Conventions, 27 countries have received letters on the subject and, in the meantime, 18 have provided their reports. With reference to the failure to provide reports on unratified Conventions and Recommendations, in accordance with article 19 of the Constitution, letters have been sent to 42 countries, in 22 of which the problem has now been resolved.<sup>118</sup>

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<sup>118</sup> These statistics are reflected in the assessment of the personalized follow-up submitted to the 306th Session (November 2009) of the Governing Body: GB.306/LILS/4(Rev.), para. 41.

### **3. *Adaptation of the Office's means of action***

Analysis of the cases of progress also emphasizes the manner in which certain programmes and tools available to the ILO can be adapted to respond to situations of serious failure by member States to comply with constitutional obligations. Indeed, certain Decent Work Country Programmes (DCWPs) include references to international labour standards. Moreover, in certain cases, ILO technical cooperation with other international organizations contributes to facilitating and improving the situation in some countries in which cases of serious failure to comply with constitutional obligations have been highlighted by the Conference Committee.

#### **(A) *International labour standards and Decent Work Country Programmes (DWCPs)***

Decent Work Country Programmes (DWCPs) were officially introduced for the first time as a programming concept in November 2003. These programmes were institutionalized in ILO programming in 2004. By 31 January 2010, 44 DWCPs were being implemented. Eleven were completed before the end of 2009, and 12 others in 2010. Over 80 DWCPs are currently under preparation.

At the 307th Session (March 2010) of the Governing Body, the agenda of the Technical Cooperation Committee included an evaluation of DWCPs. Among the lessons learned from the first generation of DWCPs, the issue of references to questions related to the ILO governance structures within DWCPs was raised.

The paper considered that DWCPs should take into account the situation regarding the application of international labour standards in each country, including comments by the ILO supervisory bodies. According to the Technical Cooperation Committee, the DWCP process could be used to agree upon technical cooperation activities which respond to priorities that emerge from the observations and recommendations of the ILO governance structure. While references to international labour standards are only included in a small number of the first DWCPs, the Technical Cooperation Committee encouraged DWCPs to address issues relating to international labour standards more fully.

Accordingly, certain DWCPs now include references to the situation of countries in relation to the application of international labour standards. The objectives of DWCPs may accordingly contain references to the comments of the ILO supervisory bodies, or elements relating to constitutional obligations (see Appendix 4). In this respect, many of the reports on technical missions carried out by international labour standards specialists in the context of the

personalized follow-up for member States listed for cases of serious failure to comply with constitutional obligations emphasize the importance of the resources represented by DWCPs in responding to the problems encountered by certain member States in complying with their reporting and other standards-related obligations.

***(B) Technical cooperation with other international organizations***

The Information note on the so-called “automatic” cases, submitted by the Office at the 93rd Session of the International Labour Conference in 2005, emphasized in its concluding remarks that it would be useful to examine whether collaboration with other international organizations could provide further support for the ILO’s supervisory mechanisms and procedures in relation to international labour standards. The Information note also considered that joint assistance from the ILO and other international organizations requiring reports on the application of international standards to help governments fulfil their various obligations could be an avenue to be explored.

In certain of the cases of progress analysed above, the coordination of the technical assistance provided by the Office with other assistance programmes of other organizations played a significant role in overcoming the serious failure by certain member States to comply with their constitutional obligations. This type of technical cooperation is particularly relevant in cases in which the institutional situation of a country is difficult, either due to general national situations affected by conflicts or natural disasters, or because of the situation of administrative complexity which makes it difficult for the Office to identify national counterparts. Finally, in view of the impact that technical assistance can have in the case of countries encountering serious difficulties in complying with their reporting obligations, additional technical cooperation resources should be identified so as to allow the Office to respond adequately and effectively to these requests.

***The example of Turkmenistan***

As indicated above, the serious failure of the Government of Turkmenistan to comply with its reporting and other standards-related obligations was discussed on very many occasions by the Conference Committee on the Application of Standards. The situation of Turkmenistan with regard to its constitutional obligations improved in 2010 following numerous contacts established between the ILO, the Moscow Subregional Office and the Government of Turkmenistan. However, as emphasized in the mission reports prepared by Office special-

ists, the communication difficulties between the Office and the Government of Turkmenistan were one of the principal obstacles to the establishment of regular contacts with a view to helping Turkmenistan comply with its constitutional obligations. The problems involved in identifying a national counterpart due to the complexity of the administrative system in Turkmenistan were on many occasions the cause of difficulties in seeking contacts between the standards specialists in the field and the Government of Turkmenistan. In this respect, as emphasized by the report of a technical assistance mission, the presence of another cooperation programme in Turkmenistan offered valuable assistance. The programme *“Strengthening the national capacity of Turkmenistan to promote and protect human rights”*, implemented by the European Union, the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) starting in 2009 enabled the Office to develop certain contacts with the Government of Turkmenistan. This cooperation project was also intended to encourage Turkmenistan to comply with its international commitments in relation to human rights. In the context of the EU, UNDP and OHCHR project, a visit was organized in 2010 for a high-level delegation from the Office to Turkmenistan with the assistance of officials engaged in the project.

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## Conclusion

**T**he history of the ILO, from 1919 to the present, unequivocally demonstrates that international labour standards have been and remain a major tool for the Organization in its objective of promoting social justice, and that standards-related action is indispensable in translating decent work into practice. The ILO Declaration on Social Justice for a Fair Globalization, adopted unanimously by the International Labour Conference in 2008, recalls the unique comparative advantage of international labour standards for the Organization and emphasizes that it should promote its standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work.

Based on its Constitution, the ILO has been able to deploy a series of means of action all intended to improve, in one way or another, the effectiveness of its action in the field of standards. In this regard, the Conference Committee on the Application of Standards constitutes an essential component of the ILO's supervisory system for the achievement of compliance with and the effective implementation of international labour standards. However, the work and action of the Conference Committee are only relevant when they form part of the broader context of the ILO supervisory system, and particularly the Committee of Experts, in full synergy with the other bodies in the system, and supplemented by the indispensable action of the Office in the field of technical cooperation and assistance.

Through this joint action, the ILO has been able to counter the criticisms of inertia levelled on countless occasions at international organizations with the intention of reducing their action to mere declarations of principles, without any real practical impact. From this viewpoint, the credibility and considerable impact of the ILO supervisory system, including the Conference Committee on the Application of Standards, can be explained in the light of several

factors. It should be recalled that this success has to be situated within the ILO supervisory structure as a whole, a system which reflects a balance, on the one hand, between action by technical bodies, the members of which are selected on the basis of their independence and expertise and, on the other, of representative bodies bringing together delegates representing governments, workers and employers. All of this is supplemented by the means available to the Office to provide States which so wish with the necessary technical assistance to achieve tangible results.

By its very nature, the ILO's supervisory machinery could not remain static in design or operation. Indeed, it draws its effectiveness from its capacity to resolve the difficulties encountered, develop new approaches and draw the best out of the tripartite structure of a universal organization. It is in this context that it is necessary to see the recent efforts of the Conference Committee to review and improve its working methods so as to improve the impact of its work, with the permanent concern of greater compliance with international labour Conventions and increased transparency. This dynamic of adaptation will continue for as long as the ILO's tripartite constituents show the will to reinforce the Organization's standards-related action.

The ILO was for a long time the only international organization to maintain that the concept of economic development necessarily had to include a social dimension. Economic development is also, and in particular, based on human and social factors, irrespective of the level of development of countries or their systems of social organization. Its mission today more than ever is to improve the general situation of each human being in the world of work. In this respect, if the failure or success of the ILO supervisory system is to be measured by the extent of the results achieved and their permanence, the examples examined and the cases of progress enumerated in this study, which has been prepared to commemorate the 100th Session of the Conference in 2011, and which are clearly not exhaustive, demonstrate that the Conference Committee, in the same way as the other components of the supervisory system of which it forms part, has convincingly fulfilled its functions over recent decades.

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## Bibliography

Almost all of the documents used for this study have been produced by the ILO. In the study, it was natural in the first place to highlight the work of the Conference Committee on the Application of Standards for all the cases analysed. The records of proceedings of the discussions in the Conference Committee have therefore been used as the principal source for the study. The records of proceedings of the Conference Committee are available on the ILO site, including in the ILOLEX database on international labour standards: [www.ilo.org/normes](http://www.ilo.org/normes). The records of proceedings are also contained in a section of the annual report of the Conference Committee on the Application of Standards, which has been issued as a separate publication since 2007. Secondly, the study required the use of the work of the various bodies of the ILO standards system: the Committee of Experts on the Application of Conventions and Recommendations ([www.ilo.org/ilolex/english/index.htm](http://www.ilo.org/ilolex/english/index.htm)), the ILO Governing Body ([www.ilo.org/gb/lang--en/index.htm](http://www.ilo.org/gb/lang--en/index.htm)), the tripartite committees set up to examine representations ([www.ilo.org/ilolex/english/repframeE.htm](http://www.ilo.org/ilolex/english/repframeE.htm)), Commissions of Inquiry ([www.ilo.org/ilolex/english/INQUIRY.htm](http://www.ilo.org/ilolex/english/INQUIRY.htm)) and the Committee on Freedom of Association is available in LIBSYND database ([www.ilo.org/normes](http://www.ilo.org/normes)). In general terms, a combination of the comments, conclusions and recommendations of the ILO supervisory bodies were therefore used in preparing the study.

Preparation of the study also required reference to the reports of technical assistance missions carried out by ILO officials. The information that they contain is regularly reported in the work of the Conference Committee and that of the Committee of Experts. However, the mission reports are internal working documents and their diffusion is subject to the Office's discretion.

Finally, a number of publications by the ILO International Labour Standards Department have been used in the study, with particular reference to the following:

- *Rules of the Game: A brief introduction to International Labour Standards*, (revised edition), ILO, Geneva, 2009
- *The Committee of Experts on the Application of Conventions and Recommendations: Its dynamic and impact*, ILO, Geneva, 2003.
- *The Committee on Freedom of Association: Its impact over 50 years*, ILO, Geneva, 2002.

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## **APPENDICES**

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**Appendix 1**

## Individual cases discussed by the Conference Committee on the Application of Standards (1990-2010)

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
1990		<p><b>Convention (n° 29)</b> Bangladesh Pakistan Thailand</p> <p><b>Convention (n° 95)</b> Iraq Philippines</p> <p><b>Convention (n° 105)</b> Malaysia Pakistan</p> <p><b>Convention (n° 107)</b> India</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p>	<p><b>Convention (n° 17)</b> Kenya</p> <p><b>Convention (n° 29)</b> Cameroon Central African Republic Mauritania Tanzania</p> <p><b>Convention (n° 55)</b> Liberia</p> <p><b>Convention (n° 81)</b> Central African Republic Uganda</p> <p><b>Convention (n° 87)</b> Liberia</p>	<p><b>Convention (n° 29)</b> Romania</p> <p><b>Convention (n° 105)</b> Cyprus</p> <p><b>Convention (n° 111)</b> Bulgaria Czech Republic Turkey</p>	<p><b>Convention (n° 3)</b> Colombia</p> <p><b>Convention (n° 5)</b> Brazil</p> <p><b>Convention (n° 29)</b> Haiti</p> <p><b>Convention (n° 81)</b> Bolivia Dominican Republic Jamaica</p> <p><b>Convention (n° 87)</b> Colombia Peru</p> <p><b>Convention (n° 94)</b> Brazil</p>	<p><b>Convention (n° 81)</b> Jordan</p>		46

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
1991		<b>Convention (n° 11)</b> Malaysia	<b>Convention (n° 98)</b> Liberia		<b>Convention (n° 95)</b> Dominican Republic			59
		<b>Convention (n° 12)</b> Malaysia	<b>Convention (n° 105)</b> Angola Central African Republic Libya Tanzania Zambia Nigeria		<b>Convention (n° 105)</b> Dominican Republic El Salvador Peru			
			<b>Convention (n° 119)</b> Ghana		<b>Convention (n° 107)</b> Brazil			
		<b>Convention (n° 11)</b> Malaysia	<b>Convention (n° 17)</b> Kenya	<b>Convention (n° 23)</b> Ireland	<b>Convention (n° 5)</b> Brazil	<b>Convention (n° 87)</b> Yemen		
		<b>Convention (n° 12)</b> Malaysia	<b>Convention (n° 29)</b> Tanzania	<b>Convention (n° 87)</b> United Kingdom Netherlands	<b>Convention (n° 10)</b> Dominican Republic	<b>Convention (n° 98)</b> Yemen		

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<b>Convention (n° 29)</b> Thailand Pakistan India	<b>Convention (n° 41)</b> Central African Republic <b>Convention (n° 52)</b> Central African Republic	<b>Convention (n° 98)</b> Turkey Greece <b>Convention (n° 105)</b> Ireland <b>Convention (n° 111)</b> Turkey <b>Convention (n° 122)</b> Italy	<b>Convention (n° 87)</b> Peru Panama Honduras Guatemala Dominican Republic Cuba Colombia <b>Convention (n° 95)</b> Dominican Republic <b>Convention (n° 98)</b> Peru Panama Dominican Republic Colombia Brazil <b>Convention (n° 100)</b> Jamaica			
		<b>Convention (n° 87)</b> Pakistan Myanmar Philippines <b>Convention (n° 98)</b> Indonesia <b>Convention (n° 100)</b> India <b>Convention (n° 107)</b> Inde <b>Convention (n° 105)</b> Iraq	<b>Convention (n° 81)</b> Libyan Arab Jam. <b>Convention (n° 87)</b> Nigeria Ghana Gabon Burkina Faso <b>Convention (n° 105)</b> Tanzania Libya Angola <b>Convention (n° 111)</b> Egypt					

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
			<p><b>Convention (n° 118)</b> Central African Republic</p> <p><b>Convention (n° 119)</b> Central African Republic</p> <p><b>Convention (n° 139)</b> Equatorial Guinea</p>		<p><b>Convention (n° 103)</b> Ecuador</p> <p><b>Convention (n° 105)</b> Dominican Republic</p> <p><b>Convention (n° 107)</b> Brazil</p> <p><b>Convention (n° 111)</b> Cuba</p> <p><b>Convention (n° 131)</b> Uruguay</p>			
1992		<p><b>Convention (n° 5)</b> Singapore</p> <p><b>Convention (n° 11)</b> Malaysia</p>	<p><b>Convention (n° 26)</b> Morocco</p>	<p><b>Convention (n° 81)</b> Spain</p> <p><b>Convention (n° 87)</b> United Kingdom</p>				69

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<b>Convention (n° 12)</b> Malaysia	<b>Convention (n° 29)</b> Tanzania Sudan Morocco Libya	<b>Convention (n° 136)</b> Spain	<b>Convention (n° 5)</b> Brazil Bolivia	<b>Convention (n° 81)</b> Syria		
		<b>Convention (n° 22)</b> Pakistan	<b>Convention (n° 52)</b> Central African Republic		<b>Convention (n° 17)</b> Colombia	<b>Convention (n° 87)</b> Syria Kuwait		
		<b>Convention (n° 29)</b> Thailand Pakistan Myanmar India	<b>Convention (n° 105)</b> Côte d'Ivoire		<b>Convention (n° 29)</b> Perou Panama Cuba Brazil	<b>Convention (n° 98)</b> Syria		
		<b>Convention (n° 87)</b> Pakistan Myanmar	<b>Convention (n° 81)</b> Libya		<b>Convention (n° 35)</b> Chile	<b>Convention (n° 106)</b> Kuwait		
		<b>Convention (n° 95)</b> Iraq	<b>Convention (n° 87)</b> Ethiopia		<b>Convention (n° 42)</b> Guyana			
		<b>Convention (n° 98)</b> Pakistan Malaysia	<b>Convention (n° 105)</b> Tanzania Sudan Morocco Libya		<b>Convention (n° 55)</b> Panama			
					<b>Convention (n° 81)</b> Paraguay Bolivia			

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 105)</b> Thailand Pakistan Iraq</p> <p><b>Convention (n° 141)</b> India</p>	<p><b>Convention (n° 118)</b> Libya</p> <p><b>Convention (n° 127)</b> Madagascar Central African Republic</p>		<p><b>Convention (n° 87)</b> Paraguay Panama Honduras Ecuador Cuba Colombia</p> <p><b>Convention (n° 98)</b> Colombia</p> <p><b>Convention (n° 105)</b> Peru Dominican Republic</p> <p><b>Convention (n° 111)</b> Cuba Chile</p> <p><b>Convention (n° 122)</b> Cuba Canada Bolivia</p>			

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
					<p><b>Convention (n° 129)</b> Bolivia</p> <p><b>Convention (n° 139)</b> Peru</p>			
1993		<p><b>Convention (n° 5)</b> Singapore</p> <p><b>Convention (n° 29)</b> India</p> <p><b>Convention (n° 87)</b> Pakistan Myanmar Japan</p>	<p><b>Convention (n° 26)</b> Chad</p> <p><b>Convention (n° 29)</b> Sudan</p> <p><b>Convention (n° 87)</b> Mauritania Chad</p> <p><b>Convention (n° 111)</b> Chad</p>	<p><b>Convention (n° 98)</b> Turkey Sweden</p> <p><b>Convention (n° 111)</b> Romania</p> <p><b>Convention (n° 122)</b> United Kingdom</p> <p><b>Convention (n° 128)</b> Switzerland</p> <p><b>Convention (n° 144)</b> United Kingdom</p>	<p><b>Convention (n° 29)</b> Peru Cuba Brazil</p> <p><b>Convention (n° 35)</b> Chile</p> <p><b>Convention (n° 81)</b> Jamaica</p> <p><b>Convention (n° 87)</b> Costa Rica Bolivia Colombia Paraguay Guatemala Ecuador Cuba</p>	<p><b>Convention (n° 87)</b> Yemen</p> <p><b>Convention (n° 98)</b> Yemen</p> <p><b>Convention (n° 111)</b> Saudi Arabia</p>	<p><b>Convention (n° 122)</b> New Zealand</p>	48

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
1994		<b>Convention (n° 107)</b> India	<b>Convention (n° 136)</b> Morocco		<b>Convention (n° 98)</b> Paraguay			
		<b>Convention (n° 111)</b> Pakistan Iraq Iran, Islamic Rep.			<b>Convention (n° 105)</b> Ecuador Brazil			
		<b>Convention (n° 118)</b> Iraq			<b>Convention (n° 107)</b> Brazil			
					<b>Convention (n° 111)</b> Brazil			
		<b>Convention (n° 26)</b> China	<b>Convention (n° 5)</b> Lesotho	<b>Convention (n° 87)</b> Germany	<b>Convention (n° 35)</b> Peru	<b>Convention (n° 100)</b> Saudi Arabia	<b>Convention (n° 100)</b> New Zealand	30
		<b>Convention (n° 29)</b> Thailand India	<b>Convention (n° 17)</b> Kenya	<b>Convention (n° 98)</b> Turkey United Kingdom	<b>Convention (n° 98)</b> Colombia			
		<b>Convention (n° 87)</b> Pakistan Myanmar	<b>Convention (n° 87)</b> Cameroon	<b>Convention (n° 111)</b> Romania	<b>Convention (n° 111)</b> Cuba Brazil			

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<b>Convention (n° 98)</b> Singapore Malaysia Indonesia Bangladesh	<b>Convention (n° 98)</b> Sudan Morocco Cameroon <b>Convention (n° 136)</b> Côte d'Ivoire	<b>Convention (n° 158)</b> Spain	<b>Convention (n° 122)</b> Peru			
		<b>Convention (n° 100)</b> Japan						
		<b>Convention (n° 118)</b> Iraq						
1995		<b>Convention (n° 29)</b> Thailand Myanmar India <b>Convention (n° 87)</b> Pakistan Myanmar Japan Bangladesh	<b>Convention (n° 78)</b> Cameroon <b>Convention (n° 87)</b> Nigeria Côte d'Ivoire	<b>Convention (n° 26)</b> Turkey <b>Convention (n° 87)</b> United Kingdom Greece <b>Convention (n° 95)</b> Russian Federation	<b>Convention (n° 17)</b> Paraguay <b>Convention (n° 29)</b> Panama <b>Convention (n° 35)</b> Chile Argentina	<b>Convention n° 87)</b> Kuwait		36

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
1996		<b>Convention (n° 98)</b> Indonesia	<b>Convention (n° 122)</b> Zambia	<b>Convention (n° 98)</b> Turkey <b>Convention (n° 122)</b> Croatia	<b>Convention (n° 87)</b> Colombia Venezuela Mexico Guatemala Bolivia			
		<b>Convention (n° 111)</b> Pakistan	<b>Convention (n° 135)</b> Côte d'Ivoire	<b>Convention (n° 147)</b> Spain Italy	<b>Convention (n° 111)</b> Cuba Brazil			
					<b>Convention (n° 169)</b> Mexico			
		<b>Convention (n° 19)</b> Malaysia	<b>Convention (n° 87)</b> Swaziland Nigeria Cameroon	<b>Convention (n° 98)</b> Turkey United Kingdom	<b>Convention (n° 26)</b> Paraguay	<b>Convention (n° 87)</b> Syria Kuwait	<b>Convention (n° 81)</b> New Zealand	32
		<b>Convention (n° 29)</b> Pakistan Myanmar	<b>Convention (n° 95)</b> Libya		<b>Convention (n° 29)</b> Brazil		<b>Convention (n° 98)</b> Fiji	
		<b>Convention (n° 87)</b> Myanmar			<b>Conventions (n° 35, 36, 37, 38, 39, 40)</b> Peru			

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 97)</b> Malaysia</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p>			<p><b>Convention (n° 87)</b> Venezuela Guatemala</p> <p><b>Convention (n° 95)</b> Argentina</p> <p><b>Convention (n° 98)</b> Colombia</p> <p><b>Conventions (n° 105, 107)</b> Brazil</p> <p><b>Convention (n° 111)</b> Cuba</p> <p><b>Convention (n° 155)</b> Mexico</p>			
1997		<p><b>Convention (n° 29)</b> Pakistan</p>	<p><b>Convention (n° 29)</b> Sudan</p>	<p><b>Convention (n° 87)</b> Turkey United Kingdom Belarus</p>	<p><b>Convention (n° 29)</b> Brazil</p>		<p><b>Convention (n° 17)</b> New Zealand</p>	27

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<b>Convention (n° 81)</b> Sri Lanka	<b>Convention (n° 87)</b> Swaziland Nigeria	<b>Convention (n° 95)</b> Ukraine <b>Convention (n° 118)</b> France	<b>Convention (n° 87)</b> Venezuela Bolivia Colombia Guatemala Costa Rica			
		<b>Convention (n° 87)</b> Myanmar Bangladesh	<b>Convention (n° 98)</b> Morocco		<b>Convention (n° 102)</b> Peru			
		<b>Convention (n° 97)</b> Malaysia			<b>Convention (n° 122)</b> Honduras			
		<b>Convention (n° 98)</b> Indonesia						
		<b>Convention (n° 100)</b> Nepal						
		<b>Convention (n° 107)</b> India						
		<b>Convention (n° 111)</b> Iran, Islamic Rep.						

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases		
1998		<b>Convention (n° 29)</b> India Bangladesh	<b>Convention (n° 29)</b> Sudan	<b>Convention (n° 95)</b> Russian Federation	<b>Convention (n° 87)</b> Ecuador Colombia Bolivia Argentina		<b>Convention (n° 26)</b> New Zealand	25		
		<b>Convention (n° 19)</b> Malaysia	<b>Convention (n° 87)</b> Swaziland Ethiopia Cameroon	<b>Convention (n° 98)</b> Turkey	<b>Convention (n° 98)</b> Brazil		<b>Convention (n° 98)</b> Australia			
		<b>Convention (n° 87)</b> Pakistan Myanmar	<b>Convention (n° 98)</b> Morocco	<b>Convention (n° 102)</b> Croatia	<b>Convention (n° 122)</b> Peru					
		<b>Convention (n° 97)</b> Malaysia	<b>Convention (n° 135)</b> Côte d'Ivoire		<b>Convention (n° 131)</b> Uruguay					
		<b>Convention (n° 98)</b> Indonesia								
	1999		<b>Convention (n° 29)</b> Pakistan Myanmar	<b>Convention (n° 26)</b> Chad	<b>Convention (n° 95)</b> Russian Federation	<b>Convention (n° 29)</b> Peru			<b>Convention (n° 29)</b> Australia	25
			<b>Convention (n° 81)</b> Sri Lanka							

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
2000		<b>Convention (n° 87)</b> Myanmar Bangladesh	<b>Convention (n° 87)</b> Swaziland Ethiopia Djibouti Cameroon	<b>Convention (n° 108)</b> Russian Federation	<b>Convention (n° 87)</b> Venezuela Guatemala Canada			
		<b>Convention (n° 98)</b> Malaysia	<b>Convention (n° 118)</b> Libya		<b>Convention (n° 98)</b> Ecuador Costa Rica			
		<b>Convention (n° 111)</b> Iran, Islamic Rep. Afghanistan			<b>Convention (n° 102)</b> Mexico			
					<b>Convention (n° 107)</b> Brazil			
		<b>Convention (n° 29)</b> India	<b>Convention (n° 29)</b> Sudan	<b>Convention (n° 29)</b> United Kingdom	<b>Convention (n° 87)</b> Venezuela Guatemala Colombia	<b>Convention (n° 87)</b> Kuwait	<b>Convention (n° 98)</b> Australia	24
		<b>Convention (n° 105)</b> Pakistan	<b>Convention (n° 81)</b> Mauritania	<b>Convention (n° 95)</b> Ukraine				

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 111)</b> Iran, Islamic Rep. Afghanistan</p>	<p><b>Convention (n° 87)</b> Swaziland Ethiopia Djibouti Cameroon</p> <p><b>Convention (n° 105)</b> Tanzania</p>	<p><b>Convention (n° 98)</b> Turkey</p> <p><b>Convention (n° 122)</b> Hungary</p>	<p><b>Convention (n° 98)</b> Saint Lucia Panama</p> <p><b>Convention (n° 111)</b> Brazil</p> <p><b>Convention (n° 169)</b> Mexico</p>			
2001		<p><b>Convention (n° 29)</b> Myanmar India</p> <p><b>Convention (n° 87)</b> Pakistan Myanmar Japan</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p>	<p><b>Convention (n° 29)</b> Sudan</p> <p><b>Convention (n° 81)</b> Uganda</p> <p><b>Convention (n° 87)</b> Swaziland Ethiopia Djibouti</p> <p><b>Convention (n° 138)</b> Kenya</p>	<p><b>Convention (n° 87)</b> Belarus</p> <p><b>Convention (n° 95)</b> Ukraine</p> <p><b>Convention (n° 97)</b> Spain</p> <p><b>Convention (n° 122)</b> Portugal</p> <p><b>Convention (n° 158)</b> Turkey</p>	<p><b>Convention (n° 35)</b> Chile</p> <p><b>Convention (n° 87)</b> Venezuela Panama Guatemala Colombia</p> <p><b>Convention (n° 98)</b> Peru Costa Rica</p>	<p><b>Convention (n° 138)</b> United Arab Emirates</p>		25

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
2002		<p><b>Convention (n° 29)</b> Myanmar</p> <p><b>Convention (n° 98)</b> Japan</p> <p><b>Convention (n° 105)</b> Pakistan</p>	<p><b>Convention (n° 29)</b> Sudan Mauritania Côte d'Ivoire</p> <p><b>Convention (n° 87)</b> Swaziland Ethiopia</p> <p><b>Convention (n° 98)</b> Zimbabwe</p>	<p><b>Convention (n° 29)</b> Germany</p> <p><b>Convention (n° 87)</b> Belarus</p> <p><b>Convention (n° 95)</b> Moldova</p> <p><b>Convention (n° 122)</b> Turkey</p>	<p><b>Convention (n° 79)</b> Paraguay</p> <p><b>Convention (n° 81)</b> Uruguay</p> <p><b>Convention (n° 87)</b> Venezuela Guatemala Colombia</p> <p><b>Convention (n° 90)</b> Paraguay</p> <p><b>Convention (n° 98)</b> Costa Rica</p> <p><b>Convention (n° 102)</b> Peru</p> <p><b>Convention (n° 105)</b> United States</p>	<p><b>Convention (n° 111)</b> Qatar</p> <p><b>Convention (n° 138)</b> United Arab Emirates</p>	<p><b>Convention (n° 98)</b> Fidji</p>	25

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases		
2003		<b>Convention (n° 29)</b> Myanmar India	<b>Convention (n° 29)</b> Mauritania	<b>Convention (n° 87)</b> Serbia and Montenegro Belarus	<b>Convention (n° 87)</b> Venezuela Panama Cuba Colombia	<b>Convention (n° 29)</b> United Arab Emirates		26		
		<b>Convention (n° 98)</b> Pakistan Myanmar	<b>Convention (n° 81)</b> Uganda	<b>Convention (n° 95)</b> Ukraine	<b>Convention (n° 98)</b> Guatemala					
		<b>Convention (n° 111)</b> Iran, Islamic Rep.	<b>Convention (n° 87)</b> Ethiopia Cameroon	<b>Convention (n° 122)</b> Portugal	<b>Convention (n° 131)</b> Uruguay					
			<b>Convention (n° 98)</b> Zimbabwe	<b>Convention (n° 162)</b> Croatia	<b>Convention (n° 153)</b> Ecuador					
			<b>Convention (n° 118)</b> Libya		<b>Convention (n° 169)</b> Paraguay					
			<b>Convention (n° 138)</b> Kenya							
	2004		<b>Convention (n° 29)</b> Myanmar Indonesia	<b>Convention (n° 29)</b> Sudan Niger	<b>Convention (n° 87)</b> Serbia and Montenegro	<b>Convention (n° 77)</b> Bolivia			<b>Convention (n° 29)</b> Australia	25

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 81)</b> Republic of Korea</p> <p><b>Convention (n° 87)</b> Myanmar</p> <p><b>Convention (n° 98)</b> Hong Kong (China) Bangladesh</p> <p><b>Convention (n° 156)</b> Japan</p>	<p><b>Convention (n° 98)</b> Zimbabwe</p>	<p><b>Convention (n° 95)</b> Poland</p> <p><b>Convention (n° 98)</b> Iceland</p> <p><b>Convention (n° 103)</b> Netherlands</p> <p><b>Convention (n° 122)</b> Slovakia</p> <p><b>Convention (n° 138)</b> Ukraine</p>	<p><b>Convention (n° 87)</b> Venezuela Guatemala Colombia Canada</p> <p><b>Convention (n° 98)</b> Costa Rica</p> <p><b>Convention (n° 111)</b> El Salvador Dominican Republic</p>			
2005		<p><b>Convention (n° 29)</b> Myanmar</p> <p><b>Convention (n° 87)</b> Myanmar</p>	<p><b>Convention (n° 29)</b> Sudan Mauritania</p> <p><b>Convention (n° 87)</b> Burundi Swaziland</p>	<p><b>Convention (n° 81)</b> Romania</p>	<p><b>Convention (n° 77)</b> Ecuador</p> <p><b>Convention (n° 78)</b> Ecuador</p>	<p><b>Convention (n° 111)</b> Saudi Arabia</p> <p><b>Convention (n° 182)</b> Qatar</p>	<p><b>Convention (n° 98)</b> Australia</p>	27

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 95)</b> Iran, Islamic Rep.</p> <p><b>Convention (n° 144)</b> Népal</p>	<p><b>Convention (n° 98)</b> Zimbabwe</p> <p><b>Convention (n° 182)</b> Niger</p>	<p><b>Convention (n° 87)</b> Turkey</p> <p>Russian Federation</p> <p>Bosnia and Herzegovina</p> <p>Belarus</p>	<p><b>Convention (n° 87)</b> Colombia</p> <p>Venezuela</p> <p>Panama</p> <p>Guatemala</p> <p>Argentina</p> <p><b>Convention (n° 102)</b> Peru</p> <p><b>Convention (n° 144)</b> United States</p>			
2006		<p><b>Convention (n° 29)</b> Myanmar</p> <p><b>Convention (n° 98)</b> Pakistan</p> <p>Bangladesh</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p>	<p><b>Convention (n° 26)</b> Djibouti</p> <p><b>Convention (n° 29)</b> Uganda</p> <p><b>Convention (n° 87)</b> Zimbabwe</p>	<p><b>Convention (n° 87)</b> Turkey</p> <p>Bosnia and Herzegovina</p> <p>Belarus</p> <p><b>Convention (n° 98)</b> Switzerland</p> <p>Belarus</p>	<p><b>Convention (n° 87)</b> Venezuela</p> <p><b>Convention (n° 98)</b> Guatemala</p> <p>Costa Rica</p> <p><b>Convention (n° 111)</b> Mexico</p>		<p><b>Convention (n° 87)</b> Australia</p> <p><b>Convention (n° 98)</b> Australia</p>	29

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
2007		<b>Convention (n° 122)</b> Thailand	<b>Convention (n° 95)</b> Libya Central African Republic	<b>Convention (n° 100)</b> United Kingdom <b>Convention (n° 111)</b> Slovakia <b>Convention (n° 159)</b> Ireland <b>Convention (n° 162)</b> Croatia	<b>Convention (n° 169)</b> Paraguay <b>Convention (n° 182)</b> United States			
		<b>Convention (n° 182)</b> Philippines	<b>Convention (n° 138)</b> Kenya					
		<b>Convention (n° 29)</b> Myanmar	<b>Convention (n° 87)</b> Djibouti Ethiopia Zimbabwe	<b>Convention (n° 87)</b> Belarus Bosnia and Herzegovina Romania United Kingdom Turkey	<b>Convention (n° 87)</b> Argentina Venezuela			
		<b>Convention (n° 81)</b> Sri-Lanka	<b>Convention (n° 119)</b> Democratic Republic of the Congo		<b>Convention (n° 98)</b> Guatemala			
		<b>Convention (n° 87)</b> Cambodia Philippines		<b>Convention (n° 122)</b> Italy	<b>Convention (n° 144)</b> United States			
							<b>Convention (n° 98)</b> Australia	26

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<b>Convention (n° 95)</b> Iran, Islamic Rep.	<b>Convention (n° 182)</b> Gabon	<b>Convention (n° 155)</b> Spain				
		<b>Convention (n° 100)</b> Japan						
		<b>Convention (n° 111)</b> Bangladesh India						
		<b>Convention (n° 182)</b> China						
2008		<b>Convention (n° 29)</b> Myanmar India	<b>Convention (n° 29)</b> Sudan	<b>Convention (n° 81)</b> Sweden	<b>Convention (n° 29)</b> Paraguay			25
		<b>Convention (n° 87)</b> Bangladesh Japan	<b>Convention (n° 81)</b> Uganda Egypt	<b>Convention (n° 87)</b> Belarus Bulgaria	<b>Convention (n° 87)</b> Guatemala Colombia			
		<b>Convention (n° 98)</b> Iraq		<b>Convention (n° 98)</b> Georgia				

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 105)</b> Indonesia</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p>	<p><b>Convention (n° 87)</b> Equatorial Guinea Zimbabwe</p> <p><b>Convention (n° 138)</b> Zambia</p>	<p><b>Convention (n° 111)</b> Czech Republic</p> <p><b>Convention (n° 162)</b> Croatia</p> <p><b>Convention (n° 180)</b> United Kingdom</p>	<p><b>Convention (n° 111)</b> Dominican Republic</p> <p><b>Convention (n° 182)</b> Mexico</p>			
2009		<p><b>Convention (n° 29)</b> Myanmar</p> <p><b>Convention (n° 87)</b> Myanmar Pakistan Philippines</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep. Republic of Korea</p>	<p><b>Convention (n° 81)</b> Nigeria</p> <p><b>Convention (n° 87)</b> Swaziland Ethiopia</p> <p><b>Convention (n° 100)</b> Mauritania</p>	<p><b>Convention (n° 87)</b> Turkey Belarus</p> <p><b>Convention (n° 143)</b> Italy</p> <p><b>Convention (n° 182)</b> Russian Federation</p>	<p><b>Convention (n° 35)</b> Chile</p> <p><b>Convention (n° 87)</b> Guatemala Colombia Venezuela Panama</p> <p><b>Convention (n° 98)</b> Costa Rica</p>	<p><b>Convention (n° 97)</b> Israel</p> <p><b>Convention (n° 111)</b> Kuwait</p>		26

Year	Region	Asia	Africa	Europe	Americas	Arab States	Oceania	number of cases
		<p><b>Convention (n° 122)</b> China</p> <p><b>Convention (n° 138)</b> Malaysia</p>	<p><b>Convention (n° 182)</b> Democratic Republic of the Congo</p>		<p><b>Convention (n° 169)</b> Peru</p>			
2010		<p><b>Convention (n° 29)</b> Myanmar</p> <p><b>Convention (n° 87)</b> Cambodia</p> <p><b>Convention (n° 100)</b> India</p> <p><b>Convention (n° 111)</b> Iran, Islamic Rep.</p> <p><b>Convention (n° 122)</b> Thailand</p> <p><b>Convention (n° 182)</b> Uzbekistan</p>	<p><b>Convention (n° 29)</b> Mauritania Sudan</p> <p><b>Convention (n° 87)</b> Swaziland Egypt</p> <p><b>Convention (n° 138)</b> Central African Republic</p> <p><b>Convention (n° 182)</b> Burundi Morocco</p>	<p><b>Convention (n° 87)</b> Turkey Belarus</p> <p><b>Convention (n° 95)</b> Ukraine</p> <p><b>Convention (n° 98)</b> Georgia</p> <p><b>Convention (n° 111)</b> Russian Federation Czech Republic</p>	<p><b>Convention (n° 87)</b> Canada Guatemala Venezuela</p> <p><b>Convention (n° 98)</b> Costa Rica</p> <p><b>Convention (n° 155)</b> Mexico</p> <p><b>Convention (n° 169)</b> Peru</p>			26

**Appendix 2****Participation of Government representatives in training courses at the Turin Centre (1994-2010)**

Country		Number of years of participation by Government representatives of member States in the training courses on international labour standards at the Turin Centre (1994-2010)
<b>ARAB STATES</b>	<b>48</b>	<b>1994-2010</b>
Saudi Arabia	3	1999, 2004, 2010
Bahrain	7	1998, 2 in 1999, 2 in 2000, 2004, 2009
United Arab Emirates	3	1995, 1997, 2004
Iraq	3	1999, 2002, 2009
Jordan	8	1994, 1998, 1999, 2000, 2004, 2 in 2005, 2007
Kuweit	5	1997, 1999, 2000, 2004, 2010
Lebanon	4	2 in 1997, 1999, 2009
Oman	3	1999, 2001, 2007
Palestine	1	2006
Qatar	2	2004, 2006
Syrian Arab Republic	5	1997, 1999, 2001, 2004, 2006
Yemen	4	1995, 1999, 2004, 2008
<b>EUROPE</b>	<b>37</b>	<b>1994-2010</b>
Albania	4	1999, 2003, 2 in 2010
Armenia	1	2005
Azerbaijan	1	1997
Belarus	3	1998, 1999, 2004
Bosnia and Herzegovina	1	2009
Croatia	2	1994, 2000
New Caledonia (France)	1	2008
Géorgia	1	2006
Kyrgyzstan	1	2009
FYR Macedonia	2	2007, 2008
Moldova	1	1995
Poland	1	1994
Romania	1	1997
Russian Federation	2	2 in 1994
Serbia and Montenegro	1	2003

Country	Number of years of participation by Government representatives of member States in the training courses on international labour standards at the Turin Centre (1994-2010)	
Serbia	4	2 in 2005, 2007, 2009
Tajikistan	1	2010
Czech Republic	1	1998
Turkey	6	2 in 1998, 2000, 2001, 2002, 2003
Ukraine	1	2006
Uzbekistan	1	2008
<b>ASIA</b>	<b>80</b>	<b>1994-2010</b>
Afghanistan	1	2009
Bangladesh	4	1994, 1999, 2003, 2005
Brunei	2	2008, 2010
Cambodia	4	1994, 2000, 2004, 2007
Republic of Korea	1	1998
China	5	2 in 1995, 1999, 2005, 2008
China (Hong Kong)	3	1998, 2005, 2006
China (Macau)	2	2 in 2010
Fiji	2	1998, 2006
India	1	2000
Indonesia	7	1994, 1999, 2000, 2001, 2002, 2003, 2007
Iran, Islamic Republic of	2	1998, 2002
Kiribati	2	2001, 2008
Laos	2	1995, 2009
Macau	1	2000
Malaysia	4	1994, 3 in 2008
Maldives	1	2010
Mongolia	2	1997, 2002
Nepal	3	1997, 2001, 2004
Pakistan	4	1994, 1999, 2005, 2007
Papua New Guinea	1	1999
Philippines	3	1997, 2 in 2010
Solomon Islands	3	1994, 2008, 2009
Singapore	1	2008
Sri Lanka	6	1995, 1997, 1999, 2001, 2006, 2008
Thailand	6	1997, 2003, 3 in 2004, 2006

Country	Number of years of participation by Government representatives of member States in the training courses on international labour standards at the Turin Centre (1994-2010)	
Timor-Leste	2	2007, 2009
Tuvalu	1	2010
Viet Nam	3	1994, 2001, 2010
Samoa	1	2007
<b>AFRICA</b>	<b>129</b>	<b>1994-2010</b>
South Africa	3	2 in 1997, 2001
Algeria	1	1999
Angola	3	1995, 2001, 2010
Benin	3	1998, 2000, 2009
Botswana	1	1997
Burundi	4	1994, 2000, 2005, 2006
Burkina Faso	4	1994, 1998, 2002, 2006
Cameroon	2	1997, 2001
Cape Verde	2	1995, 2001
Comoros	2	2001, 2008
Congo	4	1997, 2001, 2 in 2009
Côte d'Ivoire	5	1994, 1998, 2002, 2007, 2008
Djibouti	3	2 in 2003, 2007
Egypt	3	1998, 1999, 2005
Ethiopia	4	1998, 2002, 2 in 2007
Gabon	1	2009
Gambia	1	2001
Ghana	3	1994, 2000, 2001
Guinea	1	2010
Guinea Bissau	2	1998, 2008
Equatorial Guinea	1	1997
Kenya	3	1997, 2004, 2005
Lesotho	4	1997, 1998, 2001, 2008
Lybian Arab Jamahiriya	1	2004
Madagascar	3	2 in 2000, 2010
Malawi	4	1994, 1999, 2002, 2008
Mali	3	1995, 1997, 2010
Morocco	2	1997, 1999

Country		Number of years of participation by Government representatives of member States in the training courses on international labour standards at the Turin Centre (1994-2010)
Mauritius	1	2002
Mauritania	3	1998, 1999, 2003
Mozambique	1	2005
Namibia	2	2 in 2001
Niger	4	1998, 2002, 2006, 2009
Nigeria	5	2 in 2002, 2004, 2008
Rwanda	2	1997, 2008
Sao Tome and Principe	2	1994, 2002
Senegal	2	1998, 2006
Seychelles	5	1998, 2001, 2004, 2006, 2010
Sierra Leone	1	2002
Somalia	1	2007
Sudan	5	1994, 1998, 1999, 2003, 2006
Swaziland	2	1997, 1998
Tanzania	4	1997, 2 in 1998, 2006
Chad	1	2003
Togo	3	1998, 2001, 2004
Tunisia	2	1994, 1999
Uganda	4	1994, 1997, 1999, 2009
Zambia	4	2000, 2005, 2006, 2007
Zimbabwe	2	1999, 2003
<b>AMERICAS</b>	<b>99</b>	<b>1994-2010</b>
Antigua and Barbuda	1	2009
Argentina	6	1998, 1999, 2000, 2002, 2004, 2006
Barbados	2	1995, 2005
Belize	1	1994
Bolivia	4	2004, 2005, 2008, 2010
Brazil	8	1995, 2000, 2002, 2005, 2006, 2007, 2008, 2009
Chile	2	2002, 2010
Colombia	4	1995, 2 in 1998, 2009
Costa Rica	2	2003, 2010
Cuba	2	1998, 2004
Dominican Republic	3	1995, 2 in 2000

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Country	Number of years of participation by Government representatives of member States in the training courses on international labour standards at the Turin Centre (1994-2010)	
Ecuador	1	2002
Grenada	1	1998
Guatemala	4	1997, 1998, 2006, 2008
Haiti	3	1997, 2 in 2008
Honduras	2	2003, 2007
Jamaica	2	1997, 2003
Mexico	5	1998, 2003, 2005, 2007, 2010
Nicaragua	3	1997, 2001, 2002
Panama	1	2000
Paraguay	6	1995, 1997, 1999, 2000, 2001, 2007
Peru	1	2009
El Salvador	2	1995, 1998
Saint Lucia	1	2001
St Vincent and the Grenadines	2	1999, 2006
Suriname	2	2003, 2004
Trinidad and Tobago	1	1997
Uruguay	5	1994, 1999, 2003, 2005, 2006
Venezuela, Bolivarian Rep. of	4	1995, 2000, 2001, 2007
<b>TOTAL</b>	<b>393</b>	

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### **Appendix 3**

#### Technical assistance missions focussing on constitutional obligations

Country	2005	2006	2007	2008	2009	TOTAL
Afghanistan	1	1	1	1		4
Albania			1			1
Antigua and Barbuda	1		1	1		3
Armenia		1	1	1		3
Barbados				1		1
Bolivia	1		1	1	1	4
Bosnia and Herzegovina	1	1	1			3
Burkina Faso		1		1		2
Cambodia			1	1		2
Cape Verde		1				1
Chad				1		1
Comoros			1	1		2
Congo				1		1
Côte d'Ivoire			1			1
Democratic Republic of the Congo			1		1	2
Djibouti			1			1
Dominica			1			1
Egypt					1	1
Equatorial Guinea			1	1		2
Ethiopia			1			1
Eritrea			1			1
Gambia					1	1
Georgia		1	1		1	3
Guinea		1				1
Guinea Bissau				1		1
Guyana		1	1	1		3
Haiti			1	1		2
Iraq				1		1
Jamaica				1		1
Jordan			1			1
Kiribati				1	1	2

Country	2005	2006	2007	2008	2009	TOTAL
Kyrgyzstan			1	1		2
Laos					1	1
Lesotho				1		1
Liberia				1		1
Libyan Arab J			1			1
Malaysia (Sabah)				1		1
Mongolia				1		1
Nigeria		1		1		2
Pakistan		1	1			2
Paraguay		1	1	1		3
Saint Kitts and Nevis			1			1
Saint Lucia			1			1
Senegal		1				1
Serbia			1			1
Seychelles						-
Sierra Leone						-
Solomon Islands			1	1		2
Somalia				1		1
Tajikistan			1			1
FYR Macedonia			1	1		2
Timor-Leste			1		1	2
Togo					1	1
Turkmenistan			1			1
Uganda				1		1
United Kingdom (Anguilla)				1		1
United Kingdom (Virgin Islands)				1		1
United Kingdom (Montserrat)				1		1
Uzbekistan			1	1		2
Yemen		1	1	1		3
Zambia						-
<b>TOTAL</b>	<b>4</b>	<b>13</b>	<b>33</b>	<b>33</b>	<b>9</b>	<b>92</b>

## Appendix 4

### Decent Work Country Programmes and standards-related elements

Country	Elements regarding standards-related obligations in Decent Work Country Programmes
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#### AFRICA

Lesotho Tanzania Zambia Uganda Ethiopia	The DWCPs for these countries include elements relating to international labour standards. However, the programmes do not include references to reporting obligations
Côte d'Ivoire	Reporting obligations and elements relating to international labour standards are present in the DWCP

#### ARAB STATES

Yemen	The DWCP for Yemen refers to observations by the ILO supervisory system (p. 16) <sup>119</sup>
Jordan	The DWCP for Jordan includes elements relating to international labour standards. However, the programme does not include reference to reporting obligations

#### ASIE

Mongolia	The DWCP for Mongolia includes standards-related objectives and elements linked to reporting obligations for the fundamental Conventions (p.10) <sup>120</sup>
Tajikistan	The DWCP for Tajikistan includes standards-related objectives and elements concerning reporting obligations (p. 8) <sup>121</sup>
Pakistan Bangladesh	The DWCPs for these countries include elements relating to international labour standards. However, the programmes do not contain references to reporting obligations
Nepal	The DWCP for Nepal includes standards-related elements, including elements relating to the comments of the ILO supervisory bodies (p. 7) <sup>122</sup>

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<sup>119</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/yemen.pdf>

<sup>120</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/mongolia.pdf>

<sup>121</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/tajikistan.pdf>

<sup>122</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/nepal.pdf>

Country	Elements regarding standards-related obligations in Decent Work Country Programmes
Cambodia	The DWCP for Cambodia contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies (p. 20) <sup>123</sup>
Indonesia	The DWCP for Indonesia contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies
<b>PACIFIC</b>	
Vanuatu	The DWCP for Vanuatu contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies and to reporting obligations (pp. 16 and 26) <sup>124</sup>
Tuvalu	The DWCP for Tuvalu contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies and to reporting obligations (pp. 13, 14 and 21) <sup>125</sup>
Timor-Leste	The DWCP for Timor-Leste contains standards-related objectives, including elements relating to reporting obligations (p. 18) <sup>126</sup>
Solomon Islands	The DWCP for the Solomon Islands contains standards-related objectives, including elements relating to reporting obligations (pp. 24 and 26) <sup>127</sup>
Samoa	The DWCP for Samoa contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies and to reporting obligations (p. 23) <sup>128</sup>
Papua New Guinea	The DWCP for Papua New Guinea contains standards-related objectives, including elements relating to reporting obligations (pp. 18 and 35) <sup>129</sup>

<sup>123</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/cambodia.pdf>

<sup>124</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/vanuatu.pdf>

<sup>125</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/tuvalu.pdf>

<sup>126</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/timorleste.pdf>

<sup>127</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/solomon.pdf>

<sup>128</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/samoa.pdf>

<sup>129</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/papua.pdf>

Country	Elements regarding standards-related obligations in Decent Work Country Programmes
Kiribati	The DWCP for Kiribati contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies and to reporting obligations (p. 19) <sup>130</sup>

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**EUROPE**

Albania	The DWCP for Albania contains standards-related objectives and refers to the comments of the ILO supervisory bodies (p. 3) <sup>131</sup>
Armenia	The DWCP for Armenia contains standards-related objectives, including elements relating to the comments of the ILO supervisory bodies and to reporting obligations (p. 3) <sup>132</sup>
Azerbaijan	The DWCP for Azerbaijan contains standards-related objectives, including elements relating to reporting obligations (pp. 13 and 14) <sup>133</sup>
Bosnia and Herzegovina	The DWCP for Bosnia and Herzegovina contains standards-related objectives, including elements relating to reporting obligations (p. 2) <sup>134</sup>
Kazakhstan	The DWCP for Kazakhstan contains standards-related objectives and considers as one indicator of progress references to the comments of the ILO supervisory bodies <sup>135</sup>
Kyrgyzstan	The DWCP for Kyrgyzstan contains elements relating to international labour standards. However, the programme does not include references to reporting obligations

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**AMERICAS**

Dominican Republic	The DWCP for the Dominican Republic includes standards-related objectives (reporting obligations and the comments of the supervisory bodies) (p. 7) <sup>136</sup>
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<sup>130</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/kiribati.pdf>

<sup>131</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/albania.pdf>

<sup>132</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/armenia.pdf>

<sup>133</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/azerbaijan.pdf>

<sup>134</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/bosniaherzegovina.pdf>

<sup>135</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/kazakhstan.pdf>

<sup>136</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/bahamas.pdf>

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Country	Elements regarding standards-related obligations in Decent Work Country Programmes
Paraguay Belize	The DWCPs for these countries contain standards-related objectives, including elements relating to the comments of the ILO supervisory bodies. No references to reporting obligations
Bahamas	The DWCP for the Bahamas includes standards-related objectives (reporting obligations and the comments of the supervisory bodies) (p. 22) <sup>137</sup>
Bolivia Chile	The DWCPs for these countries do not include elements relating to international labour standards
El Salvador Honduras	The DWCPs for El Salvador and Honduras include standards-related objectives (reporting obligations and the comments of the supervisory bodies)

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<sup>130</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/download/bahamas.pdf>

**Appendix 5**

Individual examinations by the Conference Committee of the member States of which cases were analysed in the present study (1991-2010)

Year	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990
Member States																					
<b>Europe</b>																					
Netherlands (C103)																					
Croatia (C162)																					
<b>Asie</b>																					
Indonesia (C098)																					
Republic of Korea (C081)																					
Nepal (C144)																					
<b>Etats arabes</b>																					
Qatar (C182)																					

Year	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994	1993	1992	1991	1990	
Member States																						
<b>Afrique</b>																						
Mauritania (C029)																						
Niger (C182)																						
<b>Amériques</b>																						
Brazil (C111)																						
Dominican Republic																						
<b>Cas spécial</b>																						
Myanmar (C029)																						